HOUSE OF REPRESENTATIVES—*Friday, September 27, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. INGLIS of South Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 27, 1996.

I hereby designate the Honorable BOB INGLIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are thankful, O God, that even when life seems crowded and cluttered and there are so many voices demanding attention, we can still hear Your still, small voice that calls and sustains us and makes us whole. We know that in the center of the winds of change there is the vision that You freely give—a vision of faith and hope and love—a faith that guides us in our decisions, a hope that sustains no matter what our circumstances and a love that transcends all the details of the day and allows us to receive the blessings of Your hand. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TALENT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 2078. An act to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SEPAKER pro tempore. The Chair announces he will entertain ten 1-minutes on each side.

CONTRACT WITH AMERICA HAS CHANGED POLITICAL LANDSCAPE

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

Mr. BALLENGER. Mr. Speaker, 2 years ago I signed the Contract With America. I am as proud of that decision today as I was then. I have been blessed and honored to have been part of history; to be part of a movement dedicated to a brighter and a more hope-filled future for America.

Our friends on the other side like to say we are running from the contract. I say horse feathers.

The Contract With America has changed the political landscape right here in Washington, DC. The days of tax and spend are history. No longer will Congress levy taxes on the people of this great country for inefficient and burdensome bureaucracy.

Mr. Speaker, 65 percent of the contract is now signed into law. We have changed Congress, we have cut spending and ended welfare, and most importantly, we have kept our promises.

2-YEAR ANNIVERSARY OF CONTRACT SIGNING

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

Mr. FOGLIETTA. Mr. Speaker, today is the contract on America's birthday.

Two years ago today, Republicans went out to the west front of the Capitol and had a big celebration—with all the fancy trimmings. There was a nicely decorated stage, a large and lively crowd, TV cameras. And one by one, Republicans paraded across that stage to put their name on that contract.

Now, where I come from, whenever you have a birthday, you usually have a big celebration to go with it. But how can there be a party when we do not even know where the guest of honor is?

Where is the contract on America?

Is it filed away somewhere in the Speaker's office? Is it stuffed inside one of those ice buckets that the Speaker keeps carrying around? Is it hidden underneath that unknown, unseen, "won't-go-public" ethics report?

But burying the contract away in somebody's desk is not going to make the American people forget what it was.

It was NEWT GINGRICH's plan to bankrupt Medicare and Medicaid, retreat from our bipartisan environmental success over the last 20 years, kill the cops-on-the-beat and gun programs that have cut crime rates in our cities, and put kids and education dead last instead of putting families first.

Happy birthday, Contract on America.

TWO-THIRDS OF CONTRACT WITH AMERICA HAS BEEN SIGNED INTO LAW

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

Mr. HERGER. Mr. Speaker, this Republican-led 104th Congress has been one of the most productive ever. Not only has two-thirds of the contract been signed into law, we have also delivered health insurance reform, lobbying reform, food safety legislation, the Safe Drinking Water Act, a small business tax cut, and the list goes on and on.

In fact, President Clinton's acceptance speech at the Democrat National Convention took credit for many of these Republican-initiated issues, including the contract issues—welfare reform, line-item veto, long-term care insurance deduction, congressional accountability, the adoption tax credit, and the Congressional Accountability Act.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Speaker, the bottom line is this—the Republican majority has delivered commonsense policies for a better America. We have changed the way Washington works by placing power back in the people's hands. And if imitation is the most sincere form of flattery, then Bill Clinton must be throwing Republicans a big fat kiss.

FAREWELL REFLECTIONS

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

Mr. JOHNSTON of Florida. Mr. Speaker, Monday I returned from Rwanda and Sudan, and when you are on a plane for 16 hours you have time to reflect on your life.

I have had a variety of jobs during my life: WWII in a PX warehouse, later a garbage man, Army for 2 years, law for 35 years, State Senate, and now 8 years in Congress.

Congress has by far been the most exciting and challenging job during my life.

This is a unique job, a tremendous experience. Our authority is great—our responsibility is great. This House—this institution—must be protected. The Constitution must be protected. We cannot continue to look at this document as a loose leaf notebook that we cut and passed.

I now join the exclusive 10,000 graduates of the body—since the inception of the Constitution.

I am very proud to have been a Member of Congress.

I bid you farewell and Godspeed.

CALLING ON THE PRESIDENT TO PROMISE NOT TO PARDON THE McDOUGALS

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

Mr. EWING. Mr. Speaker, I believe the American people deserve a clear and unequivocal promise from the President that prior to or after the November 5 election he will not pardon Jim and Susan McDougal or anyone else connected with the Whitewater scandal.

Recent public comments have tended to give us the idea that the President may want to pardon people involved in this scandal. I would just call to his attention that this is not a conviction that was caused by his office. This was caused by people who let their greed get in the way of their good sense, who played loose with the law and with the taxpayer-protected funds that they were managing, all to the detriment of the American taxpayer and the hard-working, saving American citizens.

Mr. President, do not, do not pardon people who have been convicted of crimes. The American people will remember.

CONGRESS IS AFRAID OF THE IRS

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

Mr. TRAFICANT. Mr. Speaker, the 104th Congress has failed.

Even though the American people feel ripped off and taxed off, in 1997 the American taxpayer will still be guilty under the eyes of the law in a civil tax case and will still have to prove their innocence.

Shame.

Mr. Speaker, I am not just taking a slap at Republicans. The Democrats were no better.

It comes down to the fact, the major problem in America is today the people do not govern, today the institutions govern, and the Congress, in my opinion, is afraid to death of the Internal Revenue Service. I say to my colleagues, after all, you do not want the IRS to come snooping around, do you, judges and politicians?

The sad truth is the Congress of the United States has become nothing more than background music in a doctor's office when it comes to the Internal Revenue Service. Shame, Congress.

THE BIRTH OF SARA MEADE INGLIS

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

Mr. TALENT. Mr. Speaker, it is a great pleasure for me to be here this morning because during our August recess a very significant event happened in the lives of one of our colleagues, and we did not have the opportunity to acknowledge it as a House because we were not in session.

Our good friend, and, Mr. Speaker, you know him well, the gentleman from South Carolina [Mr. INGLIS] and his wife, Mary Anne, had their fifth child on August 7, 1996. She is Sara Meade Inglis; they are going to call her Meade. She was 6 pounds 13 ounces. I am sure she has grown since then. She has a brother, Robert, and three sisters: Mary Ashton, McCullough, and Andrews. So our good friend and colleague, the gentleman from South Carolina [Mr. INGLIS] now has and his wife, Mary Anne, have one son and four daughters.

I am sure that the House joins me in wishing little Meade well and congratulating the Inglis family. There is no greater blessing in the life of any family than the birth of another child, and I am sure we all wish them health and happiness for many years.

MR. SPEAKER, SHOW SOME PERSONAL RESPONSIBILITY

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

Mr. GUTIERREZ. Mr. Speaker, refresh my memory. Was not a big part of NEWT GINGRICH's so-called Contract With America personal responsibility?

Well, NEWT, here is your chance.

After 2 years of distortions, distractions and delays, you can finally show some personal responsibility.

The ethics committee has directed the special counsel to expand his investigation of you, to determine, in part, whether you failed to—quote—"provide accurate, reliable and complete information" to him.

It is all about personal responsibility.

You like to preach to legal immigrants about it. You like to preach to low-income Americans about it. You like to preach to vulnerable mothers and children about it. Now it is time for you to show some personal responsibility of your own.

Since reasons to expand this investigation have been found, you should step down.

NEWT, you are fond of saying that you are a revolutionary. Why do you not show a revolutionary change in your behavior?

Have enough decency to do what you screamed that Jim Wright should do 8 years ago—stop the embarrassment to this institution, stop the embarrassment to this country—step aside as Speaker of the House.

INTRODUCTION OF RESOLUTION CONDEMNING THE NORTH KOREANS

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

Mr. KIM. Mr. Speaker, last Wednesday a North Korean submarine filled with armed commandos landed 60 miles into South Korean territory.

Upon infiltrating South Korea, the 26 North Korean espionage agents scattered into South Korea and have already killed 4 South Korean soldiers. Today, I am introducing a resolution condemning the North Koreans for this outrageous behavior.

Considering that we have 37,000 U.S. military personnel in South Korea helping to keep the peace, we cannot sit idly by as the Communist North continues to conduct these aggressive spy missions in the democratic South, our strong ally.

And yet, under the Clinton administration American taxpayer-funded aid to North Korea has grown faster than to any other country in Asia. President Clinton has even threatened to veto the Republican foreign operations bill

because he says we are not giving enough aid to North Korea. Not enough?

Is this what Americans are subsidizing? Commando raids and military attacks on our own troops and our allies? I urge my colleagues to support my resolution.

REPUBLICAN DAMAGE IN THE 104TH CONGRESS

(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, as the 104th Congress comes to a close, we look back on successes and failures, and I am proud to say, Mr. Speaker, that the Democratic Members can claim responsibility for some of the most impressive successes.

The minimum wage increase, it is a flagship of the Democratic agenda, and it focused on what American people really want. Next week American workers get the raise they deserve, a bipartisan success.

The Kennedy-Kassebaum health care bill came only after Democrats defended it against the House Republicans, who stonewalled for months.

Putting more money in people's pockets and providing employees with the option of portable health care are Democratic answers to Republicans' measures that have shaken Americans' confidence.

The 104th Congress began with an all-out onslaught on Medicare and education funding that the President and Democrats stopped cold.

The American people rightfully lost confidence in the Republican's ability to run Congress after two Government shutdowns and one looming next week. We can do much better. Americans cannot afford another Gingrich Congress.

We need to remember whom we represent, the hard-working Americans who want to better tomorrow, not a better yesterday.

□ 0915

TRIBUTE TO S. SGT. HAMMETT L. BOWEN, JR.

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

Mr. BARR of Georgia. Mr. Speaker, in Vietnam in 1969, a platoon of men serving in the U.S. Army were advancing on a mission into enemy controlled territory when a crossfire of small arms erupted and grenades began exploding.

An enemy grenade was thrown directly at S. Sgt. Hammett L. Bowen, Jr., and his men just as Sergeant Brown shouted a warning. Fearlessly, Sergeant Bowen thrust himself on the grenade, absorbing the explosion and saving the lives of his fellow soldiers, but sacrificing his own.

For his heroic bravery, Sergeant Bowen, a La Grange, GA, native, was awarded the Congressional Medal of Honor. Hammett will also now be remembered by tens of thousands of travelers each year, when they travel Route 109 east in La Grange, now known as the Hammett L. Bowen, Jr. Memorial Highway.

I commend the Georgia Department of Transportation, as well as other State and local authorities for recognizing Hammett's sacrifice. As Americans, we owe our lives to the many men and women who serve our country, just as Staff Sergeant Bowen did, and who make it a safer and freer place in which all of us might live and prosper.

"OUR BIGGEST MISTAKE WAS BACKING OFF FROM THE GOVERNMENT SHUTDOWN," SAYS THE MAJORITY WHIP

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

Mr. VOLKMER. Mr. Speaker, the Republican majority, under the imperial Speaker, the gentleman from Georgia, NEWT GINGRICH, have become very upset when we look at their policies, and we call them and their policies extreme and radical. They get very upset.

Are they, really? I can read something that the majority whip has said. The gentleman from Texas, TOM DELAY, knows exactly when the GOP lost the momentum. "Our biggest mistake was backing off from the Government shutdown." That is right, folks. He says the biggest mistake they made in the 104th Congress was backing off of the Government shutdown.

"We should have stuck it out," he says, "our calls were 400 to 5 in favor of the shutdown. The worst moment was November 19. I was cooking steaks for five or six Members at my condo." That is right, he is having steaks. Federal contractors and employees and all are eating peanut butter, but he was having steaks. "The TV was on. All of a sudden there's NEWT and Dole and the President, and everybody is shaking hands and saying they've reached agreement to reopen the Government. I'll never forget it as long as I live."

Radical? Extreme? Yes, the shoe fits.

PAYBACK TIME?

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

Ms. GREENE of Utah. Mr. Speaker, in February 1995, the Clinton administration settled a 212-page draft criminal complaint against the Laborers' International Union. The Justice Department listed some 80 criminal convictions of Laborers officials over a 20-year period. The convictions were for major felonies like racketeering, extortion, tax evasion, and attempted murder.

To reform the union, career prosecutors asked for appointment of an outside administrator. Instead, Clinton let Union President Arthur Coia off the hook, and told him to clean up the union in which he had—according to Justice—created a "climate of fear and intimidation."

Federal Election Commission records show that the Laborers gave the Democratic Party soft money contributions of $460,000, for the 18-month period ending in June, more than any other union, and more than all but seven other donors.

Could the connection be more obvious?

SO MUCH FOR THE REPUBLICAN CONTROLLED 104TH CONGRESS

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

Mr. STUPAK. Mr. Speaker, the Speakership of the gentleman from Georgia, NEWT GINGRICH, like the 104th Congress and the contract on America, are all beginning to unravel. The ethics probe has been dramatically expanded, and now the committee believes that the Speaker may have been lying to the outside counsel.

Even committee Republicans, who have seen all the evidence and who still refuse to release the report, supported the decision to expand the probe. Republicans obviously have decided to throw the gentleman from Georgia [Mr. GINGRICH] overboard, as long as they can postpone the bad news until after the election. Throw NEWT overboard, use their little gray buckets to bail themselves out with the American people.

The charges are very serious: Tax fraud, money laundering, corruption, and now, lying to the outside counsel. So much for personal responsibility, so much for a reform-minded Congress, and so much for the Republican-controlled 104th Congress.

PUERTO RICO AS THE 51ST STATE?

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

Mr. ROTH. Mr. Speaker, have Members thought about Puerto Rico as the 51st State? That is what we are going to be voting on today.

Now the proponents are going to say, this is not for statehood, this is solely a plebiscite. They have had three plebiscites in Puerto Rico, and the Commonwealth has won every one. The

rules are going to be structured so statehood finally has a chance to win. If I can set the rules, I can win any game.

This is a very serious issue. It is like the old Communist system, the Communists lost, lost, lost and when they finally won, no more elections, no more plebiscites. That is the way it is going to be here.

I hope the people take a look at this bill when it comes up today, and just not rush over into the sea like a bunch of lemmings. I have a question, too. How do the American people feel about this? When we add a State to the United States, I think that is a very serious question. I hope the people in this House today take a look at this bill and vote with their conscience.

THE SPEAKER'S ICE BUCKETS AND WATER BOYS ARE ON THE WAY OUT

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

Mr. DOGGETT. Mr. Speaker, why is Speaker GINGRICH still smiling over his ice bucket? It is true, he has collected many an ice bucket, and even though he has had all that ice to try to put that ethics report in deep freeze, he has not been successful. It is sizzling through.

Like any time when the ice begins to melt, it turns into dirty slush. What we find in this Congress is one Member after another who is still carrying around the slush, or the water, the water boys for NEWT on one issue after another, as they have done through this entire Congress.

After all, it was NEWT's water boys who carried pails like those I see Members carrying around Congress today who carried the water to shut down the Government and cost the taxpayers $1.5 billion. It was NEWT's water boys who wanted to cut student loans by over $20 billion. It was NEWT's water boys who turned over the writing of our water laws and our other environmental laws to the polluters, to sit right here in this Capitol and write those laws.

NEWT's water boys are still going, but not for much longer.

THE DEMOCRATS' CHANGE OF HEART ABOUT THE NEED FOR A BALANCED BUDGET, AND CELEBRATING THE 2-YEAR ANNIVERSARY OF THE CONTRACT WITH AMERICA

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

Mr. SMITH of Michigan. Mr. Speaker, as we draw this 104th Congress to a close, I think it is appropriate to remember where we were 2 years ago, before Republicans became a majority in this House. The Democrats were not talking about a balanced budget. In fact, the President's balanced budget at that time, 2 years ago, had a $200 billion deficit every year into the foreseeable future.

In 1995, the new Republican majority came in and insisted that Government do what Americans have to do in their personal family budgets—that being—balance the Federal budget. The Democrats, the President, did their focus groups, they took the polls. They decided, Americans do want a balanced budget. They think it is reasonable. Two years ago, nobody on the liberal side of the aisle was talking about a balanced budget, and now everybody is talking about it. That is progress.

The liberals and big Government advocates try to belittle this Republican Congress, and criticize the Contract With America. We are going to celebrate our 2-year anniversary of the Contract With America today. Let us just remember that most of the brag items of accomplishments that President Clinton mentioned in his acceptance speech were passed by the Republican-controlled 104th Congress.

Mr. Speaker, I include for the RECORD the Contract With America items signed into law in the last 2 years.

The material referred to is as follows:

The Contract With America has significantly contributed in making the 104th Republican-led Congress one of the most productiver ever. Of 75 Contract legislative provisions considered in the House, 49 (65 percent) have been enacted by statute or rules change, 20 (27 percent) have been vetoed by President Clinton, and 6 (8 percent) await Senate action. The bottom line: two-thirds of the Contract is now law.

CONTRACT MEASURES SIGNED INTO LAW

Congressional Accountability Act—Applies civil rights and job protection laws to Congress. (H.R. 1)

Congressional Reforms—Host of "opening day" reforms approved as part of House rules, including a one-third cut in committee staff (saving $45 million), term limits for the Speaker and committee chairmen, a ban on committee proxy voting, a three-fifths vote requirement for tax increases, public and media access to committee meetings, and authorization for an audit of the House books.

Line-Item Veto—Gives the President line-item veto authority beginning January 1, 1997 to eliminate wasteful discretionary spending, targeted tax benefits, and new or increased entitlement programs. (H.R. 3136)

Mandatory Victim Restitution—Requires federal judges to order convicted criminals to pay restitution to their crime victims. (S. 735)

Effective Death Penalty Enforcement—Places reasonable limits on appeals filed by violent criminals seeking to overturn their convictions. (S. 735)

Criminal Alien Deportation—Improves current laws to make it easier for the government to deport criminal aliens. (S. 735)

Truth-In-Sentencing State Prison Grants—More than $400 million provided in FY '96 to help states build prisons, provided violent criminals serve at least 85 percent of their sentences. (H.R. 3019)

Local Government Law Enforcement Block Grants—$503 million provided in FY '96 to give local law enforcement officials greater flexibility in fighting violent crime in their communities. (H.R. 3019)

Sexual Crimes Against Children Prevention Act—Instructs the U.S. Sentencing Commission to increase the recommended penalties for making or trafficking in child pornography. (H.R. 1240)

National Security Revitalization—The FY '96 defense appropriations bill reversed Clinton's "hollow" military by restoring $7 billion in Clinton defense cuts and providing an additional $600 million for anti-missile defenses. (H.R. 2126)

Unfunded Mandates Reform—Ends intrusive federal mandates that require local governments (i.e., taxpayers) to pick up the costs. (H.R. 5)

Paperwork Reduction Act—Reduces federal reporting requirements by 40 percent over six years. (H.R. 830)

Regulatory Flexibility Act Amendments—Provides judicial review of the Regulatory Flexibility Act and allows expedited congressional review of new regulations costing more than $100 million. (H.R. 3136)

Small Business Tax Relief—Increases equipment expensing from $17,500 to $25,000 and clarifies the tax treatment of home office/product-sample storage costs. (H.R. 3448)

Securities Litigation Reform Act—Prevents class-action lawyers from abusing the rules to extort settlements from innocent companies whose predictions of corporate performance are not fulfilled. (H.R. 1058)

Personal Responsibility and Work Opportunity Act—Requires welfare recipients to work within 2 years or lose benefits, limits lifetime cash welfare to 5 years, gives states tools for reducing out-of-wedlock births, reforms the fast-growing food stamp program, and ends most welfare to non-citizens. (H.R. 3734)

Drug Abusers Collecting Welfare—Ends SSI payments to drug and alcohol abusers. (H.R. 3136)

Adoption Tax Credit—Allows up to a $5,000 tax credit to offset adoption expenses for families with adjusted gross incomes of less than $75,000 and prohibits adoption agencies from making placements based on race. (H.R. 3448)

Spousal IRAs—Increases from $250 to $2,000 the amount non-working spouses can contribute to IRAs. (H.R. 3448)

Social Security Earnings Limit—Phases in an increase of the earnings limit to $30,000 in 2002 for seniors who choose to work between ages 65 to 69. (H.R. 3136)

Long-Term Care Tax Incentives—Encourages more people to buy long-term care insurance and allows chronically or terminally ill individuals to receive life insurance benefits before death without a tax penalty. (H.R. 3103)

Housing for Older Person Act—Protects senior citizen communities from discrimination lawsuits by defining in law "senior-only" housing complexes. (H.R. 660)

CONTRACT MEASURES VETOED BY THE PRESIDENT

A Balanced Budget by 2002—The balanced budget amendment included in the Contract required a balanced budget in 2002. Falling short by one vote in the Senate, Congress approved the Balanced Budget Act to balance the budget in 7 years. (Vetoed 12/6/95)

Family Tax Cuts—$500 per-child tax cut, marriage penalty relief, $1,000 eldercare deduction, and American Dream Savings Accounts. (Vetoed 12/6/95)

Economic Growth Tax Cuts—Reductions in capital gains and inheritance taxes, among others. (Vetoed 12/6/95)

Lawsuit Abuse Reform—Reforms product liability laws to lower litigation costs to employers and end abuses by trial lawyers. (Vetoed 5/2/96)

Ballistic Missile Defense—Protects America's cities from accidental or terrorist nuclear attack (Vetoed 12/28/95)

U.N. Command of U.S. Troops—Prohibits the president from placing U.S. troops under foreign command. (Vetoed 12/28/95)

THE AMERICAN PEOPLE CANNOT AFFORD ANOTHER GINGRICH CONGRESS

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

Ms. DELAURO. Mr. Speaker, these are the last hours of the Gingrich Congress. American families are breathing a sigh of relief that this extremist Congress is leaving town. Two years ago Republicans marched up Capitol Hill, taking over the people's House and shouting for revolution. But now the American people understand what they meant.

It meant $270 billion cuts in Medicare to pay for a tax break for the wealthiest Americans. It meant cutting student loans by $10 million to put college even further out of the reach of working middle-class families hoping for a shot at the American dream, and then exposing workers' pensions to raids by corporations, making retirement even less secure, rather than honoring a lifetime of hard work.

But the most amazing revelation of all comes from the House Republican whip, the gentleman from Texas, TOM DELAY, who says, "We wouldn't change a thing." The American people cannot afford another Gingrich Congress.

TIME FOR MEMBERS TO STOP PERSONAL DISPLAYS OF PARTISANSHIP AND GET ON WITH THE BUSINESS OF THE HOUSE

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

Mr. LINDER. Mr. Speaker, one more time today we have seen a pathetic display from the Democrats, who for the last 2 weeks have been demanding that a report, that now we know did not exist at the time, be published. The report was published yesterday, and we now know what it says.

It says, signed by two Democrats and signed by the special counsel:

> It is important to understand that this action does not mean the subcommittee has at this point made any determination that there is reason to believe Representative GINGRICH committed any violation within the jurisdiction of this committee.

The fact of the matter is the Ethics Committee has asked for more time to look into other things. It does not say, as the gentleman from Michigan pointed out, it does not say anything about tax fraud. It does not say anything about corruption. It does not say anything about money laundering.

It says, "This action does not mean the subcommittee has at this point made any determination that there is any reason to believe that Representative GINGRICH committed any violation within the jurisdiction of the committee."

Mr. Speaker, it is time to stop the personal displays of partisanship and get on with the business of the House.

THE GREATEST ACCOMPLISHMENTS OF THE 104TH CONGRESS

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

Mr. SCHUMER. Mr. Speaker, I was asked the other day, what is the greatest accomplishment of this past Congress? What came to mind was a big stop sign.

The greatest accomplishments of this Congress were stopping the extremist majority from ripping away at what the American family, the average family, needs. The greatest accomplishment of this Congress was stopping them from cutting and decimating Medicare. The greatest accomplishment of this Congress was stopping them from raping the environment. The greatest accomplishment of this Congress was stopping them from taking away the few rights that working people in America have.

Unfortunately, unfortunately, the great accomplishments of this Congress were not positive things that made the average family's life better, but were negative things: Stopping the extremist majority, the Gingrich majority, from doing things that would have helped the top few and hurt the rest of America.

Mr. Speaker, I am sure that most American families hope we will not have another 2 years of this. I am sure that most American families wish and pray that we can get back to doing certain things that will make their lives better in terms of their health and in terms of their pensions and in terms of their ability simply to pay the bills and raise their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken later in the day.

HEALTH CENTERS CONSOLIDATION ACT OF 1996

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1044) to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

The Clerk read as follows:

S. 1044

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 "Health Centers Consolidation Act of 1996".

SEC. 2. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended to read as follows:

"Subpart I—Health Centers

"SEC. 330. HEALTH CENTERS.

"(a) DEFINITION OF HEALTH CENTER.—

"(1) IN GENERAL.—For purposes of this section, the term 'health center' means an entity that serves a population that is medically underserved, or a special medically underserved population comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing, by providing, either through the staff and supporting resources of the center or through contracts or cooperative arrangements—

"(A) required primary health services (as defined in subsection (b)(1)); and

"(B) as may be appropriate for particular centers, additional health services (as defined in subsection (b)(2)) necessary for the adequate support of the primary health services required under subparagraph (A);

for all residents of the area served by the center (hereafter referred to in this section as the 'catchment area').

"(2) LIMITATION.—The requirement in paragraph (1) to provide services for all residents within a catchment area shall not apply in the case of a health center receiving a grant only under subsection (g), (h), or (i).

"(b) DEFINITIONS.—For purposes of this section:

"(1) REQUIRED PRIMARY HEALTH SERVICES.—

"(A) IN GENERAL.—The term 'required primary health services' means—

"(i) basic health services which, for purposes of this section, shall consist of—

"(I) health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and where appropriate, physician assistants, nurse practitioners, and nurse midwives;

"(II) diagnostic laboratory and radiologic services;

"(III) preventive health services, including—

"(aa) prenatal and perinatal services;

"(bb) screening for breast and cervical cancer;

"(cc) well-child services;

"(dd) immunizations against vaccine-preventable diseases;

"(ee) screenings for elevated blood lead levels, communicable diseases, and cholesterol;

"(ff) pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care;

"(gg) voluntary family planning services; and

"(hh) preventive dental services;

"(IV) emergency medical services; and

"(V) pharmaceutical services as may be appropriate for particular centers;

"(ii) referrals to providers of medical services and other health-related services (including substance abuse and mental health services);

"(iii) patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to Federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services;

"(iv) services that enable individuals to use the services of the health center (including outreach and transportation services and, if a substantial number of the individuals in the population served by a center are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of such individuals); and

"(v) education of patients and the general population served by the health center regarding the availability and proper use of health services.

"(B) EXCEPTION.—With respect to a health center that receives a grant only under subsection (g), the Secretary, upon a showing of good cause, shall—

"(i) waive the requirement that the center provide all required primary health services under this paragraph; and

"(ii) approve, as appropriate, the provision of certain required primary health services only during certain periods of the year.

"(2) ADDITIONAL HEALTH SERVICES.—The term 'additional health services' means services that are not included as required primary health services and that are appropriate to meet the health needs of the population served by the health center involved. Such term may include—

"(A) environmental health services, including—

"(i) the detection and alleviation of unhealthful conditions associated with water supply;

"(ii) sewage treatment;

"(iii) solid waste disposal;

"(iv) rodent and parasitic infestation;

"(v) field sanitation;

"(vi) housing; and

"(vii) other environmental factors related to health; and

"(B) in the case of health centers receiving grants under subsection (g), special occupation-related health services for migratory and seasonal agricultural workers, including—

"(i) screening for and control of infectious diseases, including parasitic diseases; and

"(ii) injury prevention programs, including prevention of exposure to unsafe levels of agricultural chemicals including pesticides.

"(3) MEDICALLY UNDERSERVED POPULATIONS.—

"(A) IN GENERAL.—The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(B) CRITERIA.—In carrying out subparagraph (A), the Secretary shall prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(i) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

"(ii) include factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(C) LIMITATION.—The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(i) the chief executive officer of such State;

"(ii) local officials in such State; and

"(iii) the organization, if any, which represents a majority of health centers in such State.

"(D) PERMISSIBLE DESIGNATION.—The Secretary may designate a medically underserved population that does not meet the criteria established under subparagraph (B) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.

"(c) PLANNING GRANTS.—

"(1) IN GENERAL.—

"(A) CENTERS.—The Secretary may make grants to public and nonprofit private entities for projects to plan and develop health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and lease of buildings and equipment (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(i) an assessment of the need that the population proposed to be served by the health center for which the project is undertaken has for required primary health services and additional health services;

"(ii) the design of a health center program for such population based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project;

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project; and

"(v) proposed linkages between the center and other appropriate provider entities, such as health departments, local hospitals, and rural health clinics, to provide better coordinated, higher quality, and more cost-effective health care services.

"(B) COMPREHENSIVE SERVICE DELIVERY NETWORKS AND PLANS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop a network or plan for the provision of health services, which may include the provision of health services on a prepaid basis or through another managed care arrangement, to some or to all of the individuals which the centers serve. Such a grant may only be made for such a center if—

"(i) the center has received grants under subsection (e)(1)(A) for at least 2 consecutive years preceding the year of the grant under this subparagraph or has otherwise demonstrated, as required by the Secretary, that such center has been providing primary care services for at least the 2 consecutive years immediately preceding such year; and

"(ii) the center provides assurances satisfactory to the Secretary that the provision of such services on a prepaid basis, or under another managed care arrangement, will not result in the diminution of the level or quality of health services provided to the medically underserved population served prior to the grant under this subparagraph.

Any such grant may include the acquisition and lease of buildings and equipment which may include data and information systems (including the costs of amortizing the principal of, and paying the interest on, loans), and providing training and technical assistance related to the provision of health services on a prepaid basis or under another managed care arrangement, and for other purposes that promote the development of managed care networks and plans.

"(2) LIMITATION.—Not more than two grants may be made under this subsection for the same project, except that upon a showing of good cause, the Secretary may make additional grant awards.

"(d) MANAGED CARE LOAN GUARANTEE PROGRAM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary may, in accordance with this subsection and to the extent that appropriations are provided in advance for such program, guarantee the principal and interest on loans made by non-Federal lenders to health centers funded under this section for the costs of developing and operating managed care networks or plans.

"(B) USE OF FUNDS.—Loan funds guaranteed under this subsection may be used—

"(i) to establish reserves for the furnishing of services on a pre-paid basis; or

"(ii) for costs incurred by the center or centers, otherwise permitted under this section, as the Secretary determines are necessary to enable a center or centers to develop, operate, and own the network or plan.

"(C) PUBLICATION OF GUIDANCE.—Prior to considering an application submitted under this subsection, the Secretary shall publish guidelines to provide guidance on the implementation of this section. The Secretary shall make such guidelines available to the universe of parties affected under this subsection, distribute such guidelines to such parties upon the request of such parties, and provide a copy of such guidelines to the appropriate committees of Congress.

"(2) PROTECTION OF FINANCIAL INTERESTS.—

"(A) IN GENERAL.—The Secretary may not approve a loan guarantee for a project under this subsection unless the Secretary determines that—

"(i) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, except that the Secretary may not require as security any center asset

that is, or may be, needed by the center or centers involved to provide health services;

"(ii) the loan would not be available on reasonable terms and conditions without the guarantee under this subsection; and

"(iii) amounts appropriated for the program under this subsection are sufficient to provide loan guarantees under this subsection.

"(B) RECOVERY OF PAYMENTS.—

"(i) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this subsection the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery (subject to appropriations remaining available to permit such a waiver) and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made. Amounts recovered under this clause shall be credited as reimbursements to the financing account of the program.

"(ii) MODIFICATION OF TERMS AND CONDITIONS.—To the extent permitted by clause (iii) and subject to the requirements of section 504(e) of the Credit Reform Act of 1990 (2 U.S.C. 661c(e)), any terms and conditions applicable to a loan guarantee under this subsection (including terms and conditions imposed under clause (iv)) may be modified or waived by the Secretary to the extent the Secretary determines it to be consistent with the financial interest of the United States.

"(iii) INCONTESTABILITY.—Any loan guarantee made by the Secretary under this subsection shall be incontestable—

"(I) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee; and

"(II) as to any person (or successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

"(iv) FURTHER TERMS AND CONDITIONS.—Guarantees of loans under this subsection shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved.

"(3) LOAN ORIGINATION FEES.—

"(A) IN GENERAL.—The Secretary shall collect a loan origination fee with respect to loans to be guaranteed under this subsection, except as provided in subparagraph (C).

"(B) AMOUNT.—The amount of a loan origination fee collected by the Secretary under subparagraph (A) shall be equal to the estimated long term cost of the loan guarantees involved to the Federal Government (excluding administrative costs), calculated on a net present value basis, after taking into account any appropriations that may be made for the purpose of offsetting such costs, and in accordance with the criteria used to award loan guarantees under this subsection.

"(C) WAIVER.—The Secretary may waive the loan origination fee for a health center applicant who demonstrates to the Secretary that the applicant will be unable to meet the conditions of the loan if the applicant incurs the additional cost of the fee.

"(4) DEFAULTS.—

"(A) IN GENERAL.—Subject to the requirements of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary may take such action as may be necessary to prevent a default on a loan guaranteed under this subsection, including the waiver of regulatory conditions, deferral of loan payments, renegotiation of loans, and the expenditure of funds for technical and consultative assistance, for the temporary payment of the interest and principal on such a loan, and for other purposes. Any such expenditure made under the preceding sentence on behalf of a health center or centers shall be made under such terms and conditions as the Secretary shall prescribe, including the implementation of such organizational, operational, and financial reforms as the Secretary determines are appropriate and the disclosure of such financial or other information as the Secretary may require to determine the extent of the implementation of such reforms.

"(B) FORECLOSURE.—The Secretary may take such action, consistent with State law respecting foreclosure procedures and, with respect to reserves required for furnishing services on a prepaid basis, subject to the consent of the affected States, as the Secretary determines appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this subsection, except that the Secretary may only foreclose on assets offered as security (if any) in accordance with paragraph (2)(A)(i).

"(5) LIMITATION.—Not more than one loan guarantee may be made under this subsection for the same network or plan, except that upon a showing of good cause the Secretary may make additional loan guarantees.

"(6) ANNUAL REPORT.—Not later than April 1, 1998, and each April 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning loan guarantees provided under this subsection. Such report shall include—

"(A) a description of the number, amount, and use of funds received under each loan guarantee provided under this subsection;

"(B) a description of any defaults with respect to such loans and an analysis of the reasons for such defaults, if any; and

"(C) a description of the steps that may have been taken by the Secretary to assist an entity in avoiding such a default.

"(7) PROGRAM EVALUATION.—Not later than June 30, 1999, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing an evaluation of the program authorized under this subsection. Such evaluation shall include a recommendation with respect to whether or not the loan guarantee program under this subsection should be continued and, if so, any modifications that should be made to such program.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

"(e) OPERATING GRANTS.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Secretary may make grants for the costs of the operation of public and nonprofit private health centers that provide health services to medically underserved populations.

"(B) ENTITIES THAT FAIL TO MEET CERTAIN REQUIREMENTS.—The Secretary may make grants, for a period of not to exceed 2-years, for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which the Secretary is unable to make each of the determinations required by subsection (j)(3).

"(2) USE OF FUNDS.—The costs for which a grant may be made under subparagraph (A) or (B) of paragraph (1) may include the costs of acquiring and leasing buildings and equipment (including the costs of amortizing the principal of, and paying interest on, loans), and the costs of providing training related to the provision of required primary health services and additional health services and to the management of health center programs.

"(3) CONSTRUCTION.—The Secretary may award grants which may be used to pay the costs associated with expanding and modernizing existing buildings or constructing new buildings (including the costs of amortizing the principal of, and paying the interest on, loans) for projects approved prior to October 1, 1996.

"(4) LIMITATION.—Not more than two grants may be made under subparagraph (B) of paragraph (1) for the same entity.

"(5) AMOUNT.—

"(A) IN GENERAL.—The amount of any grant made in any fiscal year under paragraph (1) to a health center shall be determined by the Secretary, but may not exceed the amount by which the costs of operation of the center in such fiscal year exceed the total of—

"(i) State, local, and other operational funding provided to the center; and

"(ii) the fees, premiums, and third-party reimbursements, which the center may reasonably be expected to receive for its operations in such fiscal year.

"(B) PAYMENTS.—Payments under grants under subparagraph (A) or (B) of paragraph (1) shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary and adjustments may be made for overpayments or underpayments.

"(C) USE OF NONGRANT FUNDS.—Nongrant funds described in clauses (i) and (ii) of subparagraph (A), including any such funds in excess of those originally expected, shall be used as permitted under this section, and may be used for such other purposes as are not specifically prohibited under this section if such use furthers the objectives of the project.

"(f) INFANT MORTALITY GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to health centers for the purpose of assisting such centers in—

"(A) providing comprehensive health care and support services for the reduction of—

"(i) the incidence of infant mortality; and

"(ii) morbidity among children who are less than 3 years of age; and

"(B) developing and coordinating service and referral arrangements between health centers and other entities for the health management of pregnant women and children described in subparagraph (A).

"(2) PRIORITY.—In making grants under this subsection the Secretary shall give priority to health centers providing services to any medically underserved population among which there is a substantial incidence of infant mortality or among which there is a significant increase in the incidence of infant mortality.

"(3) REQUIREMENTS.—The Secretary may make a grant under this subsection only if the health center involved agrees that—

"(A) the center will coordinate the provision of services under the grant to each of the recipients of the services;

"(B) such services will be continuous for each such recipient;

"(C) the center will provide follow-up services for individuals who are referred by the center for services described in paragraph (1);

"(D) the grant will be expended to supplement, and not supplant, the expenditures of the center for primary health services (including prenatal care) with respect to the purpose described in this subsection; and

"(E) the center will coordinate the provision of services with other maternal and child health providers operating in the catchment area.

"(g) MIGRATORY AND SEASONAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—The Secretary may award grants for the purposes described in subsections (c), (e), and (f) for the planning and delivery of services to a special medically underserved population comprised of—

"(A) migratory agricultural workers, seasonal agricultural workers, and members of the families of such migratory and seasonal agricultural workers who are within a designated catchment area; and

"(B) individuals who have previously been migratory agricultural workers but who no longer meet the requirements of subparagraph (A) of paragraph (3) because of age or disability and members of the families of such individuals who are within such catchment area.

"(2) ENVIRONMENTAL CONCERNS.—The Secretary may enter into grants or contracts under this subsection with public and private entities to—

"(A) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migratory agricultural worker labor camps, and applicable Federal and State pesticide control standards; and

"(B) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, exposure to unsafe levels of agricultural chemicals including pesticides, and other environmental health hazards to which migratory agricultural workers and members of their families are exposed.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) MIGRATORY AGRICULTURAL WORKER.—The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes for the purposes of such employment a temporary abode.

"(B) SEASONAL AGRICULTURAL WORKER.—The term 'seasonal agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(C) AGRICULTURE.—The term 'agriculture' means farming in all its branches, including—

"(i) cultivation and tillage of the soil;

"(ii) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land; and

"(iii) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in clause (ii).

"(h) HOMELESS POPULATION.—

"(1) IN GENERAL.—The Secretary may award grants for the purposes described in subsections (c), (e), and (f) for the planning and delivery of services to a special medically underserved population comprised of homeless individuals, including grants for innovative programs that provide outreach and comprehensive primary health services to homeless children and children at risk of homelessness.

"(2) REQUIRED SERVICES.—In addition to required primary health services (as defined in subsection (b)(1)), an entity that receives a grant under this subsection shall be required to provide substance abuse services as a condition of such grant.

"(3) SUPPLEMENT NOT SUPPLANT REQUIREMENT.—A grant awarded under this subsection shall be expended to supplement, and not supplant, the expenditures of the health center and the value of in kind contributions for the delivery of services to the population described in paragraph (1).

"(4) DEFINITIONS.—For purposes of this section:

"(A) HOMELESS INDIVIDUAL.—The term 'homeless individual' means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations and an individual who is a resident in transitional housing.

"(B) SUBSTANCE ABUSE.—The term 'substance abuse' has the same meaning given such term in section 534(4).

"(C) SUBSTANCE ABUSE SERVICES.—The term 'substance abuse services' includes detoxification and residential treatment for substance abuse provided in settings other than hospitals.

"(i) RESIDENTS OF PUBLIC HOUSING.—

"(1) IN GENERAL.—The Secretary may award grants for the purposes described in subsections (c), (e), and (f) for the planning and delivery of services to a special medically underserved population comprised of residents of public housing (such term, for purposes of this subsection, shall have the same meaning given such term in section 3(b)(1) of the United States Housing Act of 1937) and individuals living in areas immediately accessible to such public housing.

"(2) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this subsection shall be expended to supplement, and not supplant, the expenditures of the health center and the value of in kind contributions for the delivery of services to the population described in paragraph (1).

"(3) CONSULTATION WITH RESIDENTS.—The Secretary may not make a grant under paragraph (1) unless, with respect to the residents of the public housing involved, the applicant for the grant—

"(A) has consulted with the residents in the preparation of the application for the grant; and

"(B) agrees to provide for ongoing consultation with the residents regarding the planning and administration of the program carried out with the grant.

"(j) APPLICATIONS.—

"(1) SUBMISSION.—No grant may be made under this section unless an application therefore is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

"(2) DESCRIPTION OF NEED.—An application for a grant under subparagraph (A) or (B) of subsection (e)(1) for a health center shall include—

"(A) a description of the need for health services in the catchment area of the center;

"(B) a demonstration by the applicant that the area or the population group to be served by the applicant has a shortage of personal health services; and

"(C) a demonstration that the center will be located so that it will provide services to the greatest number of individuals residing in the catchment area or included in such population group.

Such a demonstration shall be made on the basis of the criteria prescribed by the Secretary under subsection (b)(3) or on any other criteria which the Secretary may prescribe to determine if the area or population group to be served by the applicant has a shortage of personal health services. In considering an application for a grant under subparagraph (A) or (B) of subsection (e)(1), the Secretary may require as a condition to the approval of such application an assurance that the applicant will provide any health service defined under paragraphs (1) and (2) of subsection (b) that the Secretary finds is needed to meet specific health needs of the area to be served by the applicant. Such a finding shall be made in writing and a copy shall be provided to the applicant.

"(3) REQUIREMENTS.—Except as provided in subsection (e)(1)(B), the Secretary may not approve an application for a grant under subparagraph (A) or (B) of subsection (e)(1) unless the Secretary determines that the entity for which the application is submitted is a health center (within the meaning of subsection (a)) and that—

"(A) the required primary health services of the center will be available and accessible in the catchment area of the center promptly, as appropriate, and in a manner which assures continuity;

"(B) the center has made and will continue to make every reasonable effort to establish and maintain collaborative relationships with other health care providers in the catchment area of the center;

"(C) the center will have an ongoing quality improvement system that includes clinical services and management, and that maintains the confidentiality of patient records;

"(D) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(E) the center—

"(i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan; or

"(ii) has made or will make every reasonable effort to enter into such an arrangement;

"(F) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(G) the center—

"(i) has prepared a schedule of fees or payments for the provision of its services consistent with locally prevailing rates or charges and designed to cover its reasonable

costs of operation and has prepared a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay;

"(ii) has made and will continue to make every reasonable effort—

"(I) to secure from patients payment for services in accordance with such schedules; and

"(II) to collect reimbursement for health services to persons described in subparagraph (F) on the basis of the full amount of fees and payments for such services without application of any discount; and

"(iii) has submitted to the Secretary such reports as the Secretary may require to determine compliance with this subparagraph;

"(H) the center has established a governing board which except in the case of an entity operated by an Indian tribe or tribal or Indian organization under the Indian Self-Determination Act or an urban Indian organization under the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.)—

"(i) is composed of individuals, a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center;

"(ii) meets at least once a month, selects the services to be provided by the center, schedules the hours during which such services will be provided, approves the center's annual budget, approves the selection of a director for the center, and, except in the case of a governing board of a public center (as defined in the second sentence of this paragraph), establishes general policies for the center; and

"(iii) in the case of an application for a second or subsequent grant for a public center, has approved the application or if the governing body has not approved the application, the failure of the governing body to approve the application was unreasonable;

except that, upon a showing of good cause the Secretary shall waive, for the length of the project period, all or part of the requirements of this subparagraph in the case of a health center that receives a grant pursuant to subsection (g), (h), (i), or (p);

"(I) the center has developed—

"(i) an overall plan and budget that meets the requirements of the Secretary; and

"(ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to—

"(I) the costs of its operations;

"(II) the patterns of use of its services;

"(III) the availability, accessibility, and acceptability of its services; and

"(IV) such other matters relating to operations of the applicant as the Secretary may require;

"(J) the center will review periodically its catchment area to—

"(i) ensure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate;

"(ii) ensure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs; and

"(iii) ensure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social grouping, and available transportation;

"(K) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has—

"(i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals; and

"(ii) identified an individual on its staff who is fluent in both that language and in English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences; and

"(L) the center, has developed an ongoing referral relationship with one or more hospitals.

For purposes of subparagraph (H), the term 'public center' means a health center funded (or to be funded) through a grant under this section to a public agency.

"(4) APPROVAL OF NEW OR EXPANDED SERVICE APPLICATIONS.—The Secretary shall approve applications for grants under subparagraph (A) or (B) of subsection (e)(1) for health centers which—

"(A) have not received a previous grant under such subsection; or

"(B) have applied for such a grant to expand their services;

in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by such centers to the medically underserved populations in urban areas which may be expected to use the services provided by such centers is not less than two to three or greater than three to two.

"(k) TECHNICAL AND OTHER ASSISTANCE.—The Secretary may provide (either through the Department of Health and Human Services or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any public or private nonprofit entity to assist entities in developing plans for, or operating as, health centers, and in meeting the requirements of subsection (j)(2).

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated $802,124,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

"(2) SPECIAL PROVISIONS.—

"(A) PUBLIC CENTERS.—The Secretary may not expend in any fiscal year, for grants under this section to public centers (as defined in the second sentence of subsection (j)(3)) the governing boards of which (as described in subsection (j)(3)(G)(ii)) do not establish general policies for such centers, an amount which exceeds 5 percent of the amounts appropriated under this section for that fiscal year. For purposes of applying the preceding sentence, the term 'public centers' shall not include health centers that receive grants pursuant to subsection (h) or (i).

"(B) DISTRIBUTION OF GRANTS.—

"(i) FISCAL YEAR 1997.—For fiscal year 1997, the Secretary, in awarding grants under this section shall ensure that the amounts made available under each of subsections (g), (h), and (i) in such fiscal year bears the same relationship to the total amount appropriated for such fiscal year under paragraph (1) as the amounts appropriated for fiscal year 1996 under each of sections 329, 340, and 340A (as such sections existed one day prior to the date of enactment of this section) bears to the total amount appropriated under sections 329, 330, 340, and 340A (as such sections existed one day prior to the date of enactment of this section) for such fiscal year.

"(ii) FISCAL YEARS 1998 AND 1999.—For each of the fiscal years 1998 and 1999, the Secretary, in awarding grants under this section shall ensure that the proportion of the amounts made available under each of subsections (g), (h), and (i) is equal to the proportion of amounts made available under each such subsection for the previous fiscal year, as such amounts relate to the total amounts appropriated for the previous fiscal year involved, increased or decreased by not more than 10 percent.

"(3) FUNDING REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress a report concerning the distribution of funds under this section that are provided to meet the health care needs of medically underserved populations, including the homeless, residents of public housing, and migratory and seasonal agricultural workers, and the appropriateness of the delivery systems involved in responding to the needs of the particular populations. Such report shall include an assessment of the relative health care access needs of the targeted populations and the rationale for any substantial changes in the distribution of funds.

"(m) MEMORANDUM OF AGREEMENT.—In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new health centers;

"(3) review and comment upon annual program plans and budgets of health centers, including comments upon allocations of health care resources in the State;

"(4) assist health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of health centers; and

"(5) share information and data relevant to the operation of new and existing health centers.

"(n) RECORDS.—

"(1) IN GENERAL.—Each entity which receives a grant under subsection (e) shall establish and maintain such records as the Secretary shall require.

"(2) AVAILABILITY.—Each entity which is required to establish and maintain records under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying or mechanical reproduction on or off the premises of such entity upon a reasonable request therefore. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to conduct such examination, copying, and reproduction.

"(o) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority to administer the programs authorized by this section to any office, except that the authority to enter into, modify, or issue approvals with respect to grants or contracts may be delegated only within the central office of the

Health Resources and Services Administration.

"(p) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to the unique needs of sparsely populated rural areas, including giving priority in the awarding of grants for new health centers under subsections (c) and (e), and the granting of waivers as appropriate and permitted under subsections (b)(1)(B)(i) and (j)(3)(G).

"(q) AUDITS.—

"(1) IN GENERAL.—Each entity which receives a grant under this section shall provide for an independent annual financial audit of any books, accounts, financial records, files, and other papers and property which relate to the disposition or use of the funds received under such grant and such other funds received by or allocated to the project for which such grant was made. For purposes of assuring accurate, current, and complete disclosure of the disposition or use of the funds received, each such audit shall be conducted in accordance with generally accepted accounting principles. Each audit shall evaluate—

"(A) the entity's implementation of the guidelines established by the Secretary respecting cost accounting,

"(B) the processes used by the entity to meet the financial and program reporting requirements of the Secretary, and

"(C) the billing and collection procedures of the entity and the relation of the procedures to its fee schedule and schedule of discounts and to the availability of health insurance and public programs to pay for the health services it provides.

A report of each such audit shall be filed with the Secretary at such time and in such manner as the Secretary may require.

"(2) RECORDS.—Each entity which receives a grant under this section shall establish and maintain such records as the Secretary shall by regulation require to facilitate the audit required by paragraph (1). The Secretary may specify by regulation the form and manner in which such records shall be established and maintained.

"(3) AVAILABILITY OF RECORDS.—Each entity which is required to establish and maintain records or to provide for and audit under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying or mechanical reproduction on or off the premises of such entity upon a reasonable request therefore. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to conduct such examination, copying, and reproduction.

"(4) WAIVER.—The Secretary may, under appropriate circumstances, waive the application of all or part of the requirements of this subsection with respect to an entity.".

SEC. 3. RURAL HEALTH OUTREACH, NETWORK DEVELOPMENT, AND TELEMEDICINE GRANT PROGRAM.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 2) is further amended by adding at the end thereof the following new section:

"SEC. 330A. RURAL HEALTH OUTREACH, NETWORK DEVELOPMENT, AND TELEMEDICINE GRANT PROGRAM.

"(a) ADMINISTRATION.—The rural health services outreach demonstration grant program established under section 301 shall be administered by the Office of Rural Health Policy (of the Health Resources and Services Administration), in consultation with State rural health offices or other appropriate State governmental entities.

"(b) GRANTS.—Under the program referred to in subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants to expand access to, coordinate, restrain the cost of, and improve the quality of essential health care services, including preventive and emergency services, through the development of integrated health care delivery systems or networks in rural areas and regions.

"(c) ELIGIBLE NETWORKS.—

"(1) OUTREACH NETWORKS.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a rural public or nonprofit private entity that is or represents a network or potential network that includes three or more health care providers or other entities that provide or support the delivery of health care services; and

"(B) in consultation with the State office of rural health or other appropriate State entity, prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(i) a description of the activities which the applicant intends to carry out using amounts provided under the grant;

"(ii) a plan for continuing the project after Federal support is ended;

"(iii) a description of the manner in which the activities funded under the grant will meet health care needs of underserved rural populations within the State; and

"(iv) a description of how the local community or region to be served by the network or proposed network will be involved in the development and ongoing operations of the network.

"(2) FOR-PROFIT ENTITIES.—An eligible network may include for-profit entities so long as the network grantee is a nonprofit entity.

"(3) TELEMEDICINE NETWORKS.—

"(A) IN GENERAL.—An entity that is a health care provider and a member of an existing or proposed telemedicine network, or an entity that is a consortium of health care providers that are members of an existing or proposed telemedicine network shall be eligible for a grant under this section.

"(B) REQUIREMENT.—A telemedicine network referred to in subparagraph (A) shall, at a minimum, be composed of—

"(i) a multispecialty entity that is located in an urban or rural area, which can provide 24-hour a day access to a range of specialty care; and

"(ii) at least two rural health care facilities, which may include rural hospitals, rural physician offices, rural health clinics, rural community health clinics, and rural nursing homes.

"(d) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applicant networks that include—

"(1) a majority of the health care providers serving in the area or region to be served by the network;

"(2) any federally qualified health centers, rural health clinics, and local public health departments serving in the area or region;

"(3) outpatient mental health providers serving in the area or region; or

"(4) appropriate social service providers, such as agencies on aging, school systems, and providers under the women, infants, and children program, to improve access to and coordination of health care services.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts provided under grants awarded under this section shall be used—

"(A) for the planning and development of integrated self-sustaining health care networks; and

"(B) for the initial provision of services.

"(2) EXPENDITURES IN RURAL AREAS.—

"(A) IN GENERAL.—In awarding a grant under this section, the Secretary shall ensure that not less than 50 percent of the grant award is expended in a rural area or to provide services to residents of rural areas.

"(B) TELEMEDICINE NETWORKS.—An entity described in subsection (c)(3) may not use in excess of—

"(i) 40 percent of the amounts provided under a grant under this section to carry out activities under paragraph (3)(A)(iii); and

"(ii) 20 percent of the amounts provided under a grant under this section to pay for the indirect costs associated with carrying out the purposes of such grant.

"(3) TELEMEDICINE NETWORKS.—

"(A) IN GENERAL.—An entity described in subsection (c)(3), may use amounts provided under a grant under this section to—

"(i) demonstrate the use of telemedicine in facilitating the development of rural health care networks and for improving access to health care services for rural citizens;

"(ii) provide a baseline of information for a systematic evaluation of telemedicine systems serving rural areas;

"(iii) purchase or lease and install equipment; and

"(iv) operate the telemedicine system and evaluate the telemedicine system.

"(B) LIMITATIONS.—An entity described in subsection (c)(3), may not use amounts provided under a grant under this section—

"(i) to build or acquire real property;

"(ii) purchase or install transmission equipment (such as laying cable or telephone lines, microwave towers, satellite dishes, amplifiers, and digital switching equipment); or

"(iii) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment;

"(f) TERM OF GRANTS.—Funding may not be provided to a network under this section for in excess of a 3-year period.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $36,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.".

(b) TRANSITION.—The Secretary of Health and Human Services shall ensure the continued funding of grants made, or contracts or cooperative agreements entered into, under subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as such subpart existed on the day prior to the date of enactment of this Act), until the expiration of the grant period or the term of the contract or cooperative agreement. Such funding shall be continued under the same terms and conditions as were in effect on the date on which the grant, contract or cooperative agreement was awarded, subject to the availability of appropriations.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Public Health Service Act is amended—

(1) in section 224(g)(4) (42 U.S.C. 233(g)(4)), by striking "under" and all that follows through the end thereof and inserting "under section 330.";

(2) in section 340C(a)(2) (42 U.S.C. 256c) by striking "under" and all that follows through the end thereof and inserting "with assistance provided under section 330."; and

(3) by repealing subparts V and VI of part D of title III (42 U.S.C. 256 et seq.).

(b) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(1) in clauses (i) and (ii)(I) of section 1861(aa)(4)(A) (42 U.S.C. 1395x(aa)(4)(A)(i) and (ii)(I)) by striking "section 329, 330, or 340" and inserting "section 330 (other than subsection (h))"; and

(2) in clauses (i) and (ii)(II) of section 1905(l)(2)(B) (42 U.S.C. 1396d(l)(2)(B)(i) and (ii)(II)) by striking "section 329, 330, 340, or 340A" and inserting "section 330".

(c) REFERENCES.—Whenever any reference is made in any provision of law, regulation, rule, record, or document to a community health center, migrant health center, public housing health center, or homeless health center, such reference shall be considered a reference to a health center.

(d) FTCA CLARIFICATION.—For purposes of section 224(k)(3) of the Public Health Service Act (42 U.S.C. 233(k)(3)), transfers from the fund described in such section for fiscal year 1996 shall be deemed to have occurred prior to December 31, 1995.

(e) ADDITIONAL AMENDMENTS.—After consultation with the appropriate committees of the Congress, the Secretary of Health and Human Services shall prepare and submit to the Congress a legislative proposal in the form of an implementing bill containing technical and conforming amendments to reflect the changes made by this Act.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

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

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

Mr. Speaker, the health centers programs play a vital role in bringing community-based primary care to millions of Americans in underserved areas. Nationwide, over 2,400 health centers provide basic services to over 9 million persons.

S. 1044 consolidates the authority for the four health centers programs—community, migrant, homeless, and public housing and authorizes it through fiscal year 2001. Fiscal year 1997 is authorized at $802 million, the amount provided in the House Labor-HHS Appropriations bill. Consolidating these programs will eliminate duplication while maintaining their unique functions that have made them so effective.

The bill provides special definitions and provisions for the farm worker, homeless, and public housing health care programs. Total funding for health centers in fiscal year 1997 must be distributed so that each of these programs will receive a percentage of the overall funding equal to its percentage of funding in fiscal year 1996. For example, homeless health centers received 8.6 percent of the total amount provided to health centers so it will receive 8.6 percent in fiscal year 1997.

The bill clarifies the current authority to use funds for grants to assist health centers in developing networks and managed care plans, so that they can continue to become integrated into the evolving managed care environment. In addition, the bill authorizes a loan guarantee program to help centers obtain private sector financing to help with the initial phase of establishing a network.

There are also provisions to encourage the establishment of health centers in rural areas, including a provision authorizing the Secretary to give special consideration to the unique needs of sparsely populated rural areas. S. 1044 also helps to address the problems in rural areas by authorizing a rural health outreach, network development, and telemedicine grant program.

These health centers provide an invaluable service to many Americans who otherwise would be without health care. I urge my colleagues to join me in supporting this important legislation.

□ 0930

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

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

Mr. Speaker, I rise in support of this bill, S. 1044, which reaffirms our support for the Community and Migrant Health Centers programs and for those programs that provide health care for the homeless and people living in public housing. These are essential programs for unfortunately millions of Americans who have nowhere else to go for their health care needs.

I have a longer statement which I will put into the RECORD talking about the Community and Migrant Health Centers and the kinds of things that they do. I cannot imagine any controversy with this legislation. Whatever differences we might have on health care policy, we are united in agreeing that we ought to have funding for those clinics that provide health care for some of our neediest citizens and residents in this Nation.

Mr. Speaker, S. 1044 reaffirms our support for Community and Migrant Health Centers and for programs that provide health care for the homeless and for people who live in public housing. These excellent programs provide health care for millions of people who otherwise would have no access to care. Today, health centers provide care in more than 2,200 communities across the country, to more than 8 million people whose lives literally depend on this care.

Health centers provide high quality primary health care to the most vulnerable in our society: Struggling young families; poor children; and elderly people whose incomes or location close them off from other avenues to good, caring medical services. And health centers do this at incredibly low cost. They are not, and cannot be, the whole solution to our country's continuing need for affordable, quality health care for every American. However, they are doing a terrific job of filling a large and increasing need to care for the uninsured, the poor, and the geographically and medically isolated. They do this in every State in the United States.

This legislation recognizes the need to revise and modernize the authorities for the health centers programs. It adopts the administration's proposals to consolidate and simplify the process for awarding grants and operating the programs. The new single authority and consolidated funding will include all programs, whether community or migrant health centers or health care for the homeless or residents of public housing. I am pleased that S. 1044 maintains a focus on special populations and makes clear that the health centers programs must continue to meet the unique needs of homeless people, migrant farm workers, and others.

S. 1044 also authorizes a new loan guarantee program, to enable health centers to form or join integrated service networks, but at the same time retain their mission to provide high-quality care and a broad range of services to medically underserved people. To participate in such plans, health centers often are required to have capital in reserve, as well as to pay for costs associated with development of networks. The difficulty of obtaining capital has prevented many health centers from changing to accord with changes in the health care system.

Over the last several years, a few health centers have received small demonstration project grants to begin network development activity. The General Accounting Office has evaluated this program and identified lack of capital as a significant problem. Some health centers have learned, for example, that investors may be willing to provide the needed capital, but only if the center relinquishes its autonomy and control. This could greatly disadvantage patients, who potentially could be placed at risk of not being able to receive the care and services the centers must provide.

The loan guarantee program of S. 1044 addresses this problem carefully. The program is subject to appropriations and to the Credit Reform Act, and loan origination fees are deposited in a special fund for this purpose. Thus, no loans would be guaranteed by the Government unless funds are available to cover the potential cost.

The Subcommittee on Health and Environment held a hearing on health centers' programs, and we heard about the need for this reauthorization and for the loan guarantee program. We also heard about the importance, in any consolidation effort, of maintaining a focus on the special populations now served in separate facilities and programs. S. 1044 accomplishes these goals.

Today, health centers are integral parts of communities they serve. Community participation in the policies and programs of the centers is an essential component of their operation. This legislation will ensure that continued involvement, and will also assist health centers to modernize their operations and their

service delivery so they can be even more efficient and effective as the American health care system moves into the next century.

Mr. Speaker, this is good legislation, and I urge my colleagues to support it.

Mrs. LINCOLN. Mr. Speaker, I rise in strong support of the community health center reauthorization bill because I believe in continuing the tremendous work that is being performed in thousands of local communities by these health centers.

Community health centers have provided health care to low-income and elderly residents throughout the First District of Arkansas, which I represent. This area is extremely rural with very few hospitals and physicians available. Without the help of community health centers, my constituents would not receive the important primary health care services they need to maintain quality lives.

I would also like to call the Members' attention to one very important aspect of the health centers, one which makes them quite unique among health care providers—and that is their strong base in the communities they serve. For the past 30 years, community and migrant health centers have involved community members in the development, organization, and delivery of health care.

This experience plays out in a number of important ways, such as serving as a conduit of important information to and from the community on matters such as how to avoid common childhood injuries or potentially serious agricultural accidents, warnings about unsafe water supply sources or the emergence of an infectious disease in the area; serving as an "anchor" in the communities by helping to attract or retain other local businesses, including other physicians, diagnostic services, pharmacies or other health care providers; and providing meaningful employment and career opportunities for community residents.

Mr. Speaker, experience has shown that the greater the degree of community involvement in the health center, the greater the center's role and strength as a vital part of the community itself. I ask my colleagues to support the community health center reauthorization bill so that we can continue providing meaningful, quality care to our citizens.

Mr. DINGELL. Mr. Speaker, today the House has a signal opportunity to do the right thing for the American people. S. 1044, legislation to reauthorize the health centers program, gives us that chance. This is good legislation. But, more importantly, these are good programs; necessary programs; programs that care about people and help people.

Earlier in this Congress, we heard a lot about why and how this country should care for its vulnerable citizens—children, young mothers, low-income senior citizens, struggling middle-class working families. We disagreed strongly—and we still disagree—about the philosophy and policy this country must pursue to protect its people. Today, I hope, we will see no such disagreement, for today we will talk about programs that truly are "motherhood and apple pie" (made from Michigan apples, of course).

For many years, health centers have been the bastion and the fortress of high-quality health care for people who otherwise have no access to care. They have provided this care to every person, regardless of health insurance status or ability to pay for services. Health centers have developed with the communities they serve, working with the people in those communities and becoming active, supporting members of each community.

In my own 16th District of Michigan, we are proud and pleased that two health centers serve our people. The Family Medical Center in Temperance serves approximately 6,000 people, including migrant farm workers and their families. The Monway Family Health Center in Carleton serves about 4,500 people. These centers provide health care in rural areas, where geographic, financial, and other factors create a critical health care need. I have strongly supported these centers, because they have served the people well.

The legislation before us today reaffirms our support for health centers. It also advances the administration's proposal to consolidate some of the centers' authorities and to simplify the program administration. Wisely, it does this while retaining a special focus on populations such as homeless people and residents of public housing, so that the unique needs of these people are not overlooked in the future. The bill also authorizes a careful and limited loan guarantee program to allow health centers some flexibility in forming or participating in integrated health networks, so they can modernize with the changing health care system.

Health centers are important programs—a real example of Government working well, doing right, and functioning 100 percent in the public interest. They are a critical piece of the solution to the continuing question of how to provide good health care for all of our citizens. Health centers are increasingly challenged as the number of people without health insurance grows. We can help them meet these challenges by our continued support. However, as the health care system changes, the centers need to change as well, and we must assist them to make those changes. This legislation accomplishes both of those objectives.

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

Mr. BONILLA. Mr. Speaker, I rise in support of S. 1044, the Health Centers Consolidation Act of 1996. This bill will provide a 5-year authorization for America's Community, Migrant, Homeless, and Public Housing Health Center programs through fiscal year 2001.

America's health center programs are doing a tremendous job in rural communities across the country bringing doctors and health facilities to communities in need. In its 30-year history, America's health centers have shown the value and strength of a health system rooted in community partnership and built on the delivery of accessible, quality primary care to Americans in need.

Today, this growing network of community-based providers spans rural communities in all 50 States. Its innovative programs in primary care, prevention, and outreach serve nearly 8 million of America's poor and medically underserved population in 2,400 communities.

Health centers serve in medically underserved communities. They are defined areas—suffering high levels of poverty, infant mortality, and poor health. They are rural and isolated areas, with few or no providers.

Health centers hold the challenging task of providing for some of the poorest, sickest, and most vulnerable. These are people who confront enormous barriers to health care because of where they live—their economic status, and often, their costly and far greater complex health needs. They are people, frequently, locked out of traditional health care—whom others will not or cannot serve. And, they are people whose unmet health and social needs represent a huge and growing cost to the Nation.

Today, in approving this reauthorization, we are helping the communities of the Nation project public health. Health centers have proven to be wise public investments. Compelling evidence shows that health center programs work. Their innovative programs in primary care and prevention keep people healthy—save tax dollars—and build stronger communities.

In my district, there are 20 migrant and community health center delivery sites serving approximately 76,650 patients. These health centers are providing quality, cost-effective care to individuals who otherwise would not have access to health care. I personally have visited these centers, and have seen the enormous good they achieve. In many cases, they are the only provider of care for the people living in this region.

For example, the Uvalde County Clinic, under the direction of Rachel Gonzales, is a key provider of comprehensive primary care. It delivers medical care to approximately 7,000 patients out of a total population of 28,000. It also has the only pharmacy available in Uvalde County. Some patients travel as far as 60 miles to get to this health center for treatment. The Uvalde County Clinic is also vitally important in that it trains medical students, physician assistants, and residents from our medical schools in the State.

For the hardworking people of Laredo, TX, the Gateway Community Health Center, of which Mike Trevino is the executive director, is a source of health care for the indigent population in the area. It serves approximately 12,000 patients, 83 percent of whom are uninsured. This center, with its focus on patient-centered care, reaches out with special programs for diabetes, hypertension and other chronic diseases, while promoting wellness and prevention.

My friend, Ventura Gonzales, operates the Vida y Salud Health Systems, Inc. in Crystal City. This is an area where unemployment is high and health needs are growing. This center serves nearly 12,000 patients, providing service to approximately 70 percent of the uninsured in that area. Remarkably, in an area where there is no other provider, this center has achieved a 93.3 percent immunization rate for children. It is a major employer in the area, and next to the school board, represents the second largest industry in my congressional district.

Today, in improving this reauthorization, we are helping the communities of my district and communities across this Nation protect public health and expand access to health care. It is also important to emphasize that health centers are built by community initiative. A limited Federal grant program provides seed money to empower communities themselves to find

partners and resources to develop centers, to hire doctors and needed health professionals, and to build their own points of entry into the Nation's health care delivery system.

For these reasons I support America's health centers. It is a cost-effective way to do a job that needs doing. This is why I have consistently fought very hard in the appropriations process to provide funding for these health centers.

America's health centers meet today's rigid fiscal demands for cost effectiveness, efficiency, and accountability. They do a tremendous job reaching out to energize communities and their people to meet critical health needs and promote greater personal responsibility for good health. They work because they are partnerships—partnerships of people, Government, businesses and communities working together to improve health.

Mr. Speaker, I support the passage of S. 1044.

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

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

Mr. WAXMAN. Mr. Speaker, I urge an "aye" vote on this proposal, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the Senate bill, S. 1044.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1044.

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

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES

Mr. MICA. Mr. Speaker, pursuant to House Resolution 525, it is expected that House Concurrent Resolution 218 will be considered under suspension today.

The SPEAKER pro tempore. The gentleman from Florida is serving notice?

Mr. MICA. Yes, Mr. Speaker.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION FOR FISCAL YEARS 1998, 1999, 2000 AND 2001

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1577) to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000 and 2001.

The Clerk read as follows:

S. 1577

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (F) by striking out "and" after the semicolon;

(2) in subparagraph (G) by striking out the period and inserting in lieu thereof a semicolon; and

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

"(H) $10,000,000 for fiscal year 1998;

"(I) $10,000,000 for fiscal year 1999;

"(J) $10,000,000 for fiscal year 2000; and

"(K) $10,000,000 for fiscal year 2001.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentlewoman from Florida [Mrs. THURMAN] each will control 20 minutes.

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

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

Mr. Speaker, as the sponsor of H.R. 3625, the House version of this bill, I want to thank the distinguished Senator HATFIELD for his leadership on the bill before us. I would also like to thank Chairman CLINGER of the Committee on Government Reform and Oversight, Chairman ZELIFF of the Subcommittee on National Security, International Affairs, and Criminal Justice, and the gentlelady from Florida and ranking member of the subcommittee, Mrs. THURMAN for their support of this bill.

The National Historical Publications and Records Commission [NHPRC], established in 1934, is a Federal-State partnership program, administered by the national archives. The NHPRC is dedicated to promoting, preserving, and publishing records that document American history nationwide. No other Federal program has this mandate.

In cooperation with State historical records advisory boards, the NHPRC generates grants to solve archival problems, preserve valuable historical records, and ensure accessibility to non-Federal records. These NHPRC grants are enabling historians to collect, edit, and publish papers on major figures in American history such as Thomas Edison, Abraham Lincoln, Thomas Jefferson, and Martin Luther King. Thanks to the NHPRC, priceless historical documents previously lost to sight are becoming widely accessible.

The NHPRC's current 4-year authority expires at the end of fiscal year 1997, for which the appropriations ceiling is $10 million. S. 1577 reauthorizes the commission for another 4 years at the same appropriations ceiling previously authorized. Because administrative costs for the NHPRC's staff are absorbed by the National Archives, all funds authorized by S. 1577 will go directly to support non-Federal projects in the field. Matching grants, cost-sharing requirements, and private-sector fundraising provide on average $3 for every $1 granted by the NHPRC.

I urge my colleagues on both sides of the aisle to join in passing this important legislation.

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

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

I thank the gentleman from Florida [Mr. MICA] for bringing this bill before the House today.

The National Historical Publications and Records Commission is an important part of the efforts to preserve the documents which make up the history of our country for future generations. The reauthorization we are voting on today continues the Commission's authorization at the current level of $10 million for another 4 years.

The National Historical Publications and Records Commission helps State, local, and private institutions preserve non-Federal records, helps publish the papers of major figures in American History, and helps archivists and records managers improve their techniques, training, and ability to serve a range of information users.

This Commission is as dedicated to assuring that local and State records are afforded the same preservation as Federal records wherever possible.

The Commission has assisted in preserving the papers of Thomas Jefferson, Andrew Johnson, and Andrew Jackson, as well as the correspondence of James K. Polk. It has been an important force in preserving the papers of political figures, military leaders, scientists, diplomats, and numerous corporate and organizational records.

Nearly all of the grants provided by the National Historical Publications and Records Commission are matching grants. The local organization, be it a city library or a State archive, are required to pay a substantial portion of the project. This allows the Commission to support more projects, and it requires a strong local commitment for the project to go forward.

The Commission has given grants to historical societies, libraries and State and local institutions for the preservation of a broad range of materials. Since its inception, more than 500 organizations in all 50 States and the District of Columbia, as well as Puerto Rico, the Virgin Islands, and American Samoa have received grants.

In my State, the Commission has made grants to the Florida State Historical Records Advisory Board, the Florida Department of State, and several grants to the University of Florida in Gainesville.

The National Historical Publications and Records Commission plays a vital part in preserving the documents that make American history come alive at the national, State, and local level. This reauthorization allows the Commission to continue for another 4 years, and I urge my colleagues to vote for H.R. 3625.

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

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

Mr. Speaker, this legislation is not the most monumental piece to pass this Congress. There have been so many significant accomplishments of this Congress, passing the first balanced budget for the American people since 1969, passing line-item veto which I read about as a student in high school and talked about as a candidate for office years ago, changing our insurance and health care coverage so that people with prior disabilities and people who change or lose jobs could in fact be secure in the knowledge of being able to receive health coverage. Many other significant reforms have passed this Congress, including cutting the budget of the legislative branch of Government by a quarter of a billion dollars, doing away with 2,000 positions, doing away with the daily delivery of ice at a cost of over $400,000 and requiring 14 employees in the Congress, requiring an extra majority for passage of tax increases on the floor, ending the proxy voting which took place on a regular basis in the committee process. So many reforms that have taken place here.

This is not that kind of legislation, but it is a piece of legislation that is important to our children, to people who are interested in the great history of this country, of this Congress, our great Nation and its historic background, and it also shows what the Federal Government working in partnership with States and local governments and the private sector can do to make those documents available that outline the rich heritage and history of our Nation.

Mr. Speaker, I am very pleased to present this legislation and again want to thank the gentlewoman for her leadership. I have enjoyed working with her, I have enjoyed working with the gentleman from Pennsylvania [Mr. CLINGER], the chairman of our committee who is going to be leaving, and the gentlewoman for Illinois [Mrs. COLLINS], also, the ranking member of the full committee, who also was supportive of this legislation and many other reforms that came through the Committee on Government Reform and Oversight.

Mr. Speaker, again this is not a monumental piece of legislation but it is a significant piece of legislation and important that we pass on the rich heritage of this Nation to our children and do it in cooperation with many organizations and levels of government.

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 Florida [Mr. MICA] that the House suspend the rules and pass the Senate bill, S. 1577.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1577, the Senate bill just passed.

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

There was no objection.

□ 0945

WALHALLA NATIONAL FISH HATCHERY CONVEYANCE ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3546) to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina.

The Clerk read as follows:

Senate amendments:

Page 1, after line 2 insert:

TITLE I—WALHALLA NATIONAL FISH HATCHERY

Page 2, line 1, strike out "SECTION 1" and insert "SEC. 101".

Page 2, line 4, strike out "SEC. 2" and insert "SEC. 102".

Page 3, after line 7 insert:

TITLE II—CORRECTION OF COASTAL BARRIER RESOURCES MAP

SEC. 201. CORRECTIONS OF MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the set of maps described in subsection (b) as are necessary to move the southern-most boundary of Unit SC–01 of the Coastal Barrier Resources System (known as the "Long Pond Unit") to exclude from the Unit the structures known as "Lands End", "Beachwalk", and "Courtyard Villas", including the land lying between the structures. The corrected southern boundary shall extend in a straight line, at the break in development, between the coast and the north boundary of the unit.

(b) MAPS.—The set of maps described in this subsection is the set of maps entitled "Coastal Barrier Resources System" dated October 24, 1990, insofar as the maps relate to Unit SC–01 of the Coastal Barrier Resources System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. MILLER] 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 July 30 of this year, the House overwhelmingly adopted H.R. 3546, a bill introduced by our colleague, LINDSEY GRAHAM, to transfer the Walhalla National Fish Hatchery to the State of South Carolina.

This noncontroversial bill is nearly identical to measures the House has approved to transfer certain Federal fish hatcheries to non-Federal control.

This hatchery, which is about 78 acres, is currently being operated by the South Carolina Department of Natural Resources under a long-term agreement with the U.S. Fish and Wildlife Service. Without this agreement, the Service would have closed the hatchery because it is no longer an essential component of its nationwide stocking program.

The other body has now acted on H.R. 3546 and while they made no changes in the Walhalla provision, they did add a new title which makes technical changes to the Coastal Barrier Resources System.

In fact, they have specifically redrawn the boundaries of unit 01 in South Carolina to delete certain properties, known as Beachwalk, Courtyard Villas, and Lands End, from the System. It is my understanding that there were structures on these properties prior to the passage of the Coastal Barrier Improvement Act of 1990. It is, therefore, appropriate to correct this mistake and to remove this property from the System because it does not satisfy the criteria for inclusion.

Finally, I would advise my colleagues that the U.S. Fish and Wildlife Service has indicated they support this modification to the Coastal Barrier Resource System. This is the second time we have removed property from the System this year. In each instance, we have done so without undermining the fundamental goals of this important environmental law.

I urge a vote in favor of this legislation and I compliment LINDSEY GRAHAM for his outstanding leadership on behalf of his South Carolina constituents.

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

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

Mr. Speaker, we join in the support of this legislation on the Walhalla National Fish Hatchery Conveyance Act. The committee did report out the legislation, and we think it does make sense to allow for the transfer of this hatchery. We have no objections to the legislation.

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

Mr. SAXTON. Mr. Speaker, I have not 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 New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3546.

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 Senate amendments to H.R. 3546.

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

There was no objection.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to authorize the National Park Service to coordinate programs with, provide technical assistance to, and enter into cooperative agreements with, the National Underground Railroad Freedom Center in Cincinnati, OH, and for other purposes.

The Clerk read as follows:

H.R. 4073

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) the story of the Underground Railroad, which links historical themes related to slavery, the desire for freedom, inter-racial cooperation, and the African-American experience, is unique and nationally significant;

(2) elements of the story of the Underground Railroad are not adequately represented and protected;

(3) an entity to interpret and preserve the story of the Underground Railroad is appropriate and necessary; and

(4) the National Underground Railroad Freedom Center in Cincinnati, Ohio, has been established to commemorate historic themes related to slavery, the desire for freedom, inter-racial cooperation, and the African-American experience and to relate these themes to the ongoing struggle for freedom among men, women, and children around the world.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the Underground Railroad, the sacrifices made by those in search of freedom from tyranny and oppression, and the sacrifices made by those who helped those individuals in search of freedom;

(2) to encourage and assist the National Underground Railroad Freedom Center in Cincinnati, Ohio, in becoming a principal interpretive center of the Underground Railroad experience in the United States; and

(3) to provide a role for the Federal Government in enhancing public understanding and appreciation of the Underground Railroad and in preserving the many resources of the Underground Railroad.

SEC. 3. COORDINATION OF PROGRAMS; TECHNICAL ASSISTANCE; AFFILIATED STATUS.

(a) COORDINATION OF PROGRAMS.—The Secretary of the Interior may coordinate the Underground Railroad interpretive programs of the National Park Service with the interpretive activities of the National Underground Railroad Freedom Center (in this Act referred to as the "Center"), which is to be built in Cincinnati, Ohio, and is to be devoted to the story of the Underground Railroad.

(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Center in developing the interpretative programs of the Center.

(c) RELATIONSHIP TO NATIONAL PARK SERVICE.—The Secretary shall treat the Center as an affiliated area of the National Park System.

SEC. 4. COOPERATIVE AGREEMENTS; PARTNERSHIP.

(a) COOPERATIVE AGREEMENTS.—The Secretary of the Interior may enter into cooperative agreements with the State of Ohio, the city of Cincinnati, Ohio, and other public or private entities to provide technical assistance to the Center.

(b) PARTNERSHIP.—The National Park Service may work in partnership with the Center in the efforts of the Center to disseminate information on the Underground Railroad.

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

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

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

Mr. Speaker, I rise in support of H.R. 4073, a bill introduced by our colleague, Mr. PORTMAN, to designate the National Underground Railroad Freedom Center in Cincinnati, OH as an affiliated area of the National Park System.

The Underground Railroad was perhaps the most dramatic protest action against slavery in U.S. history. It was a clandestine operation that began during the colonial period, later became part of organized abolitionist activity in the 19th century, and reached its peak in the period 1830–1865. The story of the Underground Railroad is one of individual sacrifice and heroism in the efforts of enslaved people to reach freedom from bondage.

In 1990, Congress passed Public Law 101–628 which directed the National Park Service to conduct a study of the Underground Railroad to determine methods for commemorating and interpreting the Underground Railroad. In February of this year, the administration transmitted their study to Congress. Among other things, the study concluded that a variety of partnership approaches would be most appropriate for the protection and interpretation of the Underground Railroad.

One of the main routes of the Underground Railroad went through western Tennessee, central Kentucky and Ohio and into Canada. Along this route, Cincinnati was a key stopover. A private foundation in Cincinnati has already raised substantial funds to develop an interpretive center. H.R. 4073 authorizes the National Park Service to provide technical assistance to the Underground Railroad Freedom Center in Cincinnati, as an affiliated area of the National Park Service, yet result in no increased expenditure.

This is a good bill and I urge my colleagues to support it.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this legislation. While the goals are laudable in terms of recognizing our historic and cultural experience with regards to slavery and emancipation, we do not know the role of Cincinnati, OH, and its role in that history.

In fact, this has been the subject of extensive studies by the National Park System, and the fact is while there are many areas that have been touched by this phenomena of the Underground Railroad and the emancipation of American minorities and the African-American in this Nation in that incident, there is, as far as I know, no fabric that exists in Cincinnati. There is no reason for this legislation at this point.

I think one of the major problems, with the legislation that is before us, Mr. Speaker, is that there have not been hearings, to my knowledge, on this subject in the House this session or in the past. This merely tries to build a center, construct a site, which would attract people.

I just do not understand the basis and rationale on which this legislation is before the House. I first learned of it on reading the suspension calendar today.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the gentleman just mentioned a point. My understanding in this legislation is that this legislation was introduced just 2 weeks ago, and obviously we have not had hearings nor markups on this bill. Yet what we are doing is we are committing the resources of the National Park System to assist and to help operate what is an interpretive center in Cincinnati, and yet the center has not been built. We do not know the extent of those obligations, and we are creating something now called an affiliated area.

The gentleman on the other side of the aisle has very often spoken in the committee and on the floor about the continued spreading of the resources of the National Park Service, given their budgetary problems and the backlogs and all of the other issues they are confronted with, and here we are being asked to commit to something that for the moment does not exist, may never exist, but if it does exist, we do not know the extent of the commitment to which we are asking.

Mr. Speaker, I just think that the gentleman is correct in opposing this legislation, since we do not even quite yet understand what the center is going to do. We appreciate they want to be affiliated with the historical events of the underground railroad, which is a proud moment to a sad situation in this country, but to just take this shot in the dark and commit us and commit the National Park Service without any discussion of what this truly means I think would be a mistake, and I thank the gentleman for yielding.

□ 1000

Mr. VENTO. Mr. Speaker, I thank the ranking member for his comments.

I understand that the study was completed in February 1996 but that it identified a number of Underground Railroad sites in Ohio but did not identify Cincinnati. The point is that this is basically an open-end authorization for the Park Service to go in and agree to cooperate in a variety of ways, including construction, operation, and maintenance funding. This could result in obligations which would be in the tens of millions of dollars over a period of years, in fact, this legislation will result in facilitating this funding.

I think this issue, I am sure that there are many, whether Cincinnati should be the central nexus of where this takes place, or other areas would be, I think is an open question. We know of the Underground Railroad activities at a time in Pennsylvania and in many other of the central Eastern States. So I do not know the justification for this or the rationale.

I do not think we have had the benefit of reviewing the study in an open way in terms of questioning what is happening. I do not know the suitability, as I said, I do not know if there is any fabric. I regret I arrived on the floor late, but I do not know of any fabric that exists that would be accorded the type of recognition that guide the Park Service with regard to cultural and national resources.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I think the gentleman makes a very important point, and I hope our colleagues are listening, because this is, in theory, as the gentleman from Utah says, this is based upon a study that was done. But when we look at the study authorized by this Congress to discuss this issue, they come up with a list of high potential candidates for interpretation in association with the national parks.

They come up with Farmington, CT, the First Church of Christ; they come up with Sumatra, FL, which was Fort Gadsden; they come up with St. Augustine, FL, which was the Castillo de San Marcos National Monument, they come up with the Levi Coffin House, which is in Fountain City, IN; the Bishop Paul Quinn House in Richmond, IN; Harriet Tubman's birthplace, which is Bucktown, MD; Harriet Tubman Home for the Aged in Auburn, NY; the John Rankin House in Ripley, Union Township, OH; the John Parker House in Ripley, OH; the Mother Bethel African Methodist Episcopal Church in Philadelphia. PA; the Stono River Slave Rebellion site in Rantowles, SC; the Nat Turner Slave Revolt Historic District in Courtland, VA; the Rokeby House in Ferrisburg, VT.

Nowwhere is Cincinnati, OH, suggested by this report, that this would be the proper place to deal with the interpretation aspects of commemorating the underground railroad or in association with the National Park Service.

I think we have got to take that into consideration, and that is why we would have preferred that we had a hearing in the committee. We could discuss this. We could list this. If the gentleman wanted to, he could suggest Cincinnati, OH, and we could bounce that off of the Park Service. But the fact of the matter is, as one goes through this report, there is more evidence that Canton may had more to do with this or Oberlin, if you will but not Cincinnati at this point, or at least not in this report.

I would hope that the gentleman will withdraw bill before we head off in this direction and commit the National Park Service to this effort. Again, I would say to my colleagues, there were some 380 sites that were suggested, and then that was distilled down to 42 different sites. With all due respect, they are not in Cincinnati, OH.

If we are going to keep the historical integrity and respect to the fact that we went out and funded a very large and detailed study, and now we are going to decide on the day before we adjourn that we are just going to put this in Cincinnati, OH, without any hearings, it may become in Cincinnati. Maybe there is a case that can be made, maybe the missed something. But the fact of the matter is, it should not be done on suspension and should not be done without hearings.

I thank the gentleman for yielding to me and for his opposition to this.

Mr. VENTO. Mr. Speaker, reclaiming my time, I appreciate the ranking member yielding me time, and I want to give the others that are opposed to this some time.

I want to stipulate that I do not disagree with the goals in terms of recognition of the underground railroad, but we need to have a plan. We need to follow and use the information from the study.

I understand that the gentleman from California is talking about the historic fabric that is in place. It does not necessarily reflect what the role of Cincinnati was, and the issue here is that we need to know what the level of this commitment is and how we are going to relate to the other sites.

I think we need to provide the Park Service with more direction in this particular instance other than simply saying we are going to let you go and agree to an affiliated area in Ohio, which will not be part of the Park Service but could represent significant dollars and amounts that are invested in it.

We should be doing partnerships like this, but my suggestion is, if Cincinnati wants to go ahead and construct an interpretive center in this and do work in this, I commend them. I think that is great. They may have rich history in the underground railroad. But the history as far as I know, as represented by the gentleman from California, that there is not fabric there, we do not know what the nature is, how it will be tied together with the other elements.

We know there are many other competing proposals. To try to come in and award Cincinnati the type of recognition that this bill would do and directing the Park Service in this way, I think is, to say the least, premature. To do it this late, without hearings or without understanding, I would hope that we would not do this at this time. Therefore, I oppose the bill.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Again in the discussion of the historical sites, even in Ohio there is Toledo and Sandusky and Oberlin and Seville and Cleveland and Plainfield and Ashtabula and Jefferson and Wooster and Homeworth, Millersburg, Loudonville, McKay, Hayesville, Ashland, Savannah, Mt. Vernon, Utica, and Zanesville.

Mr. VENTO. Mr. Speaker, reclaiming my time, I think the issue here is one of suitability of this particular location as the visitor center that relates to all the other type of historic fabric and experience, in terms of our experience in terms of emancipation and the whole phenomenon that dealt with slavery.

I think that this is a very important topic, one that we should sit down and I think that we can come to agreement on. I am very pleased as a matter of

fact to see that there is this type of interest on both sides of the aisle in terms of this issue. So it should not break down in this way. This is an issue where we can come to agreement.

But at this point I strongly oppose taking this action today and directing the Park Service to do this type of activity, and I would hope my colleagues would agree. This, as I said, could be tens of millions of dollars of commitment and the wrong direction for our policy.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, I appreciate the gentleman yielding me this time. I am a little surprised by the discussion. I wanted to come out and clarify a few points. I apologize I was not out here earlier. I did not know it was to be on the floor. I would hope that other supporters of this legislation, including the gentleman from Ohio, LOU STOKES, the gentleman from Georgia, JOHN LEWIS, the gentleman from Louisiana, BILL JEFFERSON, the Ohio delegation in its entirety and others, will be able to come out on the floor to talk on it also.

I want to go over, if I could, some of the background for the purposes of the gentleman from California and the gentleman from Minnesota just to give them a little more understanding of where we are and how we got here, and they try to address some of the concerns raised by the gentleman from Minnesota [Mr. VENTO].

This is bipartisan. This does not require any Federal funds, as the gentlemen know. It is an authorization simply for the Park Service to work with a private group that has been working with the Park Service in any case for the past couple of years.

This group has indeed moved forward in a very constructive way, bringing in all elements of our community, as well as the entire country in terms of underground railroad experience, to come up with an Underground Railroad Freedom Center, which would be an interpretive center. This would not be the kind of more traditional museum one might think of, but instead would commemorate the underground railroad experience across the country, at all the sites the gentleman from California [Mr. MILLER] mentioned, including the sites in the greater Cincinnati area that he mentioned.

The Ripley, OH, sites happen to be in my district that the gentleman mentioned, and Cincinnati does have a rich heritage with regard to the underground railroad.

I just am amazed this Congress would oppose this type of activity. We are not asking for any money or any commitment from this Congress in terms of the tens of millions of dollars Mr. VENTO talked about. We are talking about a wonderful partnership between the Park Service and the private sector to be able to move forward with this project, for which in the private sector has already been raised over $400,000.

It is clearly the No. 1 project of this kind in the country. It is an event in our history that must be commemorated. I think it is an outrage it has not been commemorated. And I think it would be a slap in the face to these efforts and exactly the wrong way to go for us as a Congress now to say we are not even going to allow the Park Service to enjoy this affiliate status which requires no funding with this group that has done so much, because I think it would discourage them.

Let me say also that this is in Cincinnati for two important reasons. One is, frankly, Cincinnati is way out front on it; but, second, Cincinnati does have a rich history and tradition with regard to the underground railroad. In fact, slaves from as far away as New Orleans and so on equated Cincinnati with the word "freedom" because it was such a center for this. The Harriet Beecher Stowe Home, of course, is in Cincinnati. Harriet Beecher Stowe is from Cincinnati.

There is a lot of underground railroad archeological evidence in the Cincinnati area, including the sites, again, that Mr. MILLER talked about in Ripley, OH, the Rankin House, the John Parker House, and so on.

Let me also say that the Park Service has been working with us for over a year on this project. I know Mr. MILLER reads carefully all the correspondence he gets from the Park Service and the acknowledgment letter that came with the report that he mentioned earlier specifically talks about Cincinnati, and let me quote from it.

This is from the Park Service in February of this year, when they submitted the statutorily required report on the underground railroad.

> We are especially encouraged to see that the private sector already has expressed a strong interest in these concepts, as evidenced by substantial progress in planning for an Underground Railroad freedom center to be developed by private, State and local funding sources in Cincinnati, Ohio. The Park Service foresees the possibility of collaborating with this organization in the future to implement some of the goals of this report.

This is signed by George Frampton, Assistant Secretary for Fish and Wildlife and Parks, Assistant Secretary of the Department of the Interior.

Again, we have worked carefully with the Park Service, not only in terms of this development of the underground railroad freedom center in Cincinnati, we have raised over $400,000 locally, all from private sources, not 1 Government dollar; and, importantly, we have worked closely with the National Park Service in coming up with this legislation.

So I do not know what more to say. I think it would be exactly the wrong thing for this Congress not to at least acknowledge the good work these folks have done. And these are people from all around the country. Their national advisory group includes people who are from all the areas, I think, that Mr. MILLER talked about. They have a lot of academic support from various places around the country.

Again, if we look at the cosponsorship of this, it includes people who have been involved in this issue in the past. I hope that the gentleman from Georgia, JOHN LEWIS, the gentleman from Ohio, LOU STOKES, and others will be able to come down to the floor; I happened to be in another meeting when I heard about this, to be able to also talk on behalf of this.

Mr. VENTO, I think maybe that answers some of your questions, I hope it does. But if the gentleman would like me to yield, maybe there are some other more specific ones.

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

Mr. PORTMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, Mr. Speaker, I thank the gentleman for his time, but I think the gentleman has not answered the question.

Our problem is that we cannot conduct a hearing on the House floor after we get no notification until we see this on the schedule this morning. That is where I am coming from.

After chairing and working on these subjects for years, after putting these studies in place to get the information back, I have no idea of the validity of whether or not the gentleman is relating to what is in the study. That is where we are.

It is not a question of the recognition of the underground railroad here. It is a question of why we are going to give this designation or symbolic recognition to this community. If there is no Federal money in it, they can go ahead and we can deal with this type of legislation later. In fact, I think the Park Service can give technical assistance without authorization.

But there is money in this bill. It is more than a symbolic act in terms of what is proposed to occur here. As I attributed it, as I said, I know there is not much fabric here. Obviously, I understand what the interpretive center is, but I do not know why this, of all locations, should be the location. I do not know that it is recommended in the study.

Mr. PORTMAN. Mr. Speaker, reclaiming my time just for a moment. The gentleman was involved in the study, and I commend him for that. I had thought that, perhaps, because he is in constant communication with the Park Service, that maybe he knew more about this. They have been working with us for at least a solid year, not

only on the concepts of Cincinnati, where we have looked to them for guidance all along the way, but also this specific legislation.

Let me say that if this private sector group were to move forward without additional technical assistance and without additional guidance from the Park Service, then the very goals that are outlined in that report might not be followed as closely as the gentleman might like or I might like. I think this is a way, in fact, to bring to fruition the kinds of things that the gentleman has been supporting.

All it says is that there will be an affiliate status with the Park Service. There is no money in the bill. It is an authorization to allow the Park Service to enter into some sort of a technical assistance, some sort of a guidance relationship with this group in Cincinnati that has done so much work.

□ 1015

Again, it is a national group. If you look at the members of the board, they are a national advisory group. This is a group that was brought together, academic experts and so on. I think what is going to happen is they are going to go ahead. They are going to move ahead. They have already raised over $400,000. They brought in the best experts from around the country to give them advice, did a feasibility study. They are going to move ahead.

Let us be sure they move ahead with the advice of the Park Service, since the Park Service, because of the gentleman's good work, put so much time and effort into this report. I, too, wish there could be a hearing. I would love if there could be a hearing. There cannot be at this point. Yet we have this group moving ahead.

I think this is the least we can do, to instead of slapping them and saying "We discourage what you are doing," is to encourage what they are up to. I apologize for not communicating better with the gentleman in advance. I would have thought the Park Service would have done so. I hope that following this discussion we will be able to pass this legislation and then work more closely together.

Mr. VENTO. Mr. Speaker, if the gentleman will continue to yield, if the funding could be limited to technical assistance, the issue here is that he is going to, he is suggesting that the Park Service may enter into an affiliated status with this. They may not. I think that is the wrong way to legislate.

We ought to have had hearings on this. It should not be anything that is controversial, but we have no idea right now. If the gentleman would limit his funding to merely technical assistance, but there is all sorts of coordination of program costs. The partnership issue, in other words, is implying that there are going to be construction dollars and other types of assistance that are provided.

Mr. PORTMAN. Mr. Speaker, I do not see anything in the legislation that has anything to do with construction or anything beyond an affiliate status that can be worked out over time. Congress would always have the ability to come in an further fund this relationship.

Mr. VENTO. Mr. Speaker, it provides cooperative agreements to operate it. It provides operating expenses.

Mr. PORTMAN. Reclaiming my time, it does not provide operating expenses.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, in good faith, this is the problem: We once had a little tiny authorization for Steamtown and now we could not stop it with a gun. It is costing us millions and millions of dollars. It is a little bit of an operation.

Once this project is authorized, unfortunately, the history we have is that the best intentioned groups eventually want some Federal participation, subsidy, however you want to call it. This authorizes operating agreements. That is how we got the Kennedy Center. Pretty soon we were running the whole Kennedy Center, and it was supposed to be done by private individuals. The gentleman from Utah knows this is the history. We start out with a couple of sentences and we end up spending millions.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would love to hear from the gentleman from California and the gentleman from Utah, who have much more experience than I do, but it is very clear in this legislation, this involves no Federal funding. Congress could come back at a later date and decide that is appropriate.

This involves a lot of private sector activity from around the country to support this effort. We should be encouraging that. This is exactly the kind of creative partnership that I think Mr. MILLER and others who have been involved with the National Park Service have been trying to encourage.

I would like to yield to the chairman and see how he would compare this to other projects. I think the analogies that have been made are not right. We are not asking for Federal funds. We encourage a private sector effort and allowing this report that Mr. VENTO and others worked so hard on to become implemented through an interpretive center which commemorates the Underground Railroad experience throughout the country.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CHABOT]. This is in his particular district.

Mr. CHABOT. Mr. Speaker, I rise in strong support of this legislation to assist in the establishment of the National Underground Railroad Freedom Center in Cincinnati. And I applaud my good friend, Mr. PORTMAN, for his outstanding work in helping to make this wonderful idea a reality.

Cincinnati is the ideal location for a center commemorating the Underground Railroad and the brave men and women who risked their lives for the cause of freedom. As a large city located at the boundary line between slave and free States before the Civil War, Cincinnati became a major depot of the Underground Railroad. For many, many men, women, and children fleeing the evil bonds of slavery, Cincinnati meant freedom.

As a life-long Cincinnatian, I am tremendously proud that the Queen City served as a major center of organization for the abolitionist movement. The city was a hub of organizations working to end slavery and to assist the escape to freedom of former slaves. We have a great tradition in Cincinnati of standing up against tyranny and government oppression and fighting for individual liberty. Such notable figures as antislavery author Harriet Beecher Stowe, Liberty Party nominee James Birney, Republican Party organizer and later Supreme Court Justice Salmon P. Chase, and many other historic opponents of slavery made their homes in Cincinnati.

The people of Cincinnati enthusiastically support the National Underground Railroad Freedom Center. The community has mobilized behind this important project to create a center that honors the Underground Railroad, and that educates today's generations about the great failings and the great heroism of our past. H.R. 4073 is an important bill, and I am proud to join with my friend, Mr. PORTMAN, in urging its passage.

The SPEAKER pro tempore (Mr. KINGSTON). Without objection, the gentleman from Minnesota [Mr. VENTO], is recognized to control the remainder of the time.

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume. I understand that there is some misunderstanding with regard to what some of the phrases in this legislation mean. As you go through it, on page 3, line 16, it talks about the National Park Service can work with and do interpretive activities. That is, of course, interpretive activities is what goes on at the site in terms of operating activities and expenses. That is how that will translate, that we can make a commitment to fund such activity.

Clearly, what happens in the appropriation process is dollars get placed into such sites, designated very often for some of these types of activities, for developing the various types of materials that might be at that site. I mean, in essence what are doing is taking and committing the Park Service

to this type of activity. I just think it is worthy of a hearing. It is worthy of a better understanding of what is basically a very, very important topic. We should not be in the last day of the session bringing up legislation. Without a clear understanding of the consequences—we should look before we jump.

Whatever the intention or misunderstandings are, I was not aware of what was being presented here, and others were not on this side of the aisle aware.

I am not surprised that there are both Democrat and Republican sponsors to something of this nature, but the fact is I think some of us have to speak up to what is going to be the expansion and expenditure with regard to the Park Service. I see no limitations in this bill in terms of what the Park Service expenditures will be.

"Interpretive activities" is an open phrase. There is no limitation in terms of dollars in this bill. Technical assistance is another, interpretive programs: "The Secretary may provide technical assistance and interpretive programs to the center." These can cost literally millions of dollars.

We have a center at Harper's Ferry that has to develop some of those interpretive programs, some of those materials. This is a very expensive and worthwhile effort to do, but it is one that is very costly and undefined in the measure before us, the denial of cost is misleading.

The relationship, of course, we are giving the Park Service "Arrowhead" to this particular site in Cincinnati. That, too, I think is an important piece of symbolism that should not be given without proper consideration by the committee to this one site.

The fact is that the Secretary can deal with the technical assistance without this legislation. They can provide some of the technical help. They do not need authorization legislation for that. But to in fact designate this as an affiliated area, we have to look back in the statutes and see what that means. What that has come to mean is that operating expenditures can be made at those sites. We try to resist it, but the history is that operating expenditures can be made at such sites based on the contractual, cooperative language in this measure.

Again, of course, it talks about cooperative agreements with regard to technical assistance and to the function of the public or private entities. We do not even know who the entity is in this instance that we are going to deal with. In other words, I assume that there is a nonprofit group. I assume that it may be the city. But no one has stipulated that and the legislation is silent. But the fact is that we anticipate cooperative agreements. That will, of course, commit the Park Service to certain activities, as well as, I assume, those private parties.

This is something that is worthy of a much closer look. I do not see the urgency in terms of acting on this today. If they are going to go ahead with it, if it has the type of merit and follows the thematic lines and outline of the study that was presented to us in February 1996, I do not think that there is a problem in terms of this being refined and defined more exactly as to the NPS role.

We are talking about partnerships. We are talking about cooperative agreements. We are talking about technical assistance. We are talking about interpretive activities. We are talking about interpretive programs and affiliation and giving the recognition to this specific site. These are rather significant charges and direction that we are giving to the Park Service, at least on a discretionary basis. And, frankly, I do not think that we ought to do that without having a better idea of the parameters of what is being involved in terms of dollars and resource commitment. And most importantly how this fits with the topic and themes within the literature and other sites.

This is a very important topic. We have the benefit of the study. We ought to use it. We ought to have an open hearing on it. That has not occurred to date. Therefore, I resist and will oppose this legislation.

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

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, let me try to address the concerns once more and be very clear.

This does not involve Federal funding. If we look at this legislation very carefully, it is all discretionary. The Secretary may coordinate, may enter into cooperative agreements and may work in partnership. It is all discretionary.

It is ironic to me that we are going to sit here in Congress and oppose something that in fact will keep that good report from collecting dust on the shelf. This is something that will move the report forward.

Here you have a private sector group representing the entire country, working on a coordinated basis with sites around the country. They want to set up an interpretive center, not a museum, to commemorate this experience in America's history that should have been commemorated a long time ago.

All we are saying is, we want affiliated status to get the Park Service to work with us to provide technical support. It is ironic that we would be saying, no, we are going to stop this, it is not appropriate.

I think it is a real shame. I think it is the kind of thing we should be doing. It is a private-sector effort to work in partnership with Government, not involving taxpayer funds. If Congress determines down the line other areas maybe should get that affiliated status, that is fine, too. They do not want Federal funds. That is what is so great about this. It is noncontroversial.

I was led to believe that this was going to be noncontroversial in the committee, that we had minority-majority support. I was surprised to find out that that was not true. I just think it is exactly the kind of thing we ought to be promoting. I think it is a great effort. I think it is exactly the sort of thing that this Congress ought to be encouraging.

I am sorry that the gentleman from Georgia, Mr. JOHN LEWIS, cosponsor of this legislation, was not aware of this; the gentleman from Ohio, LOU STOKES, and so many other Members of this Congress who are strongly supportive of this effort cannot be here to join with us today, to encourage this and to say that this is exactly the way we ought to be going in this Congress in terms of providing for strong public-private partnerships.

Mr. VENTO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the fact that is misunderstood here is while this may all be discretionary in the bill based on the status of the language, the fact is that the history of this has been that in the Committee on Appropriations they will place money into the appropriation designated for various sites. That is how we end up with hundreds of thousands of dollars and millions of dollars being spent on some of these sites which are not designated or are outside the authorizing gambit of the committee.

So it is the opportunity and responsibility of the authorizing committee, the Committee on Resources that has charged the Park Service to do these studies, to use the information and to come back and try to guide the policy path with regard to resources, culturally important issues, as the Underground Railroad. We cannot wrap this up and hide the fact that we are proposing today an open-ended expenditure from the Federal treasury and authorizing the appropriators to in fact appropriate money, and in fact providing under technical assistance, where there is an open dollar amount that is given each year for the Park Service to use. So there are Federal dollars that are going to flow—taxpayer fund and we should be guided by sound policy.

No question, this is an important topic and issue in our culture and history. That is why I am on my feet debating this policy path. I think that it is a topic that the committee ought to have dealt with, rather than getting up here at the last minute and putting something on the table and, in fact, pushing dollars in a direction without a well defined policy.

I commend the folks in Cincinnati for their work, but there is no indication or case being made here as to the

suitability of this site, as to the interpretation that is going to be taking place there as to the feasibility of this particular area. Many locations around the Nation may already be doing this activity or others may be better candidates.

We need to ask the same questions of affiliated areas that we would be asking of any type of park unit that is developed, in terms of operating expenses, technical assistance down the road. We do not have those answers today, only good intentions and misunderstandings.

This is basically an open-ended authority for the appropriators to put money into—a specific community. If my colleagues on the authorizing committee want to know how things get to be where they are, off track and out of sync, they just have to look at bills like this that are enacted open ended and out of control.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

□ 1030

Mr. YOUNG of Alaska. Mr. Speaker, I listen to the gentleman from Minnesota and the gentleman from California, and it amazes me how anyone on that side can oppose this great project the gentleman from Ohio [Mr. PORTMAN] has brought to the floor, the underground railroad, part of our history. How can they protest against this? I cannot believe it when this is totally discretionary, totally discretionary. It is one of the few bills I have ever seen that really is so totally discretionary. It is up to the Secretary absolutely and not even the Congress. We just give him the authority to really do this job if he wishes to do so.

Now I am a little bit concerned because as my colleagues know, I heard some comments on this floor as if this is the first time this has ever happened? Please. The gentleman from Minnesota, when he was a chairman of the subcommittee, I saw this happen time after time, and all the great merits, open ended. I see bills open ended. I do not know how many hundreds of bills, under his leadership, passed were open ended.

One of the reasons, I would suggest respectfully, a lot of the areas were made into parks were open ended, and the cost to the taxpayer was tremendous. But this bill, and very frankly the gentleman from Ohio [Mr. PORTMAN] has done a tremendous job, actually gives so much discretion to the Secretary whether it should be or should not be done, whether the study should go forth.

And please do not insult the underground railroad and the activity in the Congress by opposing, for whatever reason I do not know. This is a good bill. I want to compliment the gentleman. He has done an excellent job.

Let us just go ahead and move it. We have spent 20 minutes on this. I came here a little late because of the great traffic around Washington, DC, and I began to listen to this, and what a charade and waste of time when this bill should have been up and passed out of this House.

Recognize the importance of this great historical moment; that is all I am asking. And if it was the first time, I might be a little more concerned. I see the staff talking to them now, whispering in their ear as they usually do. I love these staff whispering in their ear. They really made great strides.

This issue should be passed on. Let us go on to something more important.

Mr. VENTO. Mr. Speaker, I yield myself the balance of my time.

I would say that it is true; I have worked on hundreds of bills in the past, and I will tell my colleagues every one of those bills that I worked on had a hearing, and I did not act in those years that I did so on any affiliated area, none were designated and I tell my colleagues, I also acted to inform and be certain that the minority was aware of my actions and measures. They may not always have agreed, but they had reasonable notice of hearings and action on the issues. This bill has not had hearing. It is not the issue of the underground railroad, which my colleagues would like to make the issue; that is not the issue here.

The issue here is how we are going to deal with this extraordinarily important topic in a positive reasonable way and give it the type of recognition and status that it deserves in terms of hearings and a proper policy path for the park and the Park Service and the citizens of Cincinnati. They deserve that. They deserve that hearing. They did not get it.

Members of Congress should understand what the degree of involvement is going to be and how we are going to deal with this overall policy and issue rather than simply passing something here without necessarily a good understanding or a policy path as to where we are going. This is indeed the tail wagging the dog.

This is the wrong way to do business, but unfortunately it has characterized our committee too often during this 104th Congress.

I would just suggest that this bill because of that, not because of the topic, the topic is a wonderful topic that ought to be part of our cultural and is part of our cultural history and part of the Park Service and part of its cultural and historic preservation roles.

That is why we authorized the study. What we are asking the advocates to do, to use the information that we have available to us and pick the best policy path rather than one that simply happens to be expedient because we are in a hurry to be out of here at the end of the fiscal year.

This is wrong, and this bill should be defeated for that reason, certainly not because of the subject matter.

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

Mr. HANSEN. 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 Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 4073.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4073, the bill just considered.

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

There was no objection.

INDIAN HEALTH CARE IMPROVEMENT TECHNICAL CORRECTIONS ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 544) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3378.

The Clerk read as follows:

H. RES. 544

Resolved, That upon adoption of this resolution the bill (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same are hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—Tthis Act may be cited as the "Indian Health Care Improvement Technical Corrections Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act.

SEC. 2. TECHNICAL CORRECTIONS IN THE INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) (25 U.S.C. 1603(n)) is amended)—

(1) by inserting "allopathic medicine," before "family medicine"; and

(2) by striking "and allied health professions" and inserting "an allied health profession, or any other health profession".

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 204(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

"(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—";

(ii) by striking "or" at the end of clause (iii); and

(iii) by striking the period at the end of clause (iv) and inserting "; or";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).";

(D) in subparagraph (C), as so redesignated, by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)" and inserting "described in subparagraph (A) by service in a program specified in that subparagraph"; and

(E) in subparagraph (D), as so redesignated—

(i) by striking "Subject to subparagraph (B)," and inserting "Subject to subparagraph (C),"; and

(ii) by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)" and inserting "described in subparagraph (A)";

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

"(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—"; and

(B) in subparagraph (C), by striking "(42 U.S.C. 254m(g)(1)(B))" and inserting "(42 U.S.C. 254l(g)(1)(B))"; and

(3) in paragraph (5), by adding at the end the following new subparagraphs:

"(C) Upon the death of an individual who received an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.".

(c) CALIFORNIA CONTRACT HEALTH SERVICE DEMONSTRATION PROGRAM.—Section 211(g) (25 U.S.C. 1621j(g)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

(d) EXTENSION OF CERTAIN DEMONSTRATION PROGRAM.—Section 405(c)(2) (25 U.S.C. 1645(c)(2)) is amended by striking "September 30, 1996" and inserting "September 30, 1998".

(e) GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.—Section 706(d) (25 U.S.C. 1665e(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1996 through 2000, such sums as may be necessary to carry out subsection (b).".

(f) SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROGRAM.—Section 711(h) (25 U.S.C. 1665j(h)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

(3) HOME AND COMMUNITY-BASED CARE DEMONSTRATION PROGRAM.—Section 821(i) (25 U.S.C. 1680k(i)) is amended by striking "1993, 1994, 1995, 1996, and 1997" and inserting "1996 through 2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3378 was passed by the House earlier this year, sent to the other body, amended by the other body and sent back to us for further action. The other body amended the bill to make technical amendments to certain provisions in the Health Care Improvement Act and authorized several Indian Health care demonstration programs, the year 2000.

Mr. Speaker, I include for the RECORD a letter dated September 25 from Chairman THOMAS J. BLILEY, Jr. This letter explains the support of the gentleman from Virginia [Mr. BLILEY] for 3378, as amended.

The letter referred to follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 25, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Senate recently passed an amended version of H.R. 3378, a bill to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors. I remain concerned about the implications of passing this measure, but appreciate your interest in having it move forward, since the projects would otherwise expire September 30, 1996.

It is my understanding that the Committee on Resources would like to bring the measure up for Floor consideration, with an amendment negotiated among the House Committee on Commerce, the House Committee on Resources, and the Senate Committee on Indian Affairs. Based on our agreement to drop section 2(b)(1)(A)(iv), and to include in the record of the debate the statement regarding scholarship paybacks, the Committee on Commerce will not object to Floor consideration of H.R. 3378.

By participating in this process of expending consideration of H.R. 3378, this Committee does not waive its jurisdictional interest in the matter. Although I understand a conference of this measure is unlikely, I reserve the right to seek conferees on issues within the jurisdiction of the Commerce Committee during any House-Senate conference that may be convened.

I want to thank you and your staff for your cooperation in this process. I would appreciate your including this letter as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

Mr. Speaker, in conclusion I note that the managers have amended the other body's amendment to delete certain language which we feel is unnecessary.

Mr. Speaker, H.R. 3378 is an important piece of legislation which has been admitted and then readmitted. It is a good bill, and I urge my colleagues to give it full support.

Mr. Speaker, H.R. 3378 was passed by this House earlier this year, sent to the other body, amended by the other body, and sent back to us for further action.

The other body amended the bill to make technical amendments to certain provisions of the Indian Health Care Improvement Act and to reauthorize several Indian health care demonstration programs through the year 2000.

Among the technical amendments to the Indian Health Care Improvement Act made by

the other body was legislation which clarifies that the Secretary may waive or modify the service obligation requirements, under the Indian health scholarship program, in a case of extreme hardship or for other good cause.

In the past, the Secretary has granted a small number of such waivers, in accord with National Health Service Corps regulations. This change clarifies that this authority may be exercised specifically for the Indian health service scholarship program.

Other than for severe hardship circumstances, such waivers have been considered in particular in cases where service has been performed by Indian health scholarship awardees in certain recruitment and training programs in academic institutions. In these cases, an individual scholarship awardee has served in a significant capacity in a program, funded by the Indian Health Service, designed to attract and retain American Indian and Alaska Native students in health professions training.

In recognition of the enormous need for such recruitment and retention activities, it has been decided in a small number of cases that such service can be substituted, in whole or in part, for direct provision of health care.

The managers emphasize that the primary purpose for the Indian health scholarship program is to increase the number of individuals providing direct health care to American Indian and Alaska Native people in areas and at facilities where access to health care is difficult or limited. Thus, service in such a capacity should remain the principal way that scholarship payback obligations are fulfilled.

However, the managers recognize the importance of stronger, more targeted, and more aggressive recruitment and retention of American Indian and Alaska Native students into health care training, and that such efforts may be enhanced by having an Indian health scholarship recipient serve in such a program.

When the major duties and responsibilities of an individual, who already has received training through an Indian health scholarship, are the recruitment and training of Indian health professionals, that individual may be contributing to the purpose of the scholarship program through increasing the number of available health care providers, even though that individual is not providing health care personally.

Thus, there may be a small number of cases where such service is a good cause to waive or offset the scholarship service obligation.

It has come to the attention of the managers that both the Indian Health Service and a number of tribal organizations have identified the need for greater flexibility in assessing payback obligations to best serve the health care needs of Indian people.

The managers emphasize, in granting this additional flexibility to the Secretary, that they expect this avenue of fulfilling scholarship obligations to be limited.

Most Indian health scholarship recipients will fulfill their service obligations by providing direct health care, and the Secretary is expected to exercise significant caution and considerable judgment is using this new authority.

It must not be forgotten that direct health care service to Indian people, in addition to successfully having completed a health professions program, is a key component contributing to any individual's ability to recruit students.

In conclusion, I note that the managers have amended the other body's amendment to delete certain language which we feel is unnecessary.

Mr. Speaker, H.R. 3378 is an important piece of legislation which has been amended and then reamended. It is a good bill and I urge my colleagues to give it their full support.

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

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

Mr. Speaker, H.R. 3378, under suspension of the rules last month, was properly discharged by the Committee on Commerce, and of course it was passed by this committee. We are again amending the provisions of H.R. 3378 in the process of sending it back to the Senate.

Mr. Speaker, H.R. 3378 extends for 2 years a demonstration project authorized in section 405 of the Indian Health Care Improvement Act that allows four Indian hospitals to bill HCFA directly for Medicaid reimbursement rather than go through the Indian Health Service, which will save them time and money.

The Senate renamed our bill the Indian Health Care Improvement Act Technical Corrections Act of 1996 and added six new provisions. Five were noncontroversial, and one of these provisions Mr. Speaker, includes alleopathic medicine within the act's definition of health professions; the second amendment also extended the California Contract Health Services Demonstration Project through the year 2000. Another amendment also extends the funding through the year 2000 and authorizes the appropriation of such sums as necessary to fund the Gallup Alcohol and Substance Abuse Treatment Center. Furthermore, Mr. Speaker, the amendments also extend funding through the year 2000 for the Substance Abuse Counselor Education Program; another amendment continues funding for the year 2000 for the home and community-based care demonstration program.

The sixth amendment, Mr. Speaker, alters the requirements of the Indian Health Care Service Professional Scholarship Program. The amendment allows scholarship recipients to meet their service obligations by serving as an academic institution where the recipient's primary responsibility is the recruitment of other Indian medical students. The amendment also allows the Secretary to waive obligations for extreme hardships or for other good cause. The amendment also allows for release of a recipient's obligation for bankruptcy and cancels a recipient's obligation upon death.

Mr. Speaker, we in the Committee on Commerce had a problem with the portion of the amendment that allows scholarship recipients to pay back their debt by working in an academic setting where their primary responsibility is the recruitment of more Indians. The problem is that Indians do not have enough medical care on their reservations, and this amendment offers somewhat of a loophole for scholarship recipients to avoid working on reservations by living and working at universities.

Mr. Speaker, after reviewing these hardship cases of health professionals who thought that they were getting credit for doing recruitment, we agree those cases were better dealt with on a case-by-case basis under a Secretarial waiver authority rather than by a large loophole. The amendments grant the Secretary waiver authority for hardship and good cause, so we all agreed to strike the academic recruitment language from the bill, and the managers state their concerns on the floor.

Mr. Speaker, with the above concerns discussed earlier relative to the legislation, I support the amendments that we have now agreed to with the other side, and I ask my colleagues to support this legislation.

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

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

I will compliment the gentleman on the statement. He and I worked very closely on these issues in committee, and he is a great friend of Alaska natives and most people involved in American native group.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers at this time. I urge the adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and agree to the resolution, House Resolution 544.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution just agreed to.

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

There was no objection.

SUSTAINABLE FISHERIES ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 39) to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

The Clerk read as follows:

S. 39

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 "Sustainable Fisheries Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson Fishery Conservation and Management Act.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Findings; purposes; policy.
Sec. 102. Definitions.
Sec. 103. Authorization of appropriations.
Sec. 104. Highly migratory species.
Sec. 105. Foreign fishing and international fishery agreements.
Sec. 106. National standards.
Sec. 107. Regional fishery management councils.
Sec. 108. Fishery management plans.
Sec. 109. Action by the Secretary.
Sec. 110. Other requirements and authority.
Sec. 111. Pacific community fisheries.
Sec. 112. State jurisdiction.
Sec. 113. Prohibited acts.
Sec. 114. Civil penalties and permit sanctions; rebuttable presumptions.
Sec. 115. Enforcement.
Sec. 116. Transition to sustainable fisheries.
Sec. 117. North Pacific and northwest Atlantic Ocean fisheries.

TITLE II—FISHERY MONITORING AND RESEARCH

Sec. 201. Change of title.
Sec. 202. Registration and information management.
Sec. 203. Information collection.
Sec. 204. Observers.
Sec. 205. Fisheries research.
Sec. 206. Incidental harvest research.
Sec. 207. Miscellaneous research.
Sec. 208. Study of contribution of bycatch to charitable organizations.
Sec. 209. Study of identification methods for harvest stocks.
Sec. 210. Review of Northeast fishery stock assessments.
Sec. 211. Clerical amendments.

TITLE III—FISHERIES FINANCING

Sec. 301. Short title.
Sec. 302. Individual fishing quota loans.
Sec. 303. Fisheries financing and capacity reduction.

TITLE IV—MARINE FISHERY STATUTE REAUTHORIZATIONS

Sec. 401. Marine fish program authorization of appropriations.
Sec. 402. Interjurisdictional Fisheries Act amendments.
Sec. 403. Anadromous fisheries amendments.
Sec. 404. Atlantic coastal fisheries amendments.
Sec. 405. Technical amendments to maritime boundary agreement.
Sec. 406. Amendments to the Fisheries Act.

SEC. 2. AMENDMENT OF MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. FINDINGS; PURPOSES; POLICY.

Section 2 (16 U.S.C. 1801) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.";

(2) by inserting "to facilitate long-term protection of essential fish habitats," in subsection (a)(6) after "conservation,";

(3) by adding at the end of subsection (a) the following:

"(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

"(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.";

(4) by striking "principles;" in subsection (b)(3) and inserting "principles, including the promotion of catch and release programs in recreational fishing;";

(5) by striking "and" after the semicolon at the end of subsection (b)(5);

(6) by striking "development." in subsection (b)(6) and inserting "development in a non-wasteful manner; and";

(7) by adding at the end of subsection (b) the following:

"(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.";

(8) in subsection (c)(3)—

(A) by striking "promotes" and inserting "considers"; and

(B) by inserting "minimize bycatch and" after "practical measures that";

(9) striking "and" at the end of paragraph (c)(5);

(10) striking the period at the end of paragraph (c)(6) and inserting "; and"; and

(11) adding at the end of subsection (c) a new paragraph as follows:

"(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.".

SEC. 102. DEFINITIONS.

Section 3 (16 U.S.C. 1802) is amended—

(1) by redesignating paragraphs (2) through (32) as paragraphs (5) through (35) respectively, and inserting after paragraph (1) the following:

"(2) The term 'bycatch' means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

"(3) The term 'charter fishing' means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

"(4) The term 'commercial fishing' means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.";

(2) in paragraph (7) (as redesignated)—

(A) by striking "COELENTERATA" from the heading of the list of corals and inserting "CNIDARIA"; and

(B) in the list appearing under the heading "CRUSTACEA", by striking "Deep-sea Red Crab—Geryon quinquedens" and inserting "Deep-sea Red Crab—Chaceon quinquedens";

(3) by redesignating paragraphs (9) through (35) (as redesignated) as paragraphs (11) through (37), respectively, and inserting after paragraph (8) (as redesignated) the following:

"(9) The term 'economic discards' means fish which are the target of a fishery, but which are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons.

"(10) The term 'essential fish habitat' means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.";

(4) by redesignating paragraphs (16) through (37) (as redesignated) as paragraphs (17) through (38), respectively, and inserting after paragraph (15) (as redesignated) the following:

"(16) The term 'fishing community' means a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.";

(5) by redesignating paragraphs (21) through (38) (as redesignated) as paragraphs (22) through (39), respectively, and inserting after paragraph (20) (as redesignated) the following:

"(21) The term 'individual fishing quota' means a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. Such term does not include community development quotas as described in section 305(i).";

(6) by striking "of one and one-half miles" in paragraph (23) (as redesignated) and inserting "of two and one-half kilometers";

(7) by striking paragraph (28) (as redesignated), and inserting the following:

"(28) The term 'optimum', with respect to the yield from a fishery, means the amount of fish which—

"(A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

"(B) is prescribed on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant social, economic, or ecological factor; and

"(C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.";

(8) by redesignating paragraphs (29) through (39) (as redesignated) as paragraphs (31) through (41), respectively, and inserting after paragraph (28) (as redesignated) the following:

"(29) The terms 'overfishing' and 'overfished' mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

"(30) The term 'Pacific Insular Area' means American Samoa, Guam, the Northern Mariana Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Wake Island, or Palmyra Atoll, as applicable, and includes all islands and reefs appurtenant to such island, reef, or atoll.";

(9) by redesignating paragraphs (32) through (41) (as redesignated) as paragraphs (34) through (43), respectively, and inserting after paragraph (31) (as redesignated) the following:

"(32) The term 'recreational fishing' means fishing for sport or pleasure.

"(33) The term 'regulatory discards' means fish harvested in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.";

(10) by redesignating paragraphs (36) through (43) (as redesignated) as paragraphs (37) through (44), respectively, and inserting after paragraph (35) (as redesignated) the following:

"(36) The term 'special areas' means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990. In particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.";

(11) by striking "for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(g) has been implemented" in paragraph (42) (as redesignated) and inserting "regulated under this Act"; and

(12) by redesignating paragraph (44) (as redesignated) as paragraph (45), and inserting after paragraph (43) the following:

"(44) The term 'vessel subject to the jurisdiction of the United States' has the same meaning such term has in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)).".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

The Act is amended by inserting after section 3 (16 U.S.C. 1802) the following:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act, not to exceed the following sums:

"(1) $147,000,000 for fiscal year 1996;

"(2) $151,000,000 for fiscal year 1997;

"(3) $155,000,000 for fiscal year 1998; and

"(4) $159,000,000 for fiscal year 1999.".

SEC. 104. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended by striking "promoting the objective of optimum utilization" and inserting "shall promote the achievement of optimum yield".

SEC. 105. FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS.

(a) AUTHORITY TO OPERATE UNDER TRANSSHIPMENT PERMITS.—Section 201 (16 U.S.C. 1821) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) is authorized under subsections (b) or (c) or section 204(e), or under a permit issued under section 204(d);

"(2) is not prohibited under subsection (f); and";

(2) by striking "(i)" in subsection (c)(2)(D) and inserting "(h)";

(3) by striking subsection (f);

(4) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively;

(5) in paragraph (2) of subsection (h) (as redesignated), redesignate subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and insert after subparagraph (A) the following:

"(B) in a situation where the foreign fishing vessel is operating under a Pacific Insular Area fishing agreement, the Governor of the applicable Pacific Insular Area, in consultation with the Western Pacific Council, has established an observer coverage program that is at least equal in effectiveness to the program established by the Secretary;"; and

(6) in subsection (i) (as redesignated) by striking"305" and inserting"304".

(b) INTERNATIONAL FISHERY AGREEMENTS.—Section 202 (16 U.S.C. 1822) is amended—

(1) by adding before the period at the end of subsection (c) "or section 204(e)";

(2) by adding at the end the following:

"(h) BYCATCH REDUCTION AGREEMENTS.—

"(1) The Secretary of State, in cooperation with the Secretary, shall seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen for such purposes in any fishery regulated pursuant to this Act for which the Secretary, in consultation with the Secretary of State, determines that such an international agreement is necessary and appropriate.

"(2) An international agreement negotiated under this subsection shall be—

"(A) consistent with the policies and purposes of this Act; and

"(B) subject to approval by Congress under section 203.

"(3) Not later than January 1, 1997, and annually thereafter, the Secretary, in consultation with the Secretary of State, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing actions taken under this subsection.".

(c) PERIOD FOR CONGRESSIONAL REVIEW OF INTERNATIONAL FISHERY AGREEMENTS.—Section 203 (16 U.S.C. 1823) is amended—

(1) by striking "GOVERNING" in the section heading;

(2) by striking "agreement" each place it appears in subsection (a) and inserting "agreement, bycatch reduction agreement, or Pacific Insular Area fishery agreement";

(3) by striking "60 calendar days of continuous session of the Congress" in subsection (a) and inserting "120 days (excluding any days in a period for which the Congress is adjourned sine die)";

(4) by striking subsection (c);

(5) by redesignating subsection (d) as subsection (c); and

(6) by striking "agreement" in subsection (c)(2)(A), as redesignated, and inserting "agreement, bycatch reduction agreement, or Pacific Insular Area fishery agreement".

(d) TRANSSHIPMENT PERMITS AND PACIFIC INSULAR AREA FISHING.—Section 204 (16 U.S.C. 1824) is amended—

(1) by inserting "or subsection (d)" in the first sentence of subsection (b)(7) after "under paragraph (6)";

(2) by striking "the regulations promulgated to implement any such plan" in subsection (b)(7)(A) and inserting "any applicable federal or State fishing regulations";

(3) by inserting "or subsection (d)" in subsection (b)(7)(D) after "paragraph (6)(B)"; and

(4) by adding at the end the following:

"(d) TRANSSHIPMENT PERMITS.—

"(1) AUTHORITY TO ISSUE PERMITS.—The Secretary may issue a transshipment permit under this subsection which authorizes a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the exclusive economic zone or, with the concurrence of a State, within the boundaries of that State, to a point outside the United States to any person who—

"(A) submits an application which is approved by the Secretary under paragraph (3); and

"(B) pays a fee imposed under paragraph (7).

"(2) TRANSMITTAL.—Upon receipt of an application for a permit under this subsection, the Secretary shall promptly transmit copies of the application to the Secretary of State, Secretary of the department in which the Coast Guard is operating, any appropriate Council, and any affected State.

"(3) APPROVAL OF APPLICATION.—The Secretary may approve, in consultation with the appropriate Council or Marine Fisheries Commission, an application for a permit under this section if the Secretary determines that—

"(A) the transportation of fish or fish products to be conducted under the permit, as described in the application, will be in the interest of the United States and will meet the applicable requirements of this Act;

"(B) the applicant will comply with the requirements described in section 201(c)(2) with respect to activities authorized by any permit issued pursuant to the application;

"(C) the applicant has established any bonds or financial assurances that may be required by the Secretary; and

"(D) no owner or operator of a vessel of the United States which has adequate capacity to perform the transportation for which the application is submitted has indicated to the Secretary an interest in performing the transportation at fair and reasonable rates.

"(4) WHOLE OR PARTIAL APPROVAL.—The Secretary may approve all or any portion of an application under paragraph (3).

"(5) FAILURE TO APPROVE APPLICATION.—If the Secretary does not approve any portion of an application submitted under paragraph (1), the Secretary shall promptly inform the applicant and specify the reasons therefor.

"(6) CONDITIONS AND RESTRICTIONS.—The Secretary shall establish and include in each permit under this subsection conditions and restrictions, including those conditions and restrictions set forth in subsection (b)(7), which shall be complied with by the owner and operator of the vessel for which the permit is issued.

"(7) FEES.—The Secretary shall collect a fee for each permit issued under this subsection, in an amount adequate to recover the costs incurred by the United States in issuing the permit, except that the Secretary

shall waive the fee for the permit if the foreign nation under which the vessel is registered does not collect a fee from a vessel of the United States engaged in similar activities in the waters of such foreign nation.

"(e) PACIFIC INSULAR AREAS.—

"(1) NEGOTIATION OF PACIFIC INSULAR AREA FISHERY AGREEMENTS.—The Secretary of State, with the concurrence of the Secretary and in consultation with any appropriate Council, may negotiate and enter into a Pacific Insular Area fishery agreement to authorize foreign fishing within the exclusive economic zone adjacent to a Pacific Insular Area—

"(A) in the case of American Samoa, Guam, or the Northern Mariana Islands, at the request and with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which such agreement applies; and

"(B) in the case of a Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands, at the request of the Western Pacific Council.

"(2) AGREEMENT TERMS AND CONDITIONS.—A Pacific Insular Area fishery agreement—

"(A) shall not be considered to supersede any governing international fishery agreement currently in effect under this Act, but shall provide an alternative basis for the conduct of foreign fishing within the exclusive economic zone adjacent to Pacific Insular Areas;

"(B) shall be negotiated and implemented consistent only with the governing international fishery agreement provisions of this title specifically made applicable in this subsection;

"(C) may not be negotiated with a nation that is in violation of a governing international fishery agreement in effect under this Act;

"(D) shall not be entered into if it is determined by the Governor of the applicable Pacific Insular Area with respect to agreements initiated under paragraph (1)(A), or the Western Pacific Council with respect to agreements initiated under paragraph (1)(B), that such an agreement will adversely affect the fishing activities of the indigenous people of such Pacific Insular Area;

"(E) shall be valid for a period not to exceed three years and shall only become effective according to the procedures in section 203; and

"(F) shall require the foreign nation and its fishing vessels to comply with the requirements of paragraphs (1), (2), (3) and (4)(A) of section 201(c), section 201(d), and section 201(h).

"(3) PERMITS FOR FOREIGN FISHING.—

"(A) Application for permits for foreign fishing authorized under a Pacific Insular Areas fishing agreement shall be made, considered and approved or disapproved in accordance with paragraphs (3), (4), (5), (6), (7)(A) and (B), (8), and (9) of subsection (b), and shall include any conditions and restrictions established by the Secretary in consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, the Governor of the applicable Pacific Insular Area, and the appropriate Council.

"(B) If a foreign nation notifies the Secretary of State of its acceptance of the requirements of this paragraph, paragraph (2)(F), and paragraph (5), including any conditions and restrictions established under subparagraph (A), the Secretary of State shall promptly transmit such notification to the Secretary. Upon receipt of any payment required under a Pacific Insular Area fishing agreement, the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all of the requirements, conditions, and restrictions established under this subsection which apply to the fishing vessel for which the permit is issued.

"(4) MARINE CONSERVATION PLANS.—

"(A) Prior to entering into a Pacific Insular Area fishery agreement, the Western Pacific Council and the appropriate Governor shall develop a 3-year marine conservation plan detailing uses for funds to be collected by the Secretary pursuant to such agreement. Such plan shall be consistent with any applicable fishery management plan, identify conservation and management objectives (including criteria for determining when such objectives have been met), and prioritize planned marine conservation projects. Conservation and management objectives shall include, but not be limited to—

"(i) establishment of Pacific Insular Area observer programs, approved by the Secretary in consultation with the Western Pacific Council, that provide observer coverage for foreign fishing under Pacific Insular Area fishery agreements that is at least equal in effectiveness to the program established by the Secretary under section 201(h);

"(ii) conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation, and reporting;

"(iii) conservation, education, and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;

"(iv) grants to the University of Hawaii for technical assistance projects by the Pacific Island Network, such as education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and

"(v) western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.

"(B) In the case of American Samoa, Guam, and the Northern Mariana Islands, the appropriate Governor, with the concurrence of the Western Pacific Council, shall develop the marine conservation plan described in subparagraph (A) and submit such plan to the Secretary for approval. In the case of other Pacific Insular Areas, the Western Pacific Council shall develop and submit the marine conservation plan described in subparagraph (A) to the Secretary for approval.

"(C) If a Governor or the Western Pacific Council intends to request that the Secretary of State renew a Pacific Insular Area fishery agreement, a subsequent 3-year plan shall be submitted to the Secretary for approval by the end of the second year of the existing 3-year plan.

"(5) RECIPROCAL CONDITIONS.—Except as expressly provided otherwise in this subsection, a Pacific Insular Area fishing agreemeent may include terms similar to the terms applicable to United States fishing vessels for access to similar fisheries in waters subject to the fisheries jurisdiction of another nation.

"(6) USE OF PAYMENTS BY AMERICAN SAMOA, GUAM, NORTHERN MARIANA ISLANDS.—Any payments received by the Secretary under a Pacific Insular Area fishery agreement for American Samoa, Guam, or the Northern Mariana Islands shall be deposited into the United States Treasury and then covered over to the Treasury of the Pacific Insular Area for which those funds were collected. Amounts deposited in the Treasury of a Pacific Insular Area shall be available, without appropriation or fiscal year limitation, to the Governor of the Pacific Insular Area—

"(A) to carry out the purposes of this subsection;

"(B) to compensate (i) the Western Pacific Council for mutually agreed upon administrative costs incurred relating to any Pacific Insular Area fishery agreement for such Pacific Insular Area, and (ii) the Secretary of State for mutually agreed upon travel expenses for no more than 2 Federal representatives incurred as a direct result of complying with paragraph (1)(A); and

"(C) to implement a marine conservation plan developed and approved under paragraph (4).

"(7) WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.—There is established in the United States Treasury a Western Pacific Sustainable Fisheries Fund into which any payments received by the Secretary under a Pacific Insular Area fishery agreement for any Pacific Insular Area other than American Samoa, Guam, or the Northern Mariana Islands shall be deposited. The Western Pacific Sustainable Fisheries Fund shall be made available, without appropriation or fiscal year limitation, to the Secretary, who shall provide such funds only to—

"(A) the Western Pacific Council for the purpose of carrying out the provisions of this subsection, including implementation of a marine conservation plan approved under paragraph (4);

"(B) the Secretary of State for mutually agreed upon travel expenses for no more than 2 federal representatives incurred as a direct result of complying with paragraph (1)(B); and

"(C) the Western Pacific Council to meet conservation and management objectives in the State of Hawaii if monies remain in the Western Pacific Sustainable Fisheries Fund after the funding requirements of subparagraphs (A) and (B) have been satisfied.

Amounts deposited in such fund shall not diminish funding received by the Western Pacific Council for the purpose of carrying out other responsibilities under this Act.

"(8) USE OF FINES AND PENALTIES.—In the case of violations occurring within the exclusive economic zone off American Samoa, Guam, or the Northern Mariana Islands, amounts received by the Secretary which are attributable to fines or penalties imposed under this Act, including such sums collected from the forfeiture and disposition or sale of property seized subject to its authority, after payment of direct costs of the enforcement action to all entities involved in such action, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the exclusive economic zone in which the violation occurred, to be used for fisheries enforcement and for implementation of a marine conservation plan under paragraph (4).".

(e) ATLANTIC HERRING TRANSSHIPMENT.—Within 30 days of receiving an application, the Secretary shall, under Section 204(d) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, issue permits to up to fourteen Canadian transport vessels that are not equipped for

fish harvesting or processing, for the transshipment, within the boundaries of the State of Maine or within the portion of the exclusive economic zone east of the line 69 degrees 30 minutes west and within 12 nautical miles from the seaward boundary of that State, of Atlantic herring harvested by United States fishermen within the area described and used solely in sardine processing. In issuing a permit pursuant to this subsection, the Secretary shall provide a waiver under section 201(h)(2)(C) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, provided that such vessels comply with Federal or State monitoring and reporting requirements for the Atlantic herring fishery, including the stationing of United States observers aboard such vessels, if necessary.

(f) LARGE SCALE DRIFTNET FISHING.—Section 206 (16 U.S.C. 1826) is amended—

(1) in subsection (e), by striking paragraphs (3) and (4), and redesignating paragraphs (5) and (6) as (3) and (4), respectively; and

(2) in subsection (f), by striking "(e)(6)," and inserting "(e)(4),".

(g) RUSSIAN FISHING IN THE BERING SEA.—No later than September 30, 1997, the North Pacific Fishery Management Council, in consultation with the North Pacific and Bering Sea Advisory Body, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing the institutional structures in Russia pertaining to stock assessment, management, and enforcement for fishery harvests in the Bering Sea, and recommendations for improving coordination between the United States and Russia for managing and conserving Bering Sea fishery resources of mutual concern.

SEC. 106. NATIONAL STANDARDS.

(a) Section 301(a)(5) (16 U.S.C. 1851(a)(5)) is amended by striking "promote" and inserting "consider".

(b) Section 301(a) (16 U.S.C. 1851(a)) is amended by adding at the end thereof the following:

"(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

"(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

"(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.".

SEC. 107. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Section 302(a) (16 U.S.C. 1852(a)) is amended—

(1) by inserting "(1)" after the subsection heading;

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively;

(3) by striking "section 304(f)(3)" wherever it appears and inserting "paragraph (3)";

(4) in paragraph (1)(B), as amended—

(A) by striking "and Virginia" and inserting "Virginia, and North Carolina";

(B) by inserting "North Carolina, and" after "except";

(C) by striking "19" and inserting "21"; and

(D) by striking "12" and inserting "13";

(5) by striking paragraph (1)(F), as redesignated, and inserting the following:

"(F) PACIFIC COUNCIL.—The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 14 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State), and including one appointed from an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).";

(6) by indenting the sentence at the end thereof and inserting "(2)" before "Each Council"; and

(7) by adding at the end the following:

"(3) The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.".

(b) Section 302(b) (16 U.S.C. 1852(b)) is amended—

(1) by striking "subsection (b)(2)" in paragraphs (1)(C) and (3), and inserting in both places "paragraphs (2) and (5)";

(2) by striking the last sentence in paragraph (3) and inserting the following: "Any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member."; and

(3) by striking paragraph (5) and inserting after paragraph (4) the following:

"(5)(A) The Secretary shall appoint to the Pacific Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho from a list of not less than 3 individuals submitted by the tribal governments. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting a list under this subparagraph.

"(B) Representation shall be rotated among the tribes taking into consideration—

"(i) the qualifications of the individuals on the list referred to in subparagraph (A),

"(ii) the various rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and

"(iii) the geographic area in which the tribe of the representative is located.

"(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner as set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen.

"(6) The Secretary may remove for cause any member of a Council required to be appointed by the Secretary in accordance with paragraphs (2) or (5) if—

"(A) the Council concerned first recommends removal by not less than two-thirds of the members who are voting members and submits such removal recommendation to the Secretary in writing together with a statement of the basis for the recommendation; or

"(B) the member is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 307(1)(O).".

(c) Section 302(d) (16 U.S.C. 1852(d)) is amended in the first sentence—

(1) by striking "each Council," and inserting "each Council who are required to be appointed by the Secretary and"; and

(2) by striking "shall, until January 1, 1992," and all that follows through "GS-16" and inserting "shall receive compensation at the daily rate for GS-15, step 7".

(d) Section 302(e) (16 U.S.C. 1852(e)) is amended by adding at the end the following:

"(5) At the request of any voting member of a Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote.".

(e) Section 302(g) (16 U.S.C. 1852(g)) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following:

"(4) The Secretary shall establish advisory panels to assist in the collection and evaluation of information relevant to the development of any fishery management plan or plan amendment for a fishery to which subsection (a)(3) applies. Each advisory panel shall participate in all aspects of the development of the plan or amendment; be balanced in its representation of commercial, recreational, and other interests; and consist of not less than 7 individuals who are knowledgeable about the fishery for which the plan or amendment is developed, selected from among—

"(A) members of advisory committees and species working groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species; and

"(B) other interested persons.".

(f) Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) for each fishery under its authority that requires conservation and management, prepare and submit to the Secretary (A) a fishery management plan, and (B) amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed);";

(2) in paragraph (2)—

(A) by striking "section 204(b)(4)(C)," in paragraph (2) and inserting "section 204(b)(4)(C) or section 204(d),";

(B) by striking "304(c)(2)" and inserting "304(c)(4)"; and

(3) by striking "304(f)(3) "in paragraph (5) and inserting "subsection (a)(3)".

(g) Section 302 is amended further by striking subsection (i), and by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(h) Section 302(i), as redesignated, is amended—

(1) by striking "of the Councils" in paragraph (1) and inserting "established under subsection (g)";

(2) by striking "of a Council:" in paragraph (2) and inserting "established under subsection (g):";

(3) by striking "Council's" in paragraph (2)(C);

(4) by adding the following at the end of paragraph (2)(C): "The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to

the meeting date, unless such modification is to address an emergency action under section 305(c), in which case public notice shall be given immediately.";

(5) by adding the following at the end of paragraph (2)(D): "All written information submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.";

(6) by striking paragraph (2)(E) and inserting:

"(E) Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.";

(7) by striking "by the Council" the first place it appears in paragraph (2)(F);

(8) by inserting "or the Secretary, as appropriate" in paragraph (2)(F) after "of the Council"; and

(9) by striking "303(d)" each place it appears in paragraph (2)(F) and inserting "402(b)"; and

(10) by striking "303(d)" in paragraph (4) and inserting "402(b)".

(i) Section 302(j), as redesignated, is amended—

(1) by inserting "and Recusal" after "Interest" in the subsection heading;

(2) by striking paragraph (1) and inserting the following:

"(1) For the purposes of this subsection—

"(A) the term 'affected individual' means an individual who—

"(i) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2); or

"(ii) is a voting member of a Council appointed—

"(I) under subsection (b)(2); or

"(II) under subsection (b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government; and

"(B) the term 'designated official' means a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council, to attend Council meetings and make determinations under paragraph (7)(B).";

(3) by striking "(1)(A)" in paragraph (3)(A) and inserting "(1)(A)(i)";

(4) by striking "(1)(B) or (C)" in paragraph (3)(B) and inserting "(1)(A)(ii)";

(5) by striking "(1)(B) or (C)" in paragraph (4) and inserting "(1)(A)(ii)";

(6)(A) by striking "and" at the end of paragraph (5)(A);

(B) by striking the period at the end of paragraph (5)(B) and inserting a semicolon and the word "and"; and

(C) by adding at the end of paragraph (5) the following:

"(C) be kept on file by the Secretary for use in reviewing determinations under paragraph (7)(B) and made available for public inspection at reasonable hours.";

(7) by striking "(1)(B) or (C)" in paragraph (6) and inserting "(1)(A)(ii)";

(8) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7)(A) After the effective date of regulations promulgated under subparagraph (F) of this paragraph, an affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

"(B) At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

"(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

"(D) Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how he or she would have voted on such decision if he or she had voted.

"(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

"(F) The Secretary, in consultation with the Councils and by not later than one year from the date of enactment of the Sustainable Fisheries Act, shall promulgate regulations which prohibit an affected individual from voting in accordance with subparagraph (A), and which allow for the making of determinations under subparagraphs (B) and (C).'"; and

(9) by striking "(1)(B) or (C)" in paragraph (8), as redesignated, and inserting "(1)(A)(ii)".

SEC. 108. FISHERY MANAGEMENT PLANS.

(a) REQUIRED PROVISIONS.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) in paragraph (1)(A) by inserting "and rebuild overfished stocks" after "overfishing";

(2) by inserting "commercial, recreational, and charter fishing in" in paragraph (5) after "with respect to";

(3) by striking paragraph (7) and inserting the following:

"(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;";

(4) by striking "and" at the end of paragraph (8);

(5) by inserting "and fishing communities" after "fisheries" in paragraph (9)(A);

(6) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(7) by adding at the end the following:

"(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

"(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

"(A) minimize bycatch; and

"(B) minimize the mortality of bycatch which cannot be avoided;

"(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

"(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

"(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.".

(b) IMPLEMENTATION.—Not later than 24 months after the date of enactment of this Act, each Regional Fishery Management Council shall submit to the Secretary of Commerce amendments to each fishery management plan under its authority to comply with the amendments made in subsection (a) of this section.

(c) DISCRETIONARY PROVISIONS.—Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the—

"(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

"(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

"(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;";

(2) by striking "system for limiting access to" in paragraph (6) and inserting "limited access system for";

(3) by striking "fishery" in subparagraph (E) of paragraph (6) and inserting "fishery and any affected fishing communities";

(4) by inserting "one or more" in paragraph (8) after "require that";

(5) by striking "and" at the end of paragraph (9);

(6) by redesignating paragraph (10) as paragraph (12); and

(7) by inserting after paragraph (9) the following:

"(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

"(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and".

(d) REGULATIONS.—Section 303 (16 U.S.C. 1853) is amended by striking subsection (c) and inserting the following:

"(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

"(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

"(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.".

(e) INDIVIDUAL FISHING QUOTAS.—Subsection 303 (16 U.S.C. 1853) is amended further by striking subsections (d), (e), and (f), and inserting the following:

"(d) INDIVIDUAL FISHING QUOTAS.—

"(1)(A) A Council may not submit and the Secretary may not approve or implement before October 1, 2000, any fishery management plan, plan amendment, or regulation under this Act which creates a new individual fishing quota program.

"(B) Any fishery management plan, plan amendment, or regulation approved by the Secretary on or after January 4, 1995, which creates any new individual fishing quota program shall be repealed and immediately returned by the Secretary to the appropriate Council and shall not be resubmitted, reapproved, or implemented during the moratorium set forth in subparagraph (A).

"(2)(A) No provision of law shall be construed to limit the authority of a Council to submit and the Secretary to approve the termination or limitation, without compensation to holders of any limited access system permits, of a fishery management plan, plan amendment, or regulation that provides for a limited access system, including an individual fishing quota program.

"(B) This subsection shall not be construed to prohibit a Council from submitting, or the Secretary from approving and implementing, amendments to the North Pacific halibut and sablefish, South Atlantic wreckfish, or Mid-Atlantic surf clam and ocean (including mahogany) quahog individual fishing quota programs.

"(3) An individual fishing quota or other limited access system authorization—

"(A) shall be considered a permit for the purposes of sections 307, 308, and 309;

"(B) may be revoked or limited at any time in accordance with this Act;

"(C) shall not confer any right of compensation to the holder of such individual fishing quota or other such limited access system authorization if it is revoked or limited; and

"(D) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested.

"(4)(A) A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing the—

"(i) purchase of individual fishing quotas in that fishery by fishermen who fish from small vessels; and

"(ii) first-time purchase of individual fishing quotas in that fishery by entry level fishermen.

"(B) A Council making a submission under subparagraph (A) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under clauses (i) and (ii) of subparagraph (A) and the portion of funds to be allocated for guarantees under each clause.

"(5) In submitting and approving any new individual fishing quota program on or after October 1, 2000, the Councils and the Secretary shall consider the report of the National Academy of Sciences required under section 108(f) of the Sustainable Fisheries Act, and any recommendations contained in such report, and shall ensure that any such program—

"(A) establishes procedures and requirements for the review and revision of the terms of any such program (including any revisions that may be necessary once a national policy with respect to individual fishing quota programs is implemented), and, if appropriate, for the renewal, reallocation, or reissuance of individual fishing quotas;

"(B) provides for the effective enforcement and management of any such program, including adequate observer coverage, and for fees under section 304(d)(2) to recover actual costs directly related to such enforcement and management; and

"(C) provides for a fair and equitable initial allocation of individual fishing quotas, prevents any person from acquiring an excessive share of the individual fishing quotas issued, and considers the allocation of a portion of the annual harvest in the fishery for entry-level fishermen, small vessel owners, and crew members who do not hold or qualify for individual fishing quotas.".

(f) INDIVIDUAL FISHING QUOTA REPORT.— (1) Not later than October 1, 1998, the National Academy of Sciences, in consultation with the Secretary of Commerce and the Regional Fishery Management Councils, shall submit to the Congress a comprehensive final report on individual fishing quotas, which shall include recommendations to implement a national policy with respect to individual fishing quotas. The report shall address all aspects of such quotas, including an analysis of—

(A) the effects of limiting or prohibiting the transferability of such quotas;

(B) mechanisms to prevent foreign control of the harvest of United States fisheries under individual fishing quota programs, including mechanisms to prohibit persons who are not eligible to be deemed a citizen of the United States for the purpose of operating a vessel in the coastwise trade under section 2(a) and section 2(c) of the Shipping Act, 1916 (46 U.S.C. 802 (a) and (c)) from holding individual fishing quotas;

(C) the impact of limiting the duration of individual fishing quota programs;

(D) the impact of authorizing Federal permits to process a quantity of fish that correspond to individual fishing quotas, and of the value created for recipients of any such permits, including a comparison of such value to the value of the corresponding individual fishing quotas;

(E) mechanisms to provide for diversity and to minimize adverse social and economic impacts on fishing communities, other fisheries affected by the displacement of vessels, and any impacts associated with the shifting of capital value from fishing vessels to individual fishing quotas, as well as the use of capital construction funds to purchase individual fishing quotas;

(F) mechanisms to provide for effective monitoring and enforcement, including the inspection of fish harvested and incentives to reduce bycatch, and in particular economic discards;

(G) threshold criteria for determining whether a fishery may be considered for individual fishing quota management, including criteria related to the geographical range, population dynamics and condition of a fish stock, the socioeconomic characteristics of a fishery (including participants' involvement in multiple fisheries in the region), and participation by commercial, charter, and recreational fishing sectors in the fishery;

(H) mechanisms to ensure that vessel owners, vessel masters, crew members, and United States fish processors are treated fairly and equitably in initial allocations, to require persons holding individual fishing quotas to be on board the vessel using such quotas, and to facilitate new entry under individual fishing quota programs;

(I) potential social and economic costs and benefits to the nation, individual fishing quota recipients, and any recipients of Federal permits described in subparagraph (D) under individual fishing quota programs, including from capital gains revenue, the allocation of such quotas or permits through Federal auctions, annual fees and transfer fees at various levels, or other measures;

(J) the value created for recipients of individual fishing quotas, including a comparison of such value to the value of the fish harvested under such quotas and to the value of permits created by other types of limited access systems, and the effects of creating such value on fishery management and conservation; and

(K) such other matters as the National Academy of Sciences deems appropriate.

(2) The report shall include a detailed analysis of individual fishing quota programs already implemented in the United States, including the impacts: of any limits on transferability, on past and present participants, on fishing communities, on the rate and total amount of bycatch (including economic and regulatory discards) in the fishery, on the safety of life and vessels in the fishery, on any excess harvesting or processing capacity in the fishery, on any gear conflicts in the fishery, on product quality from the fishery, on the effectiveness of enforcement in the fishery, on the size and composition of fishing vessel fleets, of the economic value created by individual fishing quotas for initial recipients and non-recipients, on conservation of the fishery resource, on fishermen who rely on participation in several fisheries, on the success in meeting any fishery management plan goals, and the fairness and effectiveness of the methods used for allocating quotas and controlling transferability. The report shall also include any information about individual fishing quota programs in other countries that may be useful.

(3) The report shall identify and analyze alternative conservation and management measures, including other limited access systems such as individual transferable effort systems, that could accomplish the same objectives as individual fishing quota programs, as well as characteristics that are unique to individual fishing quota programs.

(4) The Secretary of Commerce shall, in consultation with the National Academy of Sciences, the Councils, the fishing industry, affected States, conservation organizations

and other interested persons, establish two individual fishing quota review groups to assist in the preparation of the report, which shall represent: (A) Alaska, Hawaii, and the other Pacific coastal States; and (B) Atlantic coastal States and the Gulf of Mexico coastal States. The Secretary shall, to the extent practicable, achieve a balanced representation of viewpoints among the individuals on each review group. The review groups shall be deemed to be advisory panels under section 302(g) of the Magnuson Fishery Conservation and Management Act, as amended by this Act.

(5) The Secretary of Commerce, in consultation with the National Academy of Sciences and the Councils, shall conduct public hearings in each Council region to obtain comments on individual fishing quotas for use by the National Academy of Sciences in preparing the report required by this subsection. The National Academy of Sciences shall submit a draft report to the Secretary of Commerce by January 1, 1998. The Secretary of Commerce shall publish in the Federal Register a notice and opportunity for public comment on the draft of the report, or any revision thereof. A detailed summary of comments received and views presented at the hearings, including any dissenting views, shall be included by the National Academy of Sciences in the final report.

(6) Section 210 of Public Law 104-134 is hereby repealed.

(g) NORTH PACIFIC LOAN PROGRAM.—(1) By not later than October 1, 1997 the North Pacific Fishery Management Council shall recommend to the Secretary of Commerce a program which uses the full amount of fees authorized to be used under section 303(d)(4) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, in the halibut and sablefish fisheries off Alaska to guarantee obligations in accordance with such section.

(2)(A) For the purposes of this subsection, the phrase "fishermen who fish from small vessels" in section 303(d)(4)(A)(i) of such Act shall mean fishermen wishing to purchase individual fishing quotas for use from Category B, Category C, or Category D vessels, as defined in part 676.20(c) of title 50, Code of Federal Regulations (as revised as of October 1, 1995), whose aggregate ownership of individual fishing quotas will not exceed the equivalent of a total of 50,000 pounds of halibut and sablefish harvested in the fishing year in which a guarantee application is made if the guarantee is approved, who will participate aboard the fishing vessel in the harvest of fish caught under such quotas, who have at least 150 days of experience working as part of the harvesting crew in any U.S. commercial fishery, and who do not own in whole or in part any Category A or Category B vessel, as defined in such part and title of the Code of Federal Regulations.

(B) For the purposes of this subsection, the phrase "entry level fishermen" in section 303(d)(4)(A)(ii) of such Act shall mean fishermen who do not own any individual fishing quotas, who wish to obtain the equivalent of not more than a total of 8,000 pounds of halibut and sablefish harvested in the fishing year in which a guarantee application is made, and who will participate aboard the fishing vessel in the harvest of fish caught under such quotas.

(h) COMMUNITY DEVELOPMENT QUOTA REPORT.—Not later than October 1, 1998, the National Academy of Sciences, in consultation with the Secretary, the North Pacific and Western Pacific Councils, communities and organizations participating in the program, participants in affected fisheries, and the affected States, shall submit to the Secretary of Commerce and Congress a comprehensive report on the performance and effectiveness of the community development quota programs under the authority of the North Pacific and Western Pacific Councils. The report shall—

(1) evaluate the extent to which such programs have met the objective of providing communities with the means to develop ongoing commercial fishing activities;

(2) evaluate the manner and extent to which such programs have resulted in the communities and residents—

(A) receiving employment opportunities in commercial fishing and processing; and

(B) obtaining the capital necessary to invest in commercial fishing, fish processing, and commercial fishing support projects (including infrastructure to support commercial fishing);

(3) evaluate the social and economic conditions in the participating communities and the extent to which alternative private sector employment opportunities exist;

(4) evaluate the economic impacts on participants in the affected fisheries, taking into account the condition of the fishery resource, the market, and other relevant factors;

(5) recommend a proposed schedule for accomplishing the developmental purposes of community development quotas; and

(6) address such other matters as the National Academy of Sciences deems appropriate.

(i) EXISTING QUOTA PLANS.—Nothing in this Act or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

SEC. 109. ACTION BY THE SECRETARY.

(a) SECRETARIAL REVIEW OF PLANS AND REGULATIONS.—Section 304 (16 U.S.C. 1854) is amended by striking subsections (a) and (b) and inserting the following:

"(a) REVIEW OF PLANS.—

"(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

"(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

"(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(2) In undertaking the review required under paragraph (1), the Secretary shall—

"(A) take into account the information, views, and comments received from interested persons;

"(B) consult with the Secretary of State with respect to foreign fishing; and

"(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

"(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

"(A) the applicable law with which the plan or amendment is inconsistent;

"(B) the nature of such inconsistencies; and

"(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

"(4) If the Secretary disapproves or partially approves a plan or amendment, the Council may submit a revised plan or amendment to the Secretary for review under this subsection.

"(5) For purposes of this subsection and subsection (b), the term 'immediately' means on or before the 5th day after the day on which a Council transmits to the Secretary a fishery management plan, plan amendment, or proposed regulation that the Council characterizes as final.

"(b) REVIEW OF REGULATIONS.—

"(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, this Act and other applicable law. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

"(A) if that determination is affirmative, the Secretary shall publish such regulations in the Federal Register, with such technical changes as may be necessary for clarity and an explanation of those changes, for a public comment period of 15 to 60 days; or

"(B) if that determination is negative, the Secretary shall notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, plan amendment, this Act, and other applicable law.

"(2) Upon receiving a notification under paragraph (1)(B), the Council may revise the proposed regulations and submit them to the Secretary for reevaluation under paragraph (1).

"(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (1)(A). The Secretary shall consult with the Council before making any revisions to the proposed regulations, and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.".

(b) PREPARATION BY THE SECRETARY.—Section 304(c) (16 U.S.C. 1854(c)) is amended—

(1) by striking the subsection heading and inserting "PREPARATION AND REVIEW OF SECRETARIAL PLANS";

(2) by striking "or" at the end of paragraph (1)(A);

(3) by striking all that follows "further revised plan" in paragraph (1) and inserting "or amendment; or";

(4) by inserting after subparagraph (1)(B), as amended, the following new subparagraph:

"(C) the Secretary is given authority to prepare such plan or amendment under this section.";

(5) by striking paragraph (2) and inserting:

"(2) In preparing any plan or amendment under this subsection, the Secretary shall—

"(A) conduct public hearings, at appropriate times and locations in the geographical areas concerned, so as to allow interested persons an opportunity to be heard in the

preparation and amendment of the plan and any regulations implementing the plan; and

"(B) consult with the Secretary of State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.";

(6) by inserting "for a fishery under the authority of a Council" after "paragraph (1)" in paragraph (3);

(7) by striking "system described in section 303(b)(6)" in paragraph (3) and inserting "system, including any individual fishing quota program"; and

(8) by inserting after paragraph (3) the following new paragraphs:

"(4) Whenever the Secretary prepares a fishery management plan or plan amendment under this section, the Secretary shall immediately—

"(A) for a plan or amendment for a fishery under the authority of a Council, submit such plan or amendment to the appropriate Council for consideration and comment; and

"(B) publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(5) Whenever a plan or amendment is submitted under paragraph (4)(A), the appropriate Council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 60-day period referred to in paragraph (4)(B). After the close of such 60-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, information, or comments submitted under paragraph (4)(B), may adopt such plan or amendment.

"(6) The Secretary may propose regulations in the Federal Register to implement any plan or amendment prepared by the Secretary. In the case of a plan or amendment to which paragraph (4)(A) applies, such regulations shall be submitted to the Council with such plan or amendment. The comment period on proposed regulations shall be 60 days, except that the Secretary may shorten the comment period on minor revisions to existing regulations.

"(7) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (6). The Secretary must publish in the Federal Register an explanation of any substantive differences between the proposed and final rules. All final regulations must be consistent with the fishery management plan, with the national standards and other provisions of this Act, and with any other applicable law.".

(c) INDIVIDUAL FISHING QUOTA AND COMMUNITY DEVELOPMENT QUOTA FEES.—Section 304(d) (16 U.S.C. 1854(d)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by inserting the at the end the following:

"(2)(A) Notwithstanding paragraph (1), the Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management and enforcement of any—

"(i) individual fishing quota program; and

"(ii) community development quota program that allocates a percentage of the total allowable catch of a fishery to such program.

"(B) Such fee shall not exceed 3 percent of the ex-vessel value of fish harvested under any such program, and shall be collected at either the time of the landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

"(C)(i) Fees collected under this paragraph shall be in addition to any other fees charged under this Act and shall be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B), except that the portion of any such fees reserved under section 303(d)(4)(A) shall be deposited in the Treasury and available, subject to annual appropriations, to cover the costs of new direct loan obligations and new loan guarantee commitments as required by section 504(b)(1) of the Federal Credit Reform Act (2 U.S.C. 661c(b)(1)).

"(ii) Upon application by a State, the Secretary shall transfer to such State up to 33 percent of any fee collected pursuant to subparagraph (A) under a community development quota program and deposited in the Limited Access System Administration Fund in order to reimburse such State for actual costs directly incurred in the management and enforcement of such program.".

(d) DELAY OF FEES.—Notwithstanding any other provision of law, the Secretary shall not begin the collection of fees under section 304(d)(2) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, in the surf clam and ocean (including mahogany) quahog fishery or in the wreckfish fishery until after January 1, 2000.

(e) OVERFISHING.—Section 304(e) (16 U.S.C. 1854(e)) is amended to read as follows:

"(e) REBUILDING OVERFISHED FISHERIES.—

"(1) The Secretary shall report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are overfished or are approaching a condition of being overfished. For those fisheries managed under a fishery management plan or international agreement, the status shall be determined using the criteria for overfishing specified in such plan or agreement. A fishery shall be classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished within two years.

"(2) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks of fish. The Secretary shall publish each notice under this paragraph in the Federal Register.

"(3) Within one year of an identification under paragraph (1) or notification under paragraphs (2) or (7), the appropriate Council (or the Secretary, for fisheries under section 302(a)(3)) shall prepare a fishery management plan, plan amendment, or proposed regulations for the fishery to which the identification or notice applies—

"(A) to end overfishing in the fishery and to rebuild affected stocks of fish; or

"(B) to prevent overfishing from occurring in the fishery whenever such fishery is identified as approaching an overfished condition.

"(4) For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall—

"(A) specify a time period for ending overfishing and rebuilding the fishery that shall—

"(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and

"(ii) not exceed 10 years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;

"(B) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery; and

"(C) for fisheries managed under an international agreement, reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.

"(5) If, within the one-year period beginning on the date of identification or notification that a fishery is overfished, the Council does not submit to the Secretary a fishery management plan, plan amendment, or proposed regulations required by paragraph (3)(A), the Secretary shall prepare a fishery management plan or plan amendment and any accompanying regulations to stop overfishing and rebuild affected stocks of fish within 9 months under subsection (c).

"(6) During the development of a fishery management plan, a plan amendment, or proposed regulations required by this subsection, the Council may request the Secretary to implement interim measures to reduce overfishing under section 305(c) until such measures can be replaced by such plan, amendment, or regulations. Such measures, if otherwise in compliance with the provisions of this Act, may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery.

"(7) The Secretary shall review any fishery management plan, plan amendment, or regulations required by this subsection at routine intervals that may not exceed two years. If the Secretary finds as a result of the review that such plan, amendment, or regulations have not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks, the Secretary shall—

"(A) in the case of a fishery to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress; or

"(B) for all other fisheries, immediately notify the appropriate Council. Such notification shall recommend further conservation and management measures which the Council should consider under paragraph (3) to achieve adequate progress.".

(f) FISHERIES UNDER AUTHORITY OF MORE THAN ONE COUNCIL.—Section 304(f) is amended by striking paragraph (3).

(g) ATLANTIC HIGHLY MIGRATORY SPECIES.—Section 304 (16 U.S.C. 1854) is amended further by striking subsection (g) and inserting the following:

"(g) ATLANTIC HIGHLY MIGRATORY SPECIES.—(1) PREPARATION AND IMPLEMENTATION OF PLAN OR PLAN AMENDMENT.—The Secretary shall prepare a fishery management plan or plan amendment under subsection (c) with respect to any highly migratory species fishery to which section 302(a)(3) applies. In preparing and implementing any such plan or amendment, the Secretary shall—

"(A) consult with and consider the comments and views of affected Councils, commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species, and the advisory panel established under section 302(g);

"(B) establish an advisory panel under section 302(g) for each fishery management plan to be prepared under this paragraph;

"(C) evaluate the likely effects, if any, of conservation and management measures on participants in the affected fisheries and minimize, to the extent practicable, any disadvantage to United States fishermen in relation to foreign competitors;

"(D) with respect to a highly migratory species for which the United States is authorized to harvest an allocation, quota, or at a fishing mortality level under a relevant international fishery agreement, provide fishing vessels of the United States with a reasonable opportunity to harvest such allocation, quota, or at such fishing mortality level;

"(E) review, on a continuing basis (and promptly whenever a recommendation pertaining to fishing for highly migratory species has been made under a relevant international fishery agreement), and revise as appropriate, the conservation and management measures included in the plan;

"(F) diligently pursue, through international entities (such as the International Commission for the Conservation of Atlantic Tunas), comparable international fishery management measures with respect to fishing for highly migratory species; and

"(G) ensure that conservation and management measures under this subsection—

"(i) promote international conservation of the affected fishery;

"(ii) take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries;

"(iii) are fair and equitable in allocating fishing privileges among United States fishermen and do not have economic allocation as the sole purpose; and

"(iv) promote, to the extent practicable, implementation of scientific research programs that include the tagging and release of Atlantic highly migratory species.

"(2) CERTAIN FISH EXCLUDED FROM 'BYCATCH' DEFINITION.—Notwithstanding section 3(2), fish harvested in a commercial fishery managed by the Secretary under this subsection or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d) that are not regulatory discards and that are tagged and released alive under a scientific tagging and release program established by the Secretary shall not be considered bycatch for purposes of this Act.".

(h) COMPREHENSIVE MANAGEMENT SYSTEM FOR ATLANTIC PELAGIC LONGLINE FISHERY.—(1) The Secretary of Commerce shall—

(A) establish an advisory panel under section 302(g)(4) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, for pelagic longline fishing vessels that participate in fisheries for Atlantic highly migratory species;

(B) conduct surveys and workshops with affected fishery participants to provide information and identify options for future management programs;

(C) to the extent practicable and necessary for the evaluation of options for a comprehensive management system, recover vessel production records; and

(D) complete by January 1, 1998, a comprehensive study on the feasibility of implementing a comprehensive management system for pelagic longline fishing vessels that participate in fisheries for Atlantic highly migratory species, including, but not limited to, individual fishing quota programs and other limited access systems.

(2) Based on the study under paragraph (1)(D) and consistent with the requirements of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), in cooperation with affected participants in the fishery, the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas, and the advisory panel established under paragraph (1)(A), the Secretary of Commerce may, after October 1, 1998, implement a comprehensive management system pursuant to section 304 of such Act (16 U.S.C. 1854) for pelagic longline fishing vessels that participate in fisheries for Atlantic highly migratory species. Such a system may not implement an individual fishing quota program until after October 1, 2000.

(i) REPEAL OR REVOCATION OF A FISHERY MANAGEMENT PLAN.—Section 304, as amended, is further amended by adding at the end the following:

"(h) REPEAL OR REVOCATION OF A FISHERY MANAGEMENT PLAN.—The Secretary may repeal or revoke a fishery management plan for a fishery under the authority of a Council only if the Council approves the repeal or revocation by a three-quarters majority of the voting members of the Council.".

(j) AMERICAN LOBSTER FISHERY.—Section 304(h) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, shall not apply to the American Lobster Fishery Management Plan.

SEC. 110. OTHER REQUIREMENTS AND AUTHORITY.

(a) Section 305 (18 U.S.C. 1855) is amended—

(1) by striking the title and subsection (a);

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting the following before subsection (c):

"SEC. 305. OTHER REQUIREMENTS AND AUTHORITY.

"(a) GEAR EVALUATION AND NOTIFICATION OF ENTRY.—

"(1) Not later than 18 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register, after notice and an opportunity for public comment, a list of all fisheries —

"(A) under the authority of each Council and all fishing gear used in such fisheries, based on information submitted by the Councils under section 303(a); and

"(B) to which section 302(a)(3) applies and all fishing gear used in such fisheries.

"(2) The Secretary shall include with such list guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require notification under paragraph (3).

"(3) Effective 180 days after the publication of such list, no person or vessel may employ fishing gear or engage in a fishery not included on such list without giving 90 days advance written notice to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. A signed return receipt shall serve as adequate evidence of such notice and as the date upon which the 90-day period begins.

"(4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.

"(5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this Act.

"(6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.

"(b) FISH HABITAT.—(1)(A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating of such identifications based on new scientific evidence or other relevant information.

"(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

"(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

"(D) The Secretary shall coordinate with and provide information to other Federal agencies to further the conservation and enhancement of essential fish habitat.

"(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.

"(3) Each Council—

"(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

"(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

"(4)(A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would

adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.

"(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.".

(b) Section 305(c) (16 U.S.C. 1855(c) is amended—

(1) in the heading by striking "ACTIONS" and inserting "ACTIONS AND INTERIM MEASURES";

(2) in paragraphs (1) and (2)—

(A) by striking "involving" and inserting "or that interim measures are needed to reduce overfishing for"; and

(B) by inserting "or interim measures" after "emergency regulations"; and

(C) by inserting "or overfishing" after "emergency"; and

(3) in paragraph (3)—

(A) by inserting "or interim measure" after "emergency regulation" each place such term appears;

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (A) the following:

"(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for one additional period of not more than 180 days, provided the public has had an opportunity to comment on the emergency regulation or interim measure, and, in the case of a Council recommendation for emergency regulations or interim measures, the Council is actively preparing a fishery management plan, plan amendment, or proposed regulations to address the emergency or overfishing on a permanent basis;

"(C) that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has an opportunity to comment after the regulation is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action; and".

(c) Section 305(e) is amended—

(1) by striking "12291, dated February 17, 1981," and inserting "12866, dated September 30, 1993,"; and

(2) by striking "subsection (c) or section 304(a) and (b)" and inserting "subsections (a), (b), and (c) of section 304".

(d) Section 305, as amended, is further amended by adding at the end the following:

"(g) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES.—

"(1)(A) In accordance with regulations promulgated by the Secretary pursuant to this paragraph, a Council may establish a fishery negotiation panel to assist in the development of specific conservation and management measures for a fishery under its authority. The Secretary may establish a fishery negotiation panel to assist in the development of specific conservation and management measures required for a fishery under section 304(e)(5), for a fishery for which the Secretary has authority under section 304(g), or for any other fishery with the approval of the appropriate Council.

"(B) No later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations establishing procedures, developed in cooperation with the Administrative Conference of the United States, for the establishment and operation of fishery negotiation panels. Such procedures shall be comparable to the procedures for negotiated rulemaking established by subchapter III of chapter 5 of title 5, United States Code.

"(2) If a negotiation panel submits a report, such report shall specify all the areas where consensus was reached by the panel, including, if appropriate, proposed conservation and management measures, as well as any other information submitted by members of the negotiation panel. Upon receipt, the Secretary shall publish such report in the Federal Register for public comment.

"(3) Nothing in this subsection shall be construed to require either a Council or the Secretary, whichever is appropriate, to use all or any portion of a report from a negotiation panel established under this subsection in the development of specific conservation and management measures for the fishery for which the panel was established.

"(h) CENTRAL REGISTRY SYSTEM FOR LIMITED ACCESS SYSTEM PERMITS.—

"(1) Within 6 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an exclusive central registry system (which may be administered on a regional basis) for limited access system permits established under section 303(b)(6) or other Federal law, including individual fishing quotas, which shall provide for the registration of title to, and interests in, such permits, as well as for procedures for changes in the registration of title to such permits upon the occurrence of involuntary transfers, judicial or nonjudicial foreclosure of interests, enforcement of judgments thereon, and related matters deemed appropriate by the Secretary. Such registry system shall—

"(A) provide a mechanism for filing notice of a nonjudicial foreclosure or enforcement of a judgment by which the holder of a senior security interest acquires or conveys ownership of a permit, and in the event of a nonjudicial foreclosure, by which the interests of the holders of junior security interests are released when the permit is transferred;

"(B) provide for public access to the information filed under such system, notwithstanding section 402(b); and

"(C) provide such notice and other requirements of applicable law that the Secretary deems necessary for an effective registry system.

"(2) The Secretary shall promulgate such regulations as may be necessary to carry out this subsection, after consulting with the Councils and providing an opportunity for public comment. The Secretary is authorized to contract with non-federal entities to administer the central registry system.

"(3) To be effective and perfected against any person except the transferor, its heirs and devisees, and persons having actual notice thereof, all security interests, and all sales and other transfers of permits described in paragraph (1), shall be registered in compliance with the regulations promulgated under paragraph (2). Such registration shall constitute the exclusive means of perfection of title to, and security interests in, such permits, except for federal tax liens thereon, which shall be perfected exclusively in accordance with the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). The Secretary shall notify both the buyer and seller of a permit if a lien has been filed by the Secretary of Treasury against the permit before collecting any transfer fee under paragraph (5) of this subsection.

"(4) The priority of security interests shall be determined in order of filing, the first filed having the highest priority. A validly-filed security interest shall remain valid and perfected notwithstanding a change in residence or place of business of the owner of record. For the purposes of this subsection, 'security interest' shall include security interests, assignments, liens and other encumbrances of whatever kind.

"(5)(A) Notwithstanding section 304(d)(1), the Secretary shall collect a reasonable fee of not more than one-half of one percent of the value of a limited access system permit upon registration of the title to such permit with the central registry system and upon the transfer of such registered title. Any such fee collected shall be deposited in the Limited Access System Administration Fund established under subparagraph (B).

"(B) There is established in the Treasury a Limited Access System Administration Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purposes of—

"(i) administering the central registry system; and

"(ii) administering and implementing this Act in the fishery in which the fees were collected. Sums in the Fund that are not currently needed for these purposes shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

(e) REGISTRY TRANSITION.—Security interests on permits described under section 305(h)(1) of the Magnuson Fishery Conservation and Management Act, as amended by this Act, that are effective and perfected by otherwise applicable law on the date of the final regulations implementing section 305(h) shall remain effective and perfected if, within 120 days after such date, the secured party submits evidence satisfactory to the Secretary of Commerce and in compliance with such regulations of the perfection of such security.

SEC. 111. PACIFIC COMMUNITY FISHERIES.

(a) HAROLD SPARCK MEMORIAL COMMUNITY DEVELOPMENT QUOTA PROGRAM.—Section 305, as amended, is amended further by adding at the end:

"(i) ALASKA AND WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAMS.—

"(1)(A) The North Pacific Council and the Secretary shall establish a western Alaska community development quota program under which a percentage of the total allowable catch of any Bering Sea fishery is allocated to the program.

"(B) To be eligible to participate in the western Alaska community development quota program under subparagraph (A) a community shall—

"(i) be located within 50 nautical miles from the baseline from which the breadth of the territorial sea is measured along the Bering Sea coast from the Bering Strait to the western most of the Aleutian Islands, or on an island within the Bering Sea;

"(ii) not be located on the Gulf of Alaska coast of the north Pacific Ocean;

"(iii) meet criteria developed by the Governor of Alaska, approved by the Secretary, and published in the Federal Register;

"(iv) be certified by the Secretary of the Interior pursuant to the Alaska Native

Claims Settlement Act (43 U.S.C. 1601 et seq.) to be a Native village;

"(v) consist of residents who conduct more than one-half of their current commercial or subsistence fishing effort in the waters of the Bering Sea or waters surrounding the Aleutian Islands; and

"(vi) not have previously developed harvesting or processing capability sufficient to support substantial participation in the groundfish fisheries in the Bering Sea, unless the community can show that the benefits from an approved Community Development Plan would be the only way for the community to realize a return from previous investments.

"(C)(i) Prior to October 1, 2001, the North Pacific Council may not submit to the Secretary any fishery management plan, plan amendment, or regulation that allocates to the western Alaska community development quota program a percentage of the total allowable catch of any Bering Sea fishery for which, prior to October 1, 1995, the Council had not approved a percentage of the total allowable catch for allocation to such community development quota program. The expiration of any plan, amendment, or regulation that meets the requirements of clause (ii) prior to October 1, 2001, shall not be construed to prohibit the Council from submitting a revision or extension of such plan, amendment, or regulation to the Secretary if such revision or extension complies with the other requirements of this paragraph.

"(ii) With respect to a fishery management plan, plan amendment, or regulation for a Bering Sea fishery that—

"(I) allocates to the western Alaska community development quota program a percentage of the total allowable catch of such fishery; and

"(II) was approved by the North Pacific Council prior to October 1, 1995;

the Secretary shall, except as provided in clause (iii) and after approval of such plan, amendment, or regulation under section 304, allocate to the program the percentage of the total allowable catch described in such plan, amendment, or regulation. Prior to October 1, 2001, the percentage submitted by the Council and approved by the Secretary for any such plan, amendment, or regulation shall be no greater than the percentage approved by the Council for such fishery prior to October 1, 1995.

"(iii) The Secretary shall phase in the percentage for community development quotas approved in 1995 by the North Pacific Council for the Bering Sea crab fisheries as follows:

"(I) 3.5 percent of the total allowable catch of each such fishery for 1998 shall be allocated to the western Alaska community development quota program;

"(II) 5 percent of the total allowable catch of each such fishery for 1999 shall be allocated to the western Alaska community development quota program; and

"(III) 7.5 percent of the total allowable catch of each such fishery for 2000 and thereafter shall be allocated to the western Alaska community development quota program, unless the North Pacific Council submits and the Secretary approves a percentage that is no greater than 7.5 percent of the total allowable catch of each such fishery for 2001 or the North Pacific Council submits and the Secretary approves any other percentage on or after October 1, 2001.

"(D) This paragraph shall not be construed to require the North Pacific Council to resubmit, or the Secretary to reapprove, any fishery management plan or plan amendment approved by the North Pacific Council prior to October 1, 1995, that includes a community development quota program, or any regulations to implement such plan or amendment.

"(2)(A) The Western Pacific Council and the Secretary may establish a western Pacific community development program for any fishery under the authority of such Council in order to provide access to such fishery for western Pacific communities that participate in the program.

"(B) To be eligible to participate in the western Pacific community development program, a community shall—

"(i) be located within the Western Pacific Regional Fishery Management Area;

"(ii) meet criteria developed by the Western Pacific Council, approved by the Secretary and published in the Federal Register;

"(iii) consist of community residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western Pacific region;

"(iv) not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

"(v) develop and submit a Community Development Plan to the Western Pacific Council and the Secretary.

"(C) In developing the criteria for eligible communities under subparagraph (B)(ii), the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery.

"(D) For the purposes of this subsection 'Western Pacific Regional Fishery Management Area' means the area under the jurisdiction of the Western Pacific Council, or an island within such area.

"(E) Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.

"(3) The Secretary shall deduct from any fees collected from a community development quota program under section 304(d)(2) the costs incurred by participants in the program for observer and reporting requirements which are in addition to observer and reporting requirements of other participants in the fishery in which the allocation to such program has been made.

"(4) After the date of enactment of the Sustainable Fisheries Act, the North Pacific Council and Western Pacific Council may not submit to the Secretary a community development quota program that is not in compliance with this subsection.".

(b) WESTERN PACIFIC DEMONSTRATION PROJECTS.—(1) The Secretary of Commerce and the Secretary of the Interior are authorized to make direct grants to eligible western Pacific communities, as recommended by the Western Pacific Fishery Management Council, for the purpose of establishing not less than three and not more than five fishery demonstration projects to foster and promote traditional indigenous fishing practices. The total amount of grants awarded under this subsection shall not exceed $500,000 in each fiscal year.

(2) Demonstration projects funded pursuant to this subsection shall foster and promote the involvement of western Pacific communities in western Pacific fisheries and may—

(A) identify and apply traditional indigenous fishing practices;

(B) develop or enhance western Pacific community-based fishing opportunities; and

(C) involve research, community education, or the acquisition of materials and equipment necessary to carry out any such demonstration project.

(3)(A) The Western Pacific Fishery Management Council, in consultation with the Secretary of Commerce, shall establish an advisory panel under section 302(g) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(g)) to evaluate, determine the relative merits of, and annually rank applications for such grants. The panel shall consist of not more than 8 individuals who are knowledgeable or experienced in traditional indigenous fishery practices of western Pacific communities and who are not members or employees of the Western Pacific Fishery Management Council.

(B) If the Secretary of Commerce or the Secretary of the Interior awards a grant for a demonstration project not in accordance with the rank given to such project by the advisory panel, the Secretary shall provide a detailed written explanation of the reasons therefor.

(4) The Western Pacific Fishery Management Council shall, with the assistance of such advisory panel, submit an annual report to the Congress assessing the status and progress of demonstration projects carried out under this subsection.

(5) Appropriate Federal agencies may provide technical assistance to western Pacific community-based entities to assist in carrying out demonstration projects under this subsection.

(6) For the purposes of this subsection, 'western Pacific community' shall mean a community eligible to participate under section 305(i)(2)(B) of the Magnuson Fishery Conservation and Management Act, as amended by this Act.

SEC. 112. STATE JURISDICTION.

(a) Paragraph (3) of section 306(a) (16 U.S.C. 1856(a)) is amended to read as follows:

"(3) A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

"(A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the fishery management plan and applicable federal fishing regulations for the fishery in which the vessel is operating.

"(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as

of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

"(C) The fishing vessel is not registered under the law of the State of Alaska and is operating in a fishery in the exclusive economic zone off Alaska for which there was no fishery management plan in place on August 1, 1996, and the Secretary and the North Pacific Council find that there is a legitimate interest of the State of Alaska in the conservation and management of such fishery. The authority provided under this subparagraph shall terminate when a fishery management plan under this Act is approved and implemented for such fishery.".

(b) Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following:

"(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).".

(c) Section 306(c)(1) (16 U.S.C. 1856(c)(1)) is amended—

(1) by striking "(4)(C); and" in subparagraph (A) and inserting "(4)(C) or has received a permit under section 204(d);";

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon and the word "and"; and

(3) by inserting after subparagraph (B) the following:

"(C) the owner or operator of the vessel submits reports on the tonnage of fish received from vessels of the United States and the locations from which such fish were harvested, in accordance with such procedures as the Secretary by regulation shall prescribe.".

(d) INTERIM AUTHORITY FOR DUNGENESS CRAB.—(1) Subject to the provisions of this subsection and notwithstanding section 306(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1856(a)), the States of Washington, Oregon, and California may each enforce State laws and regulations governing fish harvesting and processing against any vessel operating in the exclusive economic zone off each respective State in a fishery for Dungeness crab (Cancer magister) for which there is no fishery management plan implemented under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) Any law or regulation promulgated under this subsection shall apply equally to vessels operating in the exclusive economic zone and adjacent State waters and shall be limited to—

(A) establishment of season opening and closing dates, including presoak dates for crab pots;

(B) setting of minimum sizes and crab meat recovery rates;

(C) restrictions on the retention of crab of a certain sex; and

(D) closure of areas or pot limitations to meet the harvest requirements arising under the jurisdiction of United States v. Washington, subproceeding 89-3.

(3) With respect to the States of Washington, Oregon, and California—

(A) any State law limiting entry to a fishery subject to regulation under this subsection may not be enforced against a vessel that is operating in the exclusive economic zone off that State and is not registered under the law of that State, if the vessel is otherwise legally fishing in the exclusive economic zone, except that State laws regulating landings may be enforced; and

(B) no vessel may harvest or process fish which is subject to regulation under this subsection unless under an appropriate State permit or pursuant to a Federal court order.

(4) The authority provided under this subsection to regulate the Dungeness crab fishery shall terminate on October 1, 1999, or when a fishery management plan is implemented under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for such fishery, whichever date is earlier.

(5) Nothing in this subsection shall reduce the authority of any State, as such authority existed on July 1, 1996, to regulate fishing, fish processing, or landing of fish.

(6)(A) It is the sense of Congress that the Pacific Fishery Management Council, at the earliest practicable date, should develop and submit to the Secretary fishery management plans for shellfish fisheries conducted in the geographic area of authority of the Council, especially Dungeness crab, which are not subject to a fishery management plan on the date of enactment of this Act.

(B) Not later than December 1, 1997, the Pacific Fishery Management Council shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives describing the progress in developing the fishery management plans referred to in subparagraph (A) and any impediments to such progress.

SEC. 113. PROHIBITED ACTS.

(a) Section 307(1)(J)(i) (16 U.S.C. 1857(1)(J)(i)) is amended—

(1) by striking "plan," and inserting "plan"; and

(2) by inserting before the semicolon the following: ", or in the absence of any such plan, is smaller than the minimum possession size in effect at the time under a coastal fishery management plan for American lobster adopted by the Atlantic States Marine Fisheries Commission under the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.)".

(b) Section 307(1)(K) (16 U.S.C. 1857(1)(K)) is amended—

(1) by striking "knowingly steal or without authorization, to" and inserting "to steal or attempt to steal or to negligently and without authorization"; and

(2) by striking "gear, or attempt to do so;" and insert "gear;".

(c) Section 307(1)(L) (16 U.S.C. 1857(1)(L)) is amended to read as follows:

"(L) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this Act, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act;".

(d) Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" at the end of subparagraph (M);

(2) by striking "pollock." in subparagraph (N) and inserting "pollock; or"; and

(3) by adding at the end the following:

"(O) to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required under section 302(j), or to knowingly vote on a Council decision in violation of section 302(j)(7)(A).".

(e) Section 307(2)(A) (16 U.S.C. 1857(2)(A)) is amended to read as follows:

"(A) in fishing within the boundaries of any State, except—

"(i) recreational fishing permitted under section 201(i);

"(ii) fish processing permitted under section 306(c); or

"(iii) transshipment at sea of fish or fish products within the boundaries of any State in accordance with a permit approved under section 204(d);".

(f) Section 307(2)(B) (16 U.S.C. 1857(2)(B)) is amended—

(1) by striking "(j)" and inserting "(i)"; and

(2) by striking "204(b) or (c)" and inserting "204(b), (c), or (d)".

(g) Section 307(3) (16 U.S.C. 1857(3)) is amended to read as follows:

"(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer at sea directly or indirectly, or attempt to so transfer at sea, any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the exclusive economic zone or within the boundaries of any State except to the extent that the foreign fishing vessel has been permitted under section 204(d) or section 306(c) to receive such fish;".

(h) Section 307(4) (16 U.S.C. 1857(4)) is amended by inserting "or within the boundaries of any State" after "zone".

SEC. 114. CIVIL PENALTIES AND PERMIT SANCTIONS; REBUTTABLE PRESUMPTIONS.

(a) Section 308(a) (16 U.S.C. 1858(a)) is amended by striking "ability to pay," and adding at the end the following new sentence: "In assessing such penalty the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay, provided that the information is served on the Secretary at least 30 days prior to an administrative hearing.".

(b) The first sentence of section 308(b) (16 U.S.C. 1858(b)) is amended to read as follows: "Any person against whom a civil penalty is assessed under subsection (a) or against whom a permit sanction is imposed under subsection (g) (other than a permit suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such order.".

(c) Section 308(g)(1)(C) (16 U.S.C. 1858(g)(1)(C)) is amended by striking the matter from "or (C) any" through "overdue," and inserting the following: "(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue, or (D) any payment required for observer services provided to or contracted by an owner or operator who has been issued a permit or applied for a permit under any marine resource law administered by the Secretary has not been paid and is overdue,".

(d) Section 310(e) (16 U.S.C. 1860(e)) is amended by adding at the end the following new paragraph:

"(3) For purposes of this Act, it shall be a rebuttable presumption that any vessel that is shoreward of the outer boundary of the exclusive economic zone of the United States or beyond the exclusive economic zone of any nation, and that has gear on board that is capable of use for large-scale driftnet fishing, is engaged in such fishing.".

SEC. 115. ENFORCEMENT.

(a) The second sentence of section 311(d) (16 U.S.C. 1861(d)) is amended—

(1) by striking "Guam, any Commonwealth, territory, or" and inserting "Guam or any"; and

(2) by inserting a comma before the period and the following: "and except that in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands".

(b) Section 311(e)(1) (16 U.S.C. 1861(e)(1)) is amended—

(1) by striking "fishery" each place it appears and inserting "marine";

(2) by inserting "of not less than 20 percent of the penalty collected or $20,000, whichever is the lesser amount," after "reward" in subparagraph (B), and

(3) by striking subparagraph (E) and inserting the following:

"(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), as made applicable by section 310(c) of this Act or by any other marine resource law enforced by the Secretary, to seizures made by the Secretary, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and".

(c) Section 311(e)(2) (16 U.S.C. 1861(e)(2)) is amended to read as follows:

"(2) Any person found in an administrative or judicial proceeding to have violated this Act or any other marine resource law enforced by the Secretary shall be liable for the cost incurred in the sale, storage, care, and maintenance of any fish or other property lawfully seized in connection with the violation.".

(d) Section 311 (16 U.S.C. 1861) is amended by redesignating subsection (g) as subsection (h) , and by inserting the following after subsection (f):

"(g) ENFORCEMENT IN THE PACIFIC INSULAR AREAS.—The Secretary, in consultation with the Governors of the Pacific Insular Areas and the Western Pacific Council, shall to the extent practicable support cooperative enforcement agreements between Federal and Pacific Insular Area authorities.".

(e) Section 311 (16 U.S.C. 1861), as amended by subsection (d), is amended by striking "201(b), (c)," in subsection (i)(1), as redesignated, and inserting "201(b) or (c), or section 204(d),".

SEC. 116. TRANSITION TO SUSTAINABLE FISHERIES.

(a) Section 312 is amended to read as follows:

"SEC. 312. TRANSITION TO SUSTAINABLE FISHERIES.

"(a) FISHERIES DISASTER RELIEF.—(1) At the discretion of the Secretary or at the request of the Governor of an affected State or a fishing community, the Secretary shall determine whether there is a commercial fishery failure due to a fishery resource disaster as a result of—

"(A) natural causes;

"(B) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures; or

"(C) undetermined causes.

"(2) Upon the determination under paragraph (1) that there is a commercial fishery failure, the Secretary is authorized to make sums available to be used by the affected State, fishing community, or by the Secretary in cooperation with the affected State or fishing community for assessing the economic and social effects of the commercial fishery failure, or any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishing community affected by such failure. Before making funds available for an activity authorized under this section, the Secretary shall make a determination that such activity will not expand the size or scope of the commercial fishery failure in that fishery or into other fisheries or other geographic regions.

"(3) The Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.

"(4) There are authorized to be appropriated to the Secretary such sums as are necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) FISHING CAPACITY REDUCTION PROGRAM.—(1) The Secretary, at the request of the appropriate Council for fisheries under the authority of such Council, or the Governor of a State for fisheries under State authority, may conduct a fishing capacity reduction program (referred to in this section as the 'program') in a fishery if the Secretary determines that the program—

"(A) is necessary to prevent or end overfishing, rebuild stocks of fish, or achieve measurable and significant improvements in the conservation and management of the fishery;

"(B) is consistent with the federal or State fishery management plan or program in effect for such fishery, as appropriate, and that the fishery management plan—

"(i) will prevent the replacement of fishing capacity removed by the program through a moratorium on new entrants, restrictions on vessel upgrades, and other effort control measures, taking into account the full potential fishing capacity of the fleet; and

"(ii) establishes a specified or target total allowable catch or other measures that trigger closure of the fishery or adjustments to reduce catch; and

"(C) is cost-effective and capable of repaying any debt obligation incurred under section 1111 of title XI of the Merchant Marine Act, 1936.

"(2) The objective of the program shall be to obtain the maximum sustained reduction in fishing capacity at the least cost and in a minimum period of time. To achieve that objective, the Secretary is authorized to pay—

"(A) the owner of a fishing vessel, if such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions that permanently prohibit and effectively prevent its use in fishing, and if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the owner relinquishes any claim associated with the vessel and permit that could qualify such owner for any present or future limited access system permit in the fishery for which the program is established; or

"(B) the holder of a permit authorizing participation in the fishery, if such permit is surrendered for permanent revocation, and such holder relinquishes any claim associated with the permit and vessel used to harvest fishery resources under the permit that could qualify such holder for any present or future limited access system permit in the fishery for which the program was established.

"(3) Participation in the program shall be voluntary, but the Secretary shall ensure compliance by all who do participate.

"(4) The Secretary shall consult, as appropriate, with Councils, Federal agencies, State and regional authorities, affected fishing communities, participants in the fishery, conservation organizations, and other interested parties throughout the development and implementation of any program under this section.

"(c) PROGRAM FUNDING.—(1) The program may be funded by any combination of amounts—

"(A) available under clause (iv) of section 2(b)(1)(A) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)(1)(A); the Saltonstall-Kennedy Act);

"(B) appropriated for the purposes of this section;

"(C) provided by an industry fee system established under subsection (d) and in accordance with section 1111 of title XI of the Merchant Marine Act, 1936; or

"(D) provided from any State or other public sources or private or non-profit organizations.

"(2) All funds for the program, including any fees established under subsection (d), shall be paid into the fishing capacity reduction fund established under section 1111 of title XI of the Merchant Marine Act, 1936.

"(d) INDUSTRY FEE SYSTEM.—(1)(A) If an industry fee system is necessary to fund the program, the Secretary, at the request of the appropriate Council, may conduct a referendum on such system. Prior to the referendum, the Secretary, in consultation with the Council, shall—

"(i) identify, to the extent practicable, and notify all permit or vessel owners who would be affected by the program; and

"(ii) make available to such owners information about the industry fee system describing the schedule, procedures, and eligibility requirements for the referendum, the proposed program, and the amount and duration and any other terms and conditions of the proposed fee system.

"(B) The industry fee system shall be considered approved if the referendum votes which are cast in favor of the proposed system constitute a two-thirds majority of the participants voting.

"(2) Notwithstanding section 304(d) and consistent with an approved industry fee system, the Secretary is authorized to establish such a system to fund the program and repay debt obligations incurred pursuant to section 1111 of title XI of the Merchant Marine Act, 1936. The fees for a program established under this section shall—

"(A) be determined by the Secretary and adjusted from time to time as the Secretary considers necessary to ensure the availability of sufficient funds to repay such debt obligations;

"(B) not exceed 5 percent of the ex-vessel value of all fish harvested from the fishery for which the program is established;

"(C) be deducted by the first ex-vessel fish purchaser from the proceeds otherwise payable to the seller and accounted for and forwarded by such fish purchasers to the Secretary in such manner as the Secretary may establish; and

"(D) be in effect only until such time as the debt obligation has been fully paid.

"(e) IMPLEMENTATION PLAN.—(1) The Secretary, in consultation with the appropriate Council or State and other interested parties, shall prepare and publish in the Federal Register for a 60-day public comment period an implementation plan, including proposed regulations, for each program. The implementation plan shall—

"(A) define criteria for determining types and numbers of vessels which are eligible for participation in the program taking into account characteristics of the fishery, the requirements of applicable fishery management plans, the needs of fishing communities, and the need to minimize program costs; and

"(B) establish procedures for program participation (such as submission of owner bid

under an auction system or fair market-value assessment) including any terms and conditions for participation which the Secretary deems to be reasonably necessary to meet the goals of the program.

"(2) During the 60-day public comment period—

"(A) the Secretary shall conduct a public hearing in each State affected by the program; and

"(B) the appropriate Council or State shall submit its comments and recommendations, if any, regarding the plan and regulations.

"(3) Within 45 days after the close of the public comment period, the Secretary, in consultation with the appropriate Council or State, shall analyze the public comment received and publish in the Federal Register a final implementation plan for the program and regulations for its implementation. The Secretary may not adopt a final implementation plan involving industry fees or debt obligation unless an industry fee system has been approved by a referendum under this section.".

(b) STUDY OF FEDERAL INVESTMENT.—The Secretary of Commerce shall establish a task force comprised of interested parties to study and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives within 2 years of the date of enactment of this Act on the role of the Federal Government in—

(1) subsidizing the expansion and contraction of fishing capacity in fishing fleets managed under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

(2) otherwise influencing the aggregate capital investments in fisheries.

(c) Section 2(b)(1)(A) of the Act of August 11, 1939 (15 U.S.C. 713c3(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting a semicolon and the word "and"; and

(3) by adding at the end the following new clause:

"(iv) to fund the Federal share of a fishing capacity reduction program established under section 312 of the Magnuson Fishery Conservation and Management Act; and".

SEC. 117. NORTH PACIFIC AND NORTHWEST ATLANTIC OCEAN FISHERIES.

(a) NORTH PACIFIC FISHERIES CONSERVATION.—Section 313 (16 U.S.C. 1862) is amended—

(1) by striking "RESEARCH PLAN" in the section heading and inserting "CONSERVATION";

(2) in subsection (a) by striking "North Pacific Fishery Management Council" and inserting "North Pacific Council"; and

(3) by adding at the end the following:

"(f) BYCATCH REDUCTION.—In implementing section 303(a)(11) and this section, the North Pacific Council shall submit conservation and management measures to lower, on an annual basis for a period of not less than four years, the total amount of economic discards occurring in the fisheries under its jurisdiction.

"(g) BYCATCH REDUCTION INCENTIVES.—(1) Notwithstanding section 304(d), the North Pacific Council may submit, and the Secretary may approve, consistent with the provisions of this Act, a system of fines in a fishery to provide incentives to reduce bycatch and bycatch rates; except that such fines shall not exceed $25,000 per vessel per season. Any fines collected shall be deposited in the North Pacific Fishery Observer Fund, and may be made available by the Secretary to offset costs related to the reduction of bycatch in the fishery from which such fines were derived, including conservation and management measures and research, and to the State of Alaska to offset costs incurred by the State in the fishery from which such penalties were derived or in fisheries in which the State is directly involved in management or enforcement and which are directly affected by the fishery from which such penalties were derived.

"(2)(A) Notwithstanding section 303(d), and in addition to the authority provided in section 303(b)(10), the North Pacific Council may submit, and the Secretary may approve, conservation and management measures which provide allocations of regulatory discards to individual fishing vessels as an incentive to reduce per vessel bycatch and bycatch rates in a fishery, provided that—

"(i) such allocations may not be transferred for monetary consideration and are made only on an annual basis; and

"(ii) any such conservation and management measures will meet the requirements of subsection (h) and will result in an actual reduction in regulatory discards in the fishery.

"(B) The North Pacific Council may submit restrictions in addition to the restriction imposed by clause (i) of subparagraph (A) on the transferability of any such allocations, and the Secretary may approve such recommendation.

"(h) CATCH MEASUREMENT.—(1) By June 1, 1997 the North Pacific Council shall submit, and the Secretary may approve, consistent with the other provisions of this Act, conservation and management measures to ensure total catch measurement in each fishery under the jurisdiction of such Council. Such measures shall ensure the accurate enumeration, at a minimum, of target species, economic discards, and regulatory discards.

"(2) To the extent the measures submitted under paragraph (1) do not require United States fish processors and fish processing vessels (as defined in chapter 21 of title 46, United States Code) to weigh fish, the North Pacific Council and the Secretary shall submit a plan to the Congress by January 1, 1998, to allow for weighing, including recommendations to assist such processors and processing vessels in acquiring necessary equipment, unless the Council determines that such weighing is not necessary to meet the requirements of this subsection.

"(i) FULL RETENTION AND UTILIZATION.—(1) The North Pacific Council shall submit to the Secretary by October 1, 1998 a report on the advisability of requiring the full retention by fishing vessels and full utilization by United States fish processors of economic discards in fisheries under its jurisdiction if such economic discards, or the mortality of such economic discards, cannot be avoided. The report shall address the projected impacts of such requirements on participants in the fishery and describe any full retention and full utilization requirements that have been implemented.

"(2) The report shall address the advisability of measures to minimize processing waste, including standards setting minimum percentages which must be processed for human consumption. For the purpose of the report, 'processing waste' means that portion of any fish which is processed and which could be used for human consumption or other commercial use, but which is not so used.".

(b) NORTHWEST ATLANTIC OCEAN FISHERIES.—Section 314 (16 U.S.C. 1863) is amended by striking "1997" in subsection (a)(4) and inserting "1999".

TITLE II—FISHERY MONITORING AND RESEARCH

SEC. 201. CHANGE OF TITLE.

The heading of title IV (16 U.S.C. 1881 et seq.) is amended to read as follows:

"TITLE IV—FISHERY MONITORING AND RESEARCH".

SEC. 202. REGISTRATION AND INFORMATION MANAGEMENT.

Title IV (16 U.S.C. 1881 et seq.) is amended by inserting after the title heading the following:

"SEC. 401. REGISTRATION AND INFORMATION MANAGEMENT.

"(a) STANDARDIZED FISHING VESSEL REGISTRATION AND INFORMATION MANAGEMENT SYSTEM.—The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis. The recommendations shall be developed after consultation with interested governmental and nongovernmental parties and shall—

"(1) be designed to standardize the requirements of vessel registration and information collection systems required by this Act, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary, and, with the permission of a State, any marine resource law implemented by such State;

"(2) integrate information collection programs under existing fishery management plans into a non-duplicative information collection and management system;

"(3) avoid duplication of existing state, tribal, or federal systems and shall utilize, to the maximum extent practicable, information collected from existing systems;

"(4) provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

"(5) provide for funding (subject to appropriations) to assist appropriate State, regional, or tribal entities and Marine Fisheries Commissions in implementation;

"(6) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

"(7) minimize the paperwork required for vessels registered under the system;

"(8) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels including charter fishing vessels, but excluding recreational fishing vessels;

"(9) require United States fish processors, and fish dealers and other first ex-vessel purchasers of fish that are subject to the proposed system, to submit information (other than economic information) which may be necessary to meet the goals of the proposed system; and

"(10) include procedures necessary to ensure—

"(A) the confidentiality of information collected under this section in accordance with section 402(b); and

"(B) the timely release or availability to the public of information collected under this section consistent with section 402(b).

"(b) FISHING VESSEL REGISTRATION.—The proposed registration system should, at a minimum, obtain the following information for each fishing vessel—

"(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

"(2) gross tonnage, vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor, or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require; and

"(3) identification (by species, gear type, geographic area of operations, and season) of the fisheries in which the fishing vessel participates.

"(c) FISHERY INFORMATION.—The proposed information management system should, at a minimum, provide basic fisheries performance information for each fishery, including—

"(1) the number of vessels participating in the fishery including charter fishing vessels;

"(2) the time period in which the fishery occurs;

"(3) the approximate geographic location or official reporting area where the fishery occurs;

"(4) a description of fishing gear used in the fishery, including the amount and type of such gear and the appropriate unit of fishing effort; and

"(5) other information required under subsection 303(a)(5) or requested by the Council under section 402 .

"(d) USE OF REGISTRATION.—Any registration recommended under this section shall not be considered a permit for the purposes of this Act, and the Secretary may not propose to revoke, suspend, deny, or impose any other conditions or restrictions on any such registration or the use of such registration under this Act.

"(e) PUBLIC COMMENT.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register for a 60-day public comment period a proposal that would provide for implementation of a standardized fishing vessel registration and information collection system that meets the requirements of subsections (a) through (c). The proposal shall include—

"(1) a description of the arrangements of the Secretary for consultation and cooperation with the department in which the Coast Guard is operating, the States, the Councils, Marine Fisheries Commissions, the fishing industry and other interested parties; and

"(2) any proposed regulations or legislation necessary to implement the proposal.

"(f) CONGRESSIONAL TRANSMITTAL.—Within 60 days after the end of the comment period and after consideration of comments received under subsection (e), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a recommended proposal for implementation of a national fishing vessel registration system that includes—

"(1) any modifications made after comment and consultation;

"(2) a proposed implementation schedule, including a schedule for the proposed cooperative agreements required under subsection (a)(4); and

"(3) recommendations for any such additional legislation as the Secretary considers necessary or desirable to implement the proposed system.

"(g) REPORT TO CONGRESS.—Within 15 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall report to Congress on the need to include recreational fishing vessels into a national fishing vessel registration and information collection system. In preparing its report, the Secretary shall cooperate with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, and consult with governmental and nongovernmental parties.".

SEC. 203. INFORMATION COLLECTION.

Section 402 is amended to read as follows:

"SEC. 402. INFORMATION COLLECTION.

"(a) COUNCIL REQUESTS.—If a Council determines that additional information (other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information (other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after receipt of that request.

"(b) CONFIDENTIALITY OF INFORMATION.—(1) Any information submitted to the Secretary by any person in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

"(A) to Federal employees and Council employees who are responsible for fishery management plan development and monitoring;

"(B) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

"(C) when required by court order;

"(D) when such information is used to verify catch under an individual fishing quota program;

"(E) that observer information collected in fisheries under the authority of the North Pacific Council may be released to the public as specified in a fishery management plan or regulation for weekly summary bycatch information identified by vessel, and for haul-specific bycatch information without vessel identification; or

"(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

"(2) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (1)(E) .

"(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

"(2) The Secretary may not require the submission of a federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

"(d) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

"(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

"(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

"(e) RESOURCE ASSESSMENTS.—(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

"(2) The Secretary, in consultation with the appropriate Council and the fishing industry—

"(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

"(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

"(C) may permit fish harvested during such survey to count towards a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

"(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.".

SEC. 204. OBSERVERS.

Section 403 is amended to read as follows:

"SEC. 403. OBSERVERS.

"(a) GUIDELINES FOR CARRYING OBSERVERS.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

"(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

"(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

"(b) TRAINING.—The Secretary, in cooperation with the appropriate States and the National Sea Grant College Program, shall—

"(1) establish programs to ensure that each observer receives adequate training in collecting and analyzing the information necessary for the conservation and management purposes of the fishery to which such observer is assigned;

"(2) require that an observer demonstrate competence in fisheries science and statistical analysis at a level sufficient to enable such person to fulfill the responsibilities of the position;

"(3) ensure that an observer has received adequate training in basic vessel safety; and

"(4) make use of university and any appropriate private nonprofit organization training facilities and resources, where possible, in carrying out this subsection.

"(c) OBSERVER STATUS.—An observer on a vessel and under contract to carry out responsibilities under this Act or the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) shall be deemed to be a Federal employee for the purpose of compensation under the Federal Employee Compensation Act (5 U.S.C. 8101 et seq.).".

SEC. 205. FISHERIES RESEARCH.

Section 404 is amended to read as follows:

"SEC. 404. FISHERIES RESEARCH.

"(a) IN GENERAL.—The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management and on the economics and social characteristics of the fisheries.

"(b) STRATEGIC PLAN.—Within one year after the date of enactment of the Sustainable Fisheries Act, and at least every 3 years thereafter, the Secretary shall develop and publish in the Federal Register a strategic plan for fisheries research for the five years immediately following such publication. The plan shall—

"(1) identify and describe a comprehensive program with a limited number of priority objectives for research in each of the areas specified in subsection (c);

"(2) indicate goals and timetables for the program described in paragraph (1);

"(3) provide a role for commercial fishermen in such research, including involvement in field testing;

"(4) provide for collection and dissemination, in a timely manner, of complete and accurate information concerning fishing activities, catch, effort, stock assessments, and other research conducted under this section; and

"(5) be developed in cooperation with the Councils and affected States, and provide for coordination with the Councils, affected States, and other research entities.

"(c) AREAS OF RESEARCH.—Areas of research are as follows:

"(1) Research to support fishery conservation and management, including but not limited to, biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish, the identification of essential fish habitat, the impact of pollution on fish populations, the impact of wetland and estuarine degradation, and other factors affecting the abundance and availability of fish.

"(2) Conservation engineering research, including the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch and any adverse effects on essential fish habitat and promote efficient harvest of target species.

"(3) Research on the fisheries, including the social, cultural, and economic relationships among fishing vessel owners, crew, United States fish processors, associated shoreside labor, seafood markets and fishing communities.

"(4) Information management research, including the development of a fishery information base and an information management system under section 401 that will permit the full use of information in the support of effective fishery conservation and management.

"(d) PUBLIC NOTICE.—In developing the plan required under subsection (a), the Secretary shall consult with relevant Federal, State, and international agencies, scientific and technical experts, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan. The Secretary shall ensure that affected commercial fishermen are actively involved in the development of the portion of the plan pertaining to conservation engineering research. Upon final publication in the Federal Register, the plan shall be submitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.".

SEC. 206. INCIDENTAL HARVEST RESEARCH.

Section 405 is amended to read as follows:

"SEC. 405. INCIDENTAL HARVEST RESEARCH.

"(a) COLLECTION OF INFORMATION.—Within nine months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall, after consultation with the Gulf Council and South Atlantic Council, conclude the collection of information in the program to assess the impact on fishery resources of incidental harvest by the shrimp trawl fishery within the authority of such Councils. Within the same time period, the Secretary shall make available to the public aggregated summaries of information collected prior to June 30, 1994 under such program.

"(b) IDENTIFICATION OF STOCK.—The program concluded pursuant to subsection (a) shall provide for the identification of stocks of fish which are subject to significant incidental harvest in the course of normal shrimp trawl fishing activity.

"(c) COLLECTION AND ASSESSMENT OF SPECIFIC STOCK INFORMATION.—For stocks of fish identified pursuant to subsection (b), with priority given to stocks which (based upon the best available scientific information) are considered to be overfished, the Secretary shall conduct—

"(1) a program to collect and evaluate information on the nature and extent (including the spatial and temporal distribution) of incidental mortality of such stocks as a direct result of shrimp trawl fishing activities;

"(2) an assessment of the status and condition of such stocks, including collection of information which would allow the estimation of life history parameters with sufficient accuracy and precision to support sound scientific evaluation of the effects of various management alternatives on the status of such stocks; and

"(3) a program of information collection and evaluation for such stocks on the magnitude and distribution of fishing mortality and fishing effort by sources of fishing mortality other than shrimp trawl fishing activity.

"(d) BYCATCH REDUCTION PROGRAM.—Not later than 12 months after the enactment of the Sustainable Fisheries Act, the Secretary shall, in cooperation with affected interests, and based upon the best scientific information available, complete a program to—

"(1) develop technological devices and other changes in fishing operations necessary and appropriate to minimize the incidental mortality of bycatch in the course of shrimp trawl activity to the extent practicable, taking into account the level of bycatch mortality in the fishery on November 28, 1990;

"(2) evaluate the ecological impacts and the benefits and costs of such devices and changes in fishing operations; and

"(3) assess whether it is practicable to utilize bycatch which is not avoidable.

"(e) REPORT TO CONGRESS.—The Secretary shall, within one year of completing the programs required by this section, submit a detailed report on the results of such programs to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.

"(f) IMPLEMENTATION CRITERIA.—To the extent practicable, any conservation and management measure implemented under this Act to reduce the incidental mortality of bycatch in the course of shrimp trawl fishing shall be consistent with—

"(1) measures applicable to fishing throughout the range in United States waters of the bycatch species concerned; and

"(2) the need to avoid any serious adverse environmental impacts on such bycatch species or the ecology of the affected area.".

SEC. 207. MISCELLANEOUS RESEARCH.

(a) FISHERIES SYSTEMS RESEARCH.—Section 406 (16 U.S.C. 1882) is amended to read as follows:

"SEC. 406. FISHERIES SYSTEMS RESEARCH.

"(a) ESTABLISHMENT OF PANEL.—Not later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an advisory panel under this Act to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities.

"(b) PANEL MEMBERSHIP.—The advisory panel shall consist of not more than 20 individuals and include—

"(1) individuals with expertise in the structures, functions, and physical and biological characteristics of ecosystems; and

"(2) representatives from the Councils, States, fishing industry, conservation organizations, or others with expertise in the management of marine resources.

"(c) RECOMMENDATIONS.—Prior to selecting advisory panel members, the Secretary shall, with respect to panel members described in

subsection (b)(1), solicit recommendations from the National Academy of Sciences.

"(d) REPORT.—Within 2 years after the date of enactment of this Act, the Secretary shall submit to the Congress a completed report of the panel established under this section, which shall include—

"(1) an analysis of the extent to which ecosystem principles are being applied in fishery conservation and management activities, including research activities;

"(2) proposed actions by the Secretary and by the Congress that should be undertaken to expand the application of ecosystem principles in fishery conservation and management; and

"(3) such other information as may be appropriate.

"(e) PROCEDURAL MATTER.—The advisory panel established under this section shall be deemed an advisory panel under section 302(g).".

(b) GULF OF MEXICO RED SNAPPER RESEARCH.—Title IV of the Act (16 U.S.C. 1882) is amended by adding the following new section:

"SEC. 407. GULF OF MEXICO RED SNAPPER RESEARCH.

"(a) INDEPENDENT PEER REVIEW.—(1) Within 30 days of the date of enactment of the Sustainable Fisheries Act, the Secretary shall initiate an independent peer review to evaluate—

"(A) the accuracy and adequacy of fishery statistics used by the Secretary for the red snapper fishery in the Gulf of Mexico to account for all commercial, recreational, and charter fishing harvests and fishing effort on the stock;

"(B) the appropriateness of the scientific methods, information, and models used by the Secretary to assess the status and trends of the Gulf of Mexico red snapper stock and as the basis for the fishery management plan for the Gulf of Mexico red snapper fishery;

"(C) the appropriateness and adequacy of the management measures in the fishery management plan for red snapper in the Gulf of Mexico for conserving and managing the red snapper fishery under this Act; and

"(D) the costs and benefits of all reasonable alternatives to an individual fishing quota program for the red snapper fishery in the Gulf of Mexico.

"(2) The Secretary shall ensure that commercial, recreational, and charter fishermen in the red snapper fishery in the Gulf of Mexico are provided an opportunity to—

"(A) participate in the peer review under this subsection; and

"(B) provide information to the Secretary concerning the review of fishery statistics under this subsection without being subject to penalty under this Act or other applicable law for any past violation of a requirement to report such information to the Secretary.

"(3) The Secretary shall submit a detailed written report on the findings of the peer review conducted under this subsection to the Gulf Council no later than one year after the date of enactment of the Sustainable Fisheries Act.

"(b) PROHIBITION.—In addition to the restrictions under section 303(d)(1)(A), the Gulf Council may not, prior to October 1, 2000, undertake or continue the preparation of any fishery management plan, plan amendment or regulation under this Act for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class.

"(c) REFERENDUM.—

"(1) On or after October 1, 2000, the Gulf Council may prepare and submit a fishery management plan, plan amendment, or regulation for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class, only if the preparation of such plan, amendment, or regulation is approved in a referendum conducted under paragraph (2) and only if the submission to the Secretary of such plan, amendment, or regulation is approved in a subsequent referendum conducted under paragraph (2).

"(2) The Secretary, at the request of the Gulf Council, shall conduct referendums under this subsection. Only a person who held an annual vessel permit with a red snapper endorsement for such permit on September 1, 1996 (or any person to whom such permit with such endorsement was transferred after such date) and vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season occurring between January 1, 1993, and such date may vote in a referendum under this subsection. The referendum shall be decided by a majority of the votes cast. The Secretary shall develop a formula to weight votes based on the proportional harvest under each such permit and endorsement and by each such captain in the fishery between January 1, 1993, and September 1, 1996. Prior to each referendum, the Secretary, in consultation with the Council, shall—

"(A) identify and notify all such persons holding permits with red snapper endorsements and all such vessel captains; and

"(B) make available to all such persons and vessel captains information about the schedule, procedures, and eligibility requirements for the referendum and the proposed individual fishing quota program.

"(d) CATCH LIMITS.—Any fishery management plan, plan amendment, or regulation submitted by the Gulf Council for the red snapper fishery after the date of enactment of the Sustainable Fisheries Act shall contain conservation and management measures that—

"(1) establish separate quotas for recreational fishing (which, for the purposes of this subsection shall include charter fishing) and commercial fishing that, when reached, result in a prohibition on the retention of fish caught during recreational fishing and commercial fishing, respectively, for the remainder of the fishing year; and

"(2) ensure that such quotas reflect allocations among such sectors and do not reflect any harvests in excess of such allocations.".

SEC. 208. STUDY OF CONTRIBUTION OF BYCATCH TO CHARITABLE ORGANIZATIONS.

(a) STUDY.—The Secretary of Commerce shall conduct a study of the contribution of bycatch to charitable organizations by commercial fishermen. The study shall include determinations of—

(1) the amount of bycatch that is contributed each year to charitable organizations by commercial fishermen;

(2) the economic benefits to commercial fishermen from those contributions; and

(3) the impact on fisheries of the availability of those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit to the Congress a report containing determinations made in the study under subsection (a).

(c) BYCATCH DEFINED.—In this section the term "bycatch" has the meaning given that term in section 3 of the Magnuson Fishery Conservation and Management Act, as amended by section 102 of this Act.

SEC. 209. STUDY OF IDENTIFICATION METHODS FOR HARVEST STOCKS.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study to determine the best possible method of identifying various Atlantic and Pacific salmon and steelhead stocks in the ocean at time of harvest. The study shall include an assessment of—

(1) coded wire tags;

(2) fin clipping; and

(3) other identification methods.

(b) REPORT.—The Secretary shall report the results of the study, together with any recommendations for legislation deemed necessary based on the study, within 6 months after the date of enactment of this Act to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 210. REVIEW OF NORTHEAST FISHERY STOCK ASSESSMENTS.

The National Academy of Sciences, in consultation with regionally recognized fishery experts, shall conduct a peer review of Canadian and United States stock assessments, information collection methodologies, biological assumptions and projections, and other relevant scientific information used as the basis for conservation and management in the Northeast multispecies fishery. The National Academy of Sciences shall submit the results of such review to the Congress and the Secretary of Commerce no later than March 1, 1997.

SEC. 211. CLERICAL AMENDMENTS.

The table of contents is amended by striking the matter relating to title IV and inserting the following:

"Sec. 312. Transition to sustainable fisheries.
"Sec. 313. North Pacific fisheries conservation.
"Sec. 314. Northwest Atlantic Ocean fisheries reinvestment program.
"TITLE IV—FISHERY MONITORING AND RESEARCH
"Sec. 401. Registration and information management.
"Sec. 402. Information collection.
"Sec. 403. Observers.
"Sec. 404. Fisheries research.
"Sec. 405. Incidental harvest research.
"Sec. 406. Fisheries systems research.
"Sec. 407. Gulf of Mexico red snapper research.".

TITLE III—FISHERIES FINANCING

SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Financing Act".

SEC. 302. INDIVIDUAL FISHING QUOTA LOANS.

(a) AMENDMENT OF MERCHANT MARINE ACT, 1936.—Section 1104A of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274) is amended—

(1) by striking "or" at the end of subsection (a)(5);

(2) by striking the period at the end of subsection (a)(6) and inserting a semicolon and "or";

(3) by adding at the end of subsection (a) the following:

"(7) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made, for the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(d)(4)).''; and

(4) by striking "paragraph (6)" in the last sentence of subsection (a) and inserting "paragraphs (6) and (7)"; and

(5) by striking "equal to" in the third proviso of subsection (b)(2) and inserting "not to exceed".

(b) PROHIBITION.—Until October 1, 2001, no new loans may be guaranteed by the Federal Government for the construction of new fishing vessels if the construction will result in an increased harvesting capacity within the United States exclusive economic zone.

SEC. 303. FISHERIES FINANCING AND CAPACITY REDUCTION.

(a) CAPACITY REDUCTION AND FINANCING AUTHORITY.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), is amended by adding at the end the following new sections:

"Sec. 1111. (a) The Secretary is authorized to guarantee the repayment of debt obligations issued by entities under this section. Debt obligations to be guaranteed may be issued by any entity that has been approved by the Secretary and has agreed with the Secretary to such conditions as the Secretary deems necessary for this section to achieve the objective of the program and to protect the interest of the United States.

"(b) Any debt obligation guaranteed under this section shall—

"(1) be treated in the same manner and to the same extent as other obligations guaranteed under this title, except with respect to provisions of this title that by their nature cannot be applied to obligations guaranteed under this section;

"(2) have the fishing fees established under the program paid into a separate subaccount of the fishing capacity reduction fund established under this section;

"(3) not exceed $100,000,000 in an unpaid principal amount outstanding at any one time for a program;

"(4) have such maturity (not to exceed 20 years), take such form, and contain such conditions as the Secretary determines necessary for the program to which they relate;

"(5) have as the exclusive source of repayment (subject to the proviso in subsection (c)(2)) and as the exclusive payment security, the fishing fees established under the program; and

"(6) at the discretion of the Secretary be issued in the public market or sold to the Federal Financing Bank.

"(c)(1) There is established in the Treasury of the United States a separate account which shall be known as the fishing capacity reduction fund (referred to in this section as the 'fund'). Within the fund, at least one subaccount shall be established for each program into which shall be paid all fishing fees established under the program and other amounts authorized for the program.

"(2) Amounts in the fund shall be available, without appropriation or fiscal year limitation, to the Secretary to pay the cost of the program, including payments to financial institutions to pay debt obligations incurred by entities under this section; provided that funds available for this purpose from other amounts available for the program may also be used to pay such debt obligations.

"(3) Sums in the fund that are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of the United States.

"(d) The Secretary is authorized and directed to issue such regulations as the Secretary deems necessary to carry out this section.

"(e) For the purposes of this section, the term 'program' means a fishing capacity reduction program established under section 312 of the Magnuson Fishery Conservation and Management Act.

"SEC. 1112. (a) Notwithstanding any other provision of this title, all obligations involving any fishing vessel, fishery facility, aquaculture facility, individual fishing quota, or fishing capacity reduction program issued under this title after the date of enactment of the Sustainable Fisheries Act shall be direct loan obligations, for which the Secretary shall be the obligee, rather than obligations issued to obligees other than the Secretary and guaranteed by the Secretary. All direct loan obligations under this section shall be treated in the same manner and to the same extent as obligations guaranteed under this title except with respect to provisions of this title which by their nature can only be applied to obligations guaranteed under this title.

"(b) Notwithstanding any other provisions of this title, the annual rate of interest which obligors shall pay on direct loan obligations under this section shall be fixed at two percent of the principal amount of such obligations outstanding plus such additional percent as the Secretary shall be obligated to pay as the interest cost of borrowing from the United States Treasury the funds with which to make such direct loans.".

TITLE IV—MARINE FISHERY STATUTE REAUTHORIZATIONS

SEC. 401. MARINE FISH PROGRAM AUTHORIZATION OF APPROPRIATIONS.

(a) FISHERIES INFORMATION COLLECTION AND ANALYSIS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out fisheries information and analysis activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $51,800,000 for fiscal year 1997, and $52,345,000 for each of the fiscal years 1998, 1999, and 2000. Such activities may include, but are not limited to, the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitat.

(b) FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS.— There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out activities relating to fisheries conservation and management operations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $29,028,000 for fiscal year 1997, and $29,899,000 for each of the fiscal years 1998, 1999, and 2000. Such activities may include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, hatchery operations, habitat conservation, and protected species management.

(c) FISHERIES STATE AND INDUSTRY COOPERATIVE PROGRAMS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out State and industry cooperative programs under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $27,932,000 for fiscal year 1997, and $28,226,000 for each of the fiscal years 1998, 1999, and 2000. These activities include, but are not limited to, ensuring the quality and safety of seafood products and providing grants to States for improving the management of interstate fisheries.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CHESAPEAKE BAY OFFICE.—Section 2(e) of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409) is amended—

(1) by striking "1992 and 1993" and inserting "1997 and 1998";

(2) by striking "establish" and inserting "operate";

(3) by striking "306" and inserting "307"; and

(4) by striking "1991" and inserting "1992".

(e) RELATION TO OTHER LAWS.—Authorizations under this section shall be in addition to monies authorized under the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 3301 et seq.), the Anadromous Fish Conservation Act (16 U.S.C. 757 et seq.), and the Interjurisdictional Fisheries Act (16 U.S.C. 4107 et seq.).

(f) NEW ENGLAND HEALTH PLAN.—The Secretary of Commerce is authorized to provide up to $2,000,000 from previously appropriated funds to Caritas Christi for the implementation of a health care plan for fishermen in New England if Caritas Christi submits such plan to the Secretary no later than January 1, 1997, and the Secretary, in consultation with the Secretary of Health and Human Services, approves such plan.

SEC. 402. INTERJURISDICTIONAL FISHERIES ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

"(1) $3,400,000 for fiscal year 1996;

"(2) $3,900,000 for fiscal year 1997;

"(3) $4,400,000 for each of the fiscal years 1998, 1999, and 2000.";

(2) by striking "$350,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, and $600,000 for each of the fiscal years 1994 and 1995," in subsection (c) and inserting "$700,000 for fiscal year 1997, and $750,000 for each of the fiscal years 1998, 1999, and 2000,".

(b) NEW ENGLAND REPORT.—Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended by adding at the end the following new paragraph:

"(7) With respect to funds available for the New England region, the Secretary shall submit to the Congress by January 1, 1997, with annual updates thereafter as appropriate, a report on the New England fishing capacity reduction initiative which provides:

"(A) the total number of Northeast multispecies permits in each permit category and calculates the maximum potential fishing capacity of vessels holding such permits based on the principal gear, gross registered tonnage, engine horsepower, length, age, and other relevant characteristics;

"(B) the total number of days at sea available to the permitted Northeast multispecies fishing fleet and the total days at sea weighted by the maximum potential fishing capacity of the fleet;

"(C) an analysis of the extent to which the weighted days at sea are used by the active participants in the fishery and of the reduction in such days as a result of the fishing capacity reduction program; and

"(D) an estimate of conservation benefits (such as reduction in fishing mortality) directly attributable to the fishing capacity reduction program.".

SEC. 403. ANADROMOUS FISHERIES AMENDMENTS.

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

"SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

"(A) $4,000,000 for fiscal year 1997; and

"(B) $4,250,000 for each of fiscal years 1998, 1999, and 2000.

"(2) Sums appropriated under this subsection are authorized to remain available until expended.

"(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.".

SEC. 404. ATLANTIC COASTAL FISHERIES AMENDMENTS.

(a) DEFINITION.—Paragraph (1) of section 803 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5102) is amended—

(1) by inserting "and" after the semicolon in subparagraph (A);

(2) by striking "States; and" in subparagraph (B) and inserting "States."; and

(3) by striking subparagraph (C).

(b) IMPLEMENTATION STANDARD FOR FEDERAL REGULATION.—Subparagraph (A) of section 804(b)(1) of such Act (16 U.S.C. 5103(b)(1)) is amended by striking "necessary to support" and inserting "compatible with".

(c) AMERICAN LOBSTER MANAGEMENT.—Section 809 (16 U.S.C. 5108) and section 810 of such Act are redesignated as sections 811 and 812, respectively, and the following new sections are inserted at the end of section 808:

"SEC. 809. STATE PERMITS VALID IN CERTAIN WATERS.

"(a) PERMITS.—Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.), or any requirement of a fishery management plan or coastal fishery management plan to the contrary, a person holding a valid license issued by the State of Maine which lawfully permits that person to engage in commercial fishing for American lobster may, with the approval of the State of Maine, engage in commercial fishing for American Lobster in the following areas designated as federal waters, if such fishing is conducted in such waters in accordance with all other applicable federal and state regulations:

"(1) west of Monhegan Island in the area located north of the line 43° 42′ 08″ N, 69° 34′ 18″ W and 43° 42′ 15″ N, 69° 19′ 18″ W;

"(2) east of Monhegan Island in the area located west of the line 43° 44′ 00″ N, 69° 15′ 05″ W and 43° 48′ 10″ N, 69° 08′ 01″ W;

"(3) south of Vinalhaven in the area located west of the line 43° 52′ 21″ N, 68° 39′ 54″ W and 43° 48′ 10″ N, 69° 08′ 01″ W; and

"(4) south of Bois Bubert Island in the area located north of the line 44° 19′ 15″ N, 67° 49′ 30″ W and 44° 23′ 45″ N, 67° 40′ 33″ W.

"(b) ENFORCEMENT.—The exemption from federal fishery permitting requirements granted by subsection (a) may be revoked or suspended by the Secretary in accordance with section 308(g) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858(g)) for violations of such Act or this Act.

"SEC. 810. TRANSITION TO MANAGEMENT OF AMERICAN LOBSTER FISHERY BY COMMISSION.

"(a) TEMPORARY LIMITS.—Notwithstanding any other provision of this Act or of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), if no regulations have been issued under section 804(b) of this Act by December 31, 1997, to implement a coastal fishery management plan for American lobster, then the Secretary shall issue interim regulations before March 1, 1998, that will prohibit any vessel that takes lobsters in the exclusive economic zone by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of—

"(1) 100 lobsters (or parts thereof) for each fishing trip of 24 hours or less duration (up to a maximum of 500 lobsters, or parts thereof, during any 5-day period); or

"(2) 500 lobsters (or parts thereof) for a fishing trip of 5 days or longer.

"(b) SECRETARY TO MONITOR LANDINGS.—Before January 1, 1998, the Secretary shall monitor, on a timely basis, landings of American lobster, and, if the Secretary determines that catches from vessels that take lobsters in the exclusive economic zone by a method other than pots or traps have increased significantly, then the Secretary may, consistent with the national standards in section 301 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801), and after opportunity for public comment and consultation with the Atlantic States Marine Fisheries Commission, implement regulations under section 804(b) of this Act that are necessary for the conservation of American lobster.

"(c) REGULATIONS TO REMAIN IN EFFECT UNTIL PLAN IMPLEMENTED.—Regulations issued under subsection (a) or (b) shall remain in effect until the Secretary implements regulations under section 804(b) of this Act to implement a coastal fishery management plan for American lobster.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 810 of such Act, as amended by this Act, is amended further by striking "1996." and inserting "1996, and $7,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

SEC. 405. TECHNICAL AMENDMENTS TO MARITIME BOUNDARY AGREEMENT.

(a) EXECUTION OF PRIOR AMENDMENTS TO DEFINITIONS.—Notwithstanding section 308 of the Act entitled "An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary", approved March 9, 1992 (Public Law 102-251; 106 Stat. 66) hereinafter referred to as the "FGB Act", section 301(b) of that Act (adding a definition of the term "special areas") shall take effect on the date of enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) Section 301(h)(2)(A) of the FGB Act is repealed.

(2) Section 304 of the FGB Act is repealed.

(3) Section 3(15) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(15)) is amended to read as follows:

"(15) The term 'waters under the jurisdiction of the United States' means—

"(A) the territorial sea of the United States;

"(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

"(C) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured, except that this subparagraph shall not apply before the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States.".

SEC. 406. AMENDMENTS TO THE FISHERIES ACT.

Section 309(b) of the Fisheries Act of 1995 (Public Law 104-43) is amended by striking "July 1, 1996" and inserting "July 1, 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from Massachusetts [Mr. STUDDS] each will control 20 minutes.

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

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of House passage of S. 39, the Sustainable Fisheries Act.

This legislation reauthorizes the Magnuson Fishery Conservation and Management Act of 1976 through fiscal year 1999. Mr. Speaker, as I am sure you are aware, the Magnuson Act was enacted in 1976 in direct response to the depletion of U.S. fishery resources by foreign vessels. The Magnuson Act expanded U.S. jurisdiction over fishery resources to 200 miles. The act also included provisions intended to encourage the development of a domestic fishing industry.

The Magnuson Act created eight regional fishery management councils to manage the fishery resources within their geographic area. This means the councils were charged with determining the appropriate level of harvest to maximize the benefit to the Nation, while still protecting the long-term sustainability of the stocks.

These councils are in the difficult position of balancing the often competing interests of commercial and recreational fishermen, and the often competing gear groups within the commercial industry.

It is important to note that this legislation maintains and supports the current regional fishery management councils system. This legislation does include some reforms of the council process and requires new disclosure rules to deal with the perception of conflict of interest on the councils.

Mr. Speaker, the House passed H.R. 39, the Fishery Conservation and Management Amendments of 1995, on October 18, 1995, by a vote of 388 to 37. I appreciate all of the hard work that members of the Resources Committee put into H.R. 39, and I especially appreciate the bipartisan nature of the entire process. I want to thank Mr. MILLER, the ranking member of the full committee, Mr. STUDDS, the ranking subcommittee member, and Mr.

SAXTON, the subcommittee chairman for their dedication to creating a very good bill.

Mr. Speaker, while S. 39 is similar to H.R. 39, in my opinion the House-passed bill is a much stronger bill. However, in the waning days of this Congress, we are in a position of accepting a weaker bill or accomplishing nothing for fisheries conservation and management.

As Members are aware, the other body was negotiating the package until S. 39 was actually taken up on the Senate Floor. Because of the constant negotiations, the authors of the bill in the other body may have left a number of provisions unclear. I want to take this opportunity to clarify in legislative history the intent of several provisions in the bill. I have attached these clarifications to my statement.

Mr. Speaker, while I would prefer having more time to conference with the Senate on a number of provisions in this legislation, this appears to be the best deal we can get under the circumstances. Having said that, I would like to highlight a number of the major themes of H.R. 39 also contained in S. 39, including: Provisions for the reduction of bycatch; for the identification and prevention of overfishing; for the protection of habitat necessary for the continued reproduction and long-term health of important commercial and recreational fisheries; and buyout provisions to reduce the harvesting capacity in overfished fisheries.

Mr. Speaker, this legislation does a number of important things to better fisheries management in the Federal Exclusive Economic Zone [EEZ].

First, the bill recognizes that bycatch is one of the most pressing problems facing the continuation of sustainable fisheries, and one of the most crucial challenges facing fisheries managers today. In 1993, in the North Pacific alone, more than 740 million pounds of fish were discarded. This is clearly unacceptable.

This legislation creates a new national standard that requires all fishery management plans and regulations to include conservation and management measures to minimize bycatch to the extent practicable. In the event that bycatch cannot be avoided, plans and regulations should include efforts to minimize the mortality of bycatch to the extent practicable. While these provisions are not as strong as those in the House-passed bill, this is still a major step forward.

The legislation also creates a new system for the identification and prevention of overfished fisheries. It is crucial that the management agencies within the Federal Government be proactive in protecting fisheries rather than attempting to address overfished stocks after they are in a crisis situation. This legislation requires that the Secretary report annually on the status of fisheries and identify any fisheries which are over fished or approaching an overfished condition. The Regional Councils are then required to take steps to address any overfished fishery and include measures for rebuilding the overfished stocks.

Mr. Speaker, these are just a few of the main provisions of S. 39 which will help to maintain a viable fishing industry through sustainable fishing measures. While not as strong as H.R. 39, this bill is a step in the right direction for sound fishery conservation and management.

Mr. Speaker, I have been approached by a number of Members who support passage of this legislation, but share my concern about specific provisions which may need to be modified next year. Despite the number of misgivings I have about this bill, in my opinion, this bill is better than the alternative—no bill at all. A number of Members of the other body have threatened to kill this bill if the House makes any changes. I regret that they have taken that position and regret that the House is in a position of having to accept a bill which is not as good as the House-passed bill.

Mr. Speaker, while I support passage of this legislation and urge all Members to do so, I also realize there may be some problems with the legislation which will need to be addressed in the next Congress. I am committed to working with Members next year to address outstanding concerns.

If we had a few weeks or months left in this Congress, I would urge all Members to join me in sending the Senate a better bill than the one they have sent us. Unfortunately, we do not have that luxury.

While most of the affected industry groups and the environmental community would like to see some minor modifications to this bill, a reluctant groundswell has urged the House to accept this legislation rather than lose all that we have worked so hard for.

I urge all Members to support passage of S. 39 and send this important piece fishery management and conservation legislation to the President for his signature.

Mr. Speaker, in their efforts to achieve consensus on S. 39, the authors of the bill in the other body accidentally left unclear some of the provisions in the bill. In order to avoid confusion on the part of those affected by these provisions—including the National Marine Fisheries Service, the regional councils, and the seafood industry—I will take this opportunity to clarify in legislative history the intent of these parts of the bill.

Section 105(d) of S. 39 amends section 204 of the act in a manner similar to the House-passed bill by allowing permits to be issued for transshipment of fish. The Senate added a requirement that permit applications be forwarded to affected States and that the Secretary consult with the appropriate Marine Fisheries Commission. Since the Marine Fisheries Commissions are composed of individual States, it is obvious that the consultation requirement was meant to extend to any individual affected State that received a copy of the permit. Although this is inferred, rather than written directly, it is the intent of this provision that States, as well as commissions and councils, be consulted.

Section 106 of S. 39 establishes a new national standard regarding bycatch which is similar to the new national standard established in the House-passed bill. The application of this new standard is expanded in section 108(a)(7) of S. 39, which describes new required provisions for fishery management plans. Both the standard and the required provision make clear that bycatch be avoided where practicable, and the mortality of unavoidable bycatch be minimized where practicable. The use of the term "to the extent practicable" was chosen deliberately by both the Senate and the House. Both bodies recognize that bycatch can occur in any fishery, and that complete avoidance of mortality is impossible. Councils should make reasonable efforts in their management plans to prevent bycatch and minimize its mortality. However, it is not the intent of the Congress that the councils ban a type of fishing gear or a type of fishing in order to comply with this standard. "Practicable" requires an analysis of the cost of imposing a management action; the Congress does not intend that this provision will be used to allocate among fishing gear groups, nor to impose costs on fishermen and processors that cannot be reasonably met.

Section 107 of S. 39 adds an additional seat on the Pacific Fishery Management Council that is to be filled by a member of an Indian tribe with Federally recognized fishing rights. The Senate neglected to define this term, believing that its meaning is obvious. Unfortunately, a recent court ruling in U.S. District Court in the Western District of Washington regarding a subproceeding of United States versus Washington, which is under appeal, has clouded the previously clear meaning of this term as upheld by the Supreme Court. In order to avoid confusion in the definition of a term that has been clear for nearly 20 years, I want to make clear that is the intent of the Congress that the term "Federally recognized fishing rights" as used in regard to the Magnuson Fishery Conservation and Management Act, means a treaty fishing right that has been finally approved by the courts under the process defined in section 19(g) of the final court order under United States versus Washington, and the approval is not subject to further appeal.

Section 107(h) of S. 39 amends section 302(I) of the Magnuson Fishery Conservation and Management Act by providing additional procedures for the operation of Regional Fishery Management Councils. Specifically, it requires individuals testifying before, or providing information to, a Council to disclose their background and interest in the matter at hand. This provision was included in the House passed bill. The Senate added an additional sentence to make sure that valid data is provided to the councils. Unfortunately, this sentence could be interpreted as precluding a fisherman, processor, or member of the public from providing information based on their own

experiences. Clearly, this was not the intent of the authors of the bill. The council system was established specifically to allow public input into the fisheries management process. It is clearly the intent of the Congress that this provision is not meant to require a fisherman, processor, or member of the public to fully document every statement made in a letter to a council by providing fish tickets, landing receipts, processing records, or similar information.

Section 109(3)(6) of S. 39 amends section 304(c)(3) of the Magnuson Fishery Conservation and Management Act regarding the authority of the Secretary to propose a limited entry system under a fishery management plan or amendment prepared by the Secretary. The amendment is purely technical in nature and is not intended to modify the requirement that the Secretary obtain approval of a council before a limited entry system is put in place. In other words, the Secretary has no authority to prepare a plan for a fishery managed by a State or a Marine Fishery Commission and include a limited entry system in the plan without obtaining approval of the council within whose area of jurisdiction that fishery exists.

Section 109(e) of S. 39 includes new provisions regarding overfishing and rebuilding overfished stocks that are essentially the same as those included in the House passed bill. Both the House and the Senate noted that exceptions could be made to the time required for rebuilding. While the House was more specific in its list of exceptions, the Senate incorporated all of the House exceptions under the phrase "other environmental conditions." It is the intent of this section that the phrase "other environmental conditions" includes factors beyond the control of the rebuilding program.

The rebuilding provisions of section 109(e) also require the Secretary to prepare a plan or plan amendment if the council takes no action within 1 year. The Senate language as drafted is unclear on the time frame for Secretarial action. The intent of the Senate provision is that the Secretary take action within 9 months of the end of the period provided for council action.

Section 110(d) of S. 39 amends section 305 of the Magnuson Fishery Conservation and Management Act by adding a new subsection (h) providing for a limited entry permit lien registry system. While establishment of the lien registry system by the Secretary is mandatory, participation in the system by limited access permit holders is not. It is the intent of the Congress that any permit holder registering a permit with the system comply with the requirements of this section, including paying any applicable fees. However, it is not the intent of the Congress that all permit holders register with the system; this is a discretionary action that each permit holder must decide to take after weighing the costs and benefits of participating in the system.

Section 111(a) of S. 39 amends section 305 of the Magnuson Act by adding a new subsection to require the North Pacific Fishery Management Council and the Secretary of Commerce to consolidate the western Alaska community development quota programs that the council and the Secretary presently are implementing. Of co-equal importance, subsection (i)(1)(A) also requires the council and the Secretary to allocate to the single program a percentage of the total allowable catch—and with respect to crab fisheries a percentage of the guideline harvest level—of each Bering Sea fishery.

I am pleased that in drafting subsection 305(i)(1)(A) and (B) the Senate incorporated the text of paragraphs (1) and (2) of the amendment to section 313 of the Magnuson Act that is contained in section 14 of H.R. 39.

In that regard, when the western Alaska community development quota program was considered by the Resources Committee, I and other members of the committee gave serious consideration to including a provision which would have mandated the North Pacific Fishery Management Council and the Secretary to annually allocate specific percentages of the total allowable catches and guideline harvest levels of each Bering Sea fishery to the western Alaska community development quota program, so that the percentages allocated are large enough to enable participating communities and organizations to accomplish the economic, social, developmental, and other objectives that implementation of the program is intended to achieve.

However, we did not do so. Instead, H.R. 39 assigned the council and the Secretary the important task of deciding the percentage of the total allowable catch and guideline harvest level of each Bering Sea fishery that should be allocated to the western Alaska community development quota program. However, in recommending section 14 of H.R. 39 to the House, it was the intent of the Resources Committee—and by accepting the text of that portion of H.R. 39 it is the intent of the Senate—that, with respect to each Bering Sea fishery, the percentage allocated by the council and the Secretary shall be large enough to enable communities participating in the program to accomplish the program's objectives, and particularly the objective of establishing a sustainable local economy in each participating community.

It is of particular importance to note that the North Pacific Fishery Management Council previously has allocated a least 7.5 percent of the total allowable catches and guideline harvest levels of Bering Sea pollock, sablefish, other groundfish species, halibut, and all crab species to the three community development quota programs.

It is important to note the reason the House and Senate versions of the Sustainable Fisheries Act both mandate the establishment and implementation of the western Alaska community development quota program. In 1976 Congress, speaking through section 301(a)(4)(A) of the Magnuson Act, established as the policy of the Nation the regulatory principle that fishery management councils and the Secretary shall allocate commercial fishing privileges in the exclusive economic zone among U.S. fishermen in a manner that is fair and equitable to all such fishermen.

Unfortunately, throughout the 1980's the North Pacific Fishery Management Council and the Secretary's regulation of commercial fishing in the Alaska portion of the EEZ did not allocate fishing privileges in a manner that was fair and equitable to the Eskimo and Aleut fishermen who live in 55 Native villages located from the northern coast of the Aleutian Islands north along the coast of western Alaska to the Seward Peninsula, as well as on the Pribilof Islands. To alleviate that regulatory omission, in 1991 the North Pacific Fishery Management Council established a western Alaska community development quota program for pullock, after which it established a second program for halibut and sablefish, and in June 1995 recommended to the Secretary the establishment of a third program for all other Bering Sea groundfish species, as well as all Bering Sea crab species.

When S. 39 was debated on the Senate floor Senator Inouye, the former chairman of the Committee on Indian Affairs and one of the Nation's steadfast champions of Alaska Native and other Native American rights, explained to the Senate the history of the western Alaska community development quota program and the important objectives the Senate intends implementation of the program to achieve. I would like to associate myself with the remarks of Senator INOUYE. I also would like to associate myself with the remarks of Senator TED STEVENS, Alaska's senior Senator and the sponsor both of S. 39 and of the amendment in the nature of a substitute that the Senate adopted. As Senator STEVENS rightly reminded the Senate, the intended beneficiaries of the western Alaska community development quota program are Native Americans for whose economic and social well-being Congress, the Secretary of Commerce has a well-recognized fiduciary responsibility. As Senator STEVENS explained:

> The community development quotas are based in part on the authority of Congress to regulate the commerce of the Indian tribes. The communities of the west coast of Alaska are predominately Alaska Native people. They were there and fishing a long time before anyone else came on the fishing scene. As a matter of fact, there were no factory trawlers off Alaska from the State of Washington until about 9 years ago. . . . We are allocating a portion of the fisheries to the communities involved that are historic Native communities along our coast.

In addition to directing the House's attention to the history and policy objectives of the western Alaska community development quota programs that the enactment of S. 39 will consolidate, I also would like to explain the manner in which the new subsection 305(i)(1) is intended to affect the North Pacific Fishery Management Council and the Secretary of Commerce's implementation of the program.

Subsection (i)(1)(C) prohibits the North Pacific Fishery Management Council between the date of enactment of the Sustainable Fisheries Act and October 1, 2001, submitting to the Secretary a fishery management plan for a Bering Sea fishery, or an amendment to a fishery management plan for a Bering Sea fishery, or a regulation whose promulgation will implement a plan or an amendment if the Secretary's approval of the plan or plan amendment or promulgation of the regulation will allocate a percentage of the total allowable catch or guideline harvest level of a Bering Sea fishery to the western Alaska community development quota program. However, the aforementioned prohibition does not apply to the submission of a plan or plan amendment or regulation whose approval or promulgation

will allocate a percentage of the total allowable catch or guideline harvest level of a Bering Sea fishery for which prior to October 1, 1995 the Council approved the allocation of a percentage of the catch or guideline harvest level to a western Alaska community development quota program. Bering Sea fisheries not subject to the aforementioned prohibition include the pollock, halibut, sablefish, crab, and other groundfish fisheries.

It also is the intent of subsection (i)(1)(C) that the expiration in 1998 of the amendment to the Bering Sea and Aleutian Islands Area groundfish fishery management plan that made the initial allocation of pollock to a western Alaska community development quota program not subject pollock to the prohibition on Council authority that subparagraph (C) imposes.

Subparagraph (C) also prohibits the Council from submitting and prohibits the Secretary from approving and implementing between the date of enactment of the Sustainable Fisheries Act and October 1, 2001, a fishery management plan or an amendment to a fishery management plan that allocates a percentage of the total allowable catch or guideline harvest level of a Bering Sea fishery to the western Alaska community development quota program that is greater than the percentage of the catch or guideline harvest level that the Council approved for allocation to a western Alaska community development quota program prior to October 1, 1995. For example, prior to October 1, 2001, no more than 7.5 percent of the total allowable catches and guideline harvest levels of Bering Sea pollock and of each Bering Sea crab species may be allocated to the program.

In June 1995 the North Pacific Management Council recommended to the Secretary that he approve and implement the allocation of 7.5 percent of the guideline harvest levels of each Bering Sea crab species and 7.5 percent of the total allowable catch of each Bering Sea groundfish species—other than pollock and sablefish—to a western Alaska community development quota program for those species. Rather than approving and implementing the immediate allocation of 7.5 percent for Bering Sea crab species, subsection (i)(1)(C)(iii) requires the Secretary to phase in his implementation of the Council's recommendation for crab species by in 1998 allocating to the western Alaska community development quota program 3.5 percent of the guideline harvest level of each crab species, by in 1999 allocating 5 percent of the guideline harvest level of each crab species to the program, and by in 2000 allocating 7.5 percent of the guideline harvest level of each crab species to the program, after which without further action by either the Council or the Secretary 7.5 percent of the guideline harvest level of each crab species will each year be allocated to the program unless in 2001, the Council submits and the Secretary approves and implements a percentage for a particular crab species that is less than 7.5 percent, or unless during a year subsequent to October 1, 2001, the Council submits and the Secretary approves and implements a percentage for a particular crab species that is a percentage that is either less than or more than 7.5 percent.

Finally, subsection (i)(1)(D) eliminates the necessity for the North Pacific Fishery Management Council and the Secretary to implement subsection (i)(1)(A) by the Council resubmitting or the Secretary reapproving a fishery management plan or an amendment to a plan that contains an allocation of the total allowable catch or guideline harvest level of a Bering Sea fishery to the western Alaska community development quota program, if the plan or amendment in which the allocation is contained was approved by the Council prior to October 1, 1995. For example, as a consequence of subparagraph (D), the Council is not required to resubmit to the Secretary the plan amendment it approved in June 1995 in order for the Secretary to implement the phase in of the percentage allocation of the guideline harvest level for Bering Sea crab species established by subparagraph (C)(iii). Similarly, in 1998 and during each year thereafter the Secretary shall continue to allocate 7.5 percent of the total allowable catch of Bering Sea pollock to the western Alaska community development quota program notwithstanding the expiration of the plan amendment in which the allocation initially was made, unless prior to October 1, 2001, the council submits and the Secretary approves and implements an amendment to the Bering Sea and Aleutian Islands area groundfish fishery management plan that allocates a percentage that is less than 7.5 percent, or unless subsequent to October 1, 2001, the council submits and the Secretary approves and implements an amendment to such plan that allocates a percentage that is either less than or more than 7.5 percent.

The enactment of section 111(a) of S. 39 will provide the North Pacific Fishery Management Council and the Secretary of Commerce the statutory tools required to improve the efficiency of their implementation of the western Alaska community development quota program. And the enactment of section 111(a) will codify Congress strong support for the council and the Secretary's innovative effort to provide fishermen and other residents of Native villages on the coast of the Bering Sea a fair and equitable opportunity to participate in Bering Sea fisheries that prior to the creation of the western Alaska community development quota program was long overdue.

Section 112(d) of S. 39 provides interim authority for limited State management of the Dungeness crab fishery in the exclusive economic zone adjacent to the States of Washington, Oregon, and California. This authority is provided only to ensure conservation of the crab resource outside of State waters; it is not intended to provide allocation authority to the States, nor to have an allocative effect on vessels based on size or State of registry. This is underscored by the provisions of section 112(d)(3), that make clear that State limited entry programs cannot be enforced against vessels of another State when those vessels are operating in the exclusive economic zone.

Section 112(d)(2) also specifically limits the type of State authority allowed, providing the States only with authority that is generally agreed to now on a voluntary basis. This includes conservation-based rules on season opening and closing dates, minimum crab sizes, and requirements to release female crabs. This section also allows the State of Washington to impose area closures and limits on the number of pots that can be fished, but only if these are necessary to meet the requirements of a court-imposed mandate. It is not the intent that this gives the State of Washington authority to impose allocative regulations such as a ban on the practice of "longlining" pots—that is, fishing with pots that are connected to each other by a line. A ban on longlining would constitute an impermissible allocation regulation not required by the courts and is not allowed under the provisions of this section.

Finally, the Congress strongly encourages the Pacific Fishery Management Council to develop a fishery management plan for the Dungeness crab fishery, in order to avoid future allocation fights of this nature.

Section 113(c) establishes a new prohibited action that is punishable as a criminal offense. Again, the Senate language is vague on its face and requires clarification. The use of the adverb "forcibly" in the beginning of the new subparagraph added by this amendment should be construed to apply to all physical actions listed in the subparagraph, including assaulting, resisting, opposing, impeding, intimidating, sexually harassing, and interfering. Since forcible bribery cannot occur, the adverb is to be read as modifying only the other verbs in this subparagraph.

Section 116(a) of S. 39 establishes a mechanism for an industry-funded buyback program. Among other provisions, this section requires industry contributions—if required—to be deducted by the first ex-vessel fish purchaser. This requirement could impose an unwarranted burden on a seafood processor who stands to receive no benefit from a buyback program. The intent of the Congress is that a deduction system be designed that imposes no unnecessary paperwork or financial burden on the fish purchaser collecting the deductions.

Section 203 of S. 39 modifies existing data collection requirements and establishes a new data collection program. It should be noted that—as a new provision of law—this section takes precedence over prior enacted law. The Office of Management and Budget has from time to time imposed rules interpreting the Paperwork Reduction Act to apply to collection of social, economic, and scientific data under the Magnuson Fishery Conservation and Management Act. Notwithstanding the goals of the Paperwork Reduction Act, these interpretations have resulted in an increased burden for data collectors and data providers alike. It is clearly the intent of Congress that the data collection provisions enacted in this bill are not to be interpreted as requiring Paperwork Reduction Act review or agency approval under that Act.

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

Mr. YOUNG of Alaska. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I will ask the chairman of the committee to engage in a colloquy regarding the definition of the term "recreational fishery" in the Senate bill.

Mr. Speaker, the Senate bill appears to define recreational fishing, at least it appears to define it to some people,

as fishing for sport or pleasure, but makes no mention of fishing for personal consumption.

My understanding of the definition is that it is not in any way intended to preclude a recreational angler from consuming the fish which he or she catches.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman from New Jersey [Mr. SAXTON], is right. He has brought this to my attention. The definition in no way denies the recreational fishermen the pleasure of eating their catch, as long as the fish was caught during the appropriate season and met any State or Federal regulations, including size restriction, and other appropriate landing laws.

My staff has contacted the National Marine Fisheries Service and their interpretation is the same as mine and the same as the gentleman's, that this definition does not preclude the recreational fisherman from consuming his or her catch if it meets the appropriate State and Federal rules.

Mr. SAXTON. Mr. Speaker, it is my intention to introduce legislation in the coming Congress to clarify that recreational fishing indeed does include harvesting fish for personal consumption.

I thank the chairman for his leadership, and I look forward to working to remedy this deficiency.

Mr. YOUNG of Alaska. Mr. Speaker, again I want to thank the gentleman from New Jersey [Mr. SAXTON].

It is funny how these things happen, if the gentleman will just bear with me. It was never the intent, we never thought it was interpreted that way, that the guy who catches the fish cannot eat them. That would not affect me because I do not catch a whole lot, but I would suggest respectfully that is not the intention.

Mr. SAXTON. Mr. Speaker, with that understanding, I rise in support of House passage of S. 39, the Sustainable Fisheries Act.

The House passed H.R. 39, the Fisheries Conservation and Management Amendments of 1995 by a vote of 388 to 37 almost a full year ago. We in the House worked in a bipartisan fashion to craft a strong conservation measure that was fair and equitable to all fishing sectors.

Mr. Speaker, the chairman of the committee, along with the gentleman from California [Mr. MILLER], and the gentleman from Massachusetts [Mr. STUDDS], and I know that fish do not respect the artificial boundaries imposed upon them, nor do they care which party is in power.

All fisheries measures are by definition bipartisan, which is one of the reasons it is such a pleasure to chair the Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources. I thank each of my colleagues for taking into consideration the unique needs of the mid-Atlantic fishermen throughout the negotiations on H.R. 39.

It was a great bill, and I cannot pretend to be as pleased about the passage of S. 39 as I was our bill. I firmly believe the House bill was far stronger and more comprehensive and made far more sense than the bill we are currently passing. So I concur with Chairman YOUNG that it is necessary to accept the hastily assembled Senate bill, because a weaker bill that does provide some new fisheries and conservation and management guidance is better than nothing at all. However, I intend to work closely with the chairman in the coming Congress to fix the deficiencies in this bill.

Having said that, I request that all Members vote "aye" today.

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

Mr. Speaker, I rise with mixed emotions to support the passage of this bill. The Magnuson Act was the first substantive piece of legislation I coauthored when I came to Congress in 1973, the same year the gentleman from Alaska came. So it is somewhat fitting that it will also be one of the last bills in my career here.

Mr. Speaker, the original Magnuson Act took 4 years of effort and negotiations, but finally, in 1976, H.R. 200 became law. At the time, the gentleman may recall, and those who are old enough to remember, it was intended to be an interim measure that would stay in place until the Law of the Sea was ratified. Instead, it has become the cornerstone of fisheries management in the United States.

A year ago when the House began consideration to reauthorize the act, it was clear very major changes were needed. Despite numerous efforts to improve the law over the past two decades, the sad reality is that the act did not prevent the current crisis in New England groundfish stocks, a crisis for the conservation of both fish stocks and fishing families.

Working together last year with the gentleman from Alaska [Mr. YOUNG], and the gentleman from California, [Mr. MILLER], and others, we passed a strong bipartisan bill that addressed problems of overfishing, of bycatch, and of habitat degradation that faced fishermen in New England and around the country. It had the support of the environmental community and much of the industry.

Now, a year later, and in the last waning hours of this Congress, our colleagues in the Senate instead have sent back to us a bill that also contains provisions that I find, some of them, of serious concern. The bill before us today would, for instance, authorize the Secretary to buy back fishing permits; allow nations in violation of the International Whaling Commission to fish in some U.S. waters; and make possible the future giveaway of Individual Transferable Quotas, so-called ITQ's, at public expense.

Regretfully, we will not be given the chance to correct these flaws, and we are obliged to choose, as has been said moments ago, between this bill and no bill at all. While I do not believe it had to be this way, that we could have been given the opportunity to resolve differences and issues of concern to our constituents, I will support S. 39 at this time.

Despite these shortcomings, the bill also includes many long overdue conservation measures critical for fish and fishermen. Most significantly, it will finally require the Council and the Secretary to maintain fishing at biologically sustainable levels. In addition, they will be required to rebuild fisheries which have collapsed, and to take new steps to protect fisheries habitat.

As was the case in 1976, when foreign vessels were plying our shores and we passed the first act, the fisheries from Maine to Alaska need these new protections and they need them now. The crisis in New England, unfortunately, clearly demonstrates that.

Finally, on a personal note, I would like to add that I have had no greater privilege over the past 24 years than representing the hardworking fishing families of southeastern Massachusetts. In 1921 in his Maritime History of Massachusetts, Samuel Elliott Morrison admired our fisherman as "a tough but nervous, tenacious but restless race * * * eternally torn between a passion for righteousness and a desire to get on in the world."

It was with deep respect for fishermen across America, from New England to the gulf and north Pacific, that I coauthored the first Magnuson Act in 1973. It is for those fishermen that I support this bill today.

May I also add, Mr. Speaker, that there seems to be an impression in the other body that, notwithstanding article I of the Constitution, we have a unicameral legislature around here. The gentleman from Alaska will recall that time and time again, as we have shared leadership on the previous Committee on Merchant Marine and Fisheries, and in the current Congress, we have done our work in diligent fashion, had hearings, markups, debates on the floor, amended bills, considered bills, sent them to the Senate where they resided for a year, and they would come back here in the waning hours of a Congress, essentially labeled take it or leave it, so we are forced again and again to deal with a product that is solely the product of the other body, and does not reflect the very good, very conscientious, very nonpartisan, and serious work of this committee and this Congress.

It ought not to be that way. That flies in the face of the clear constitutional intent for a bicameral legislature. I salute the gentleman from Alaska and the gentleman from New Jersey for pointing that out as clearly as they have.

Finally, Mr. Speaker, I would like to pay my personal respects to the gentleman from Alaska, with whom I have served for more years than either he or I would like to acknowledge. His beard was of a different hue when we first got here. In fact, I do not think he had a beard when we first got here. Actually, we will not discuss hair any longer, it is a very sensitive topic.

I want to say to the gentleman, I had thought that he would choose this opportunity to move to send this bill back to the Senate with an amendment renaming the act, something we have discussed many years, many years, but it seems to me only fitting that at this time in my career, and relatively late in the gentleman's career, that at long last we should have at least one fishery statute named the Young-Studds Act. So I hope the gentleman will take advantage of that opportunity.

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

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

Mr. Speaker, may I suggest respectfully, I have great respect for the gentleman from Massachusetts [Mr. STUDDS], and his efforts in the fisheries field. As many times as he has mentioned the subject, I think this bill will probably get that name through attrition more than anything else.

But I will say again that the gentleman from Massachusetts, it may be the last time he works on this floor on this type of legislation, and that I do thank him for his love for the sea and the fishermen he has served with, and the sense that he and I had a great deal in common with regard to the oceans. I believe we have worked well.

I cannot agree with him more about the actions of the Senate. I will defend my senior Senator. We worked on the bill, and of course they were threatened with, you know, holds and blocks, et cetera. This is not what I would have liked to have done, but it is the best thing we can do for our oceans today.

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

Mr. STUDDS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER], the distinguished ranking member of the committee.

Mr. MILLER of California. Mr. Speaker, I reluctantly oppose the passage of S. 39, the Sustainable Fisheries Act.

Like many other Members of the House, I had hoped to be able to give this bill my unqualified support, or to amend it in the same bipartisan spirit with which we initially passed our bill in the House, and send it back to the other body. The process by which this product arrives on the floor today, however, has not allowed the Members of the House, who passed a different—and stronger—bill to play any significant role in the formulation of the bill now before us.

As most Members are aware, the chairman of the Resources Committee and I rarely see eye to eye on natural resource management issues. The reauthorization of the Magnuson Act, however, proved to be a departure from the norm.

Last year, we worked together to pass a strong, bipartisan bill that had broad support from the fishing industry, the environmental community, and the administration. We passed that bill by a 10-to-1 margin, and then waited for the other body to act so that we could work out our differences in conference.

As everyone knows, it has been a long wait. In fact, it took a year for the bill to finally be returned to us last week. To no one's surprise, it was returned in a much altered state. Even worse, the legislation has been presented to us, in the closing days of the Congress, as a take it or leave it proposition. Members in the other body flatly stated that "Any unilateral changes to the legislation by the House would be the death knell to the bill." So, we are given a choice between this bill, which ignores many of the provisions overwhelmingly supported by the Members of this body, or no bill, which would allow the overfishing that now plagues many of our fisheries to continue.

There are provisions in this bill that improve on the status quo of fisheries management, including measures to address overfishing, habitat protection, and Fishery Management Council reform.

There are, however, also many provisions that are bad for the fish and bad for the fishing communities. The result is a bill that comes with qualified support: This is the best we are going to get.

In fact, it is difficult to find strong support for the bill. Many in the industry have concerns about the bill. Fishermen and fish processors from California, who were strong supporters of the House-passed bill, have told me they would prefer no bill to the enactment of S. 39. The environmental community's support is generally qualified and hardly overwhelming, and many Members in this body retain concerns about provisions that were added without debate or the knowledge of those most affected in the industry.

Let me mention several provisions of concern to me that were never debated in the House at all, or where the House position was essentially ignored in S. 39.

BUYING BACK A PUBLIC RESOURCE AT THE TAXPAYERS' EXPENSE

S. 39 authorizes the Secretary to buy back fishing permits in biologically depressed fisheries as a means of reducing fishing effort. Those permits are issued for free or for a nominal administrative cost. As a result of this Senate provision, the taxpayer could be paying to reclaim a permit—issued for free—when the industry itself was responsible for the decline of the stocks. Given that there are already administrative and regulatory methods for reclaiming permits, this provision establishes an unnecessary precedent whereby Government would compensate industry for conservation measures necessary to restore a public natural resource.

PROTECTION FOR FISHING COMMUNITIES HAS BEEN IGNORED

The House bill contained important measures to protect small family fishermen. S. 39 turns these protections on their head, defining fishing communities far too broadly. Some have gone as far as to suggest that the provisions in the Senate bill are actually worse than the status quo for the small fishermen, and would prefer to see the provisions stricken altogether.

THE GIVE AWAY OF A PUBLIC RESOURCE WILL CONTINUE

The House bill contained clear provisions to prevent the sale for private profit of individual fishing quotas issued for free. While S. 39 includes a moratorium on new quota programs, it does nothing to address the continued give away that will occur when the moratorium is over. This is bad for the taxpayer and bad for the small fishermen who will be unable to compete with large, corporate interests. The result will be a rip-off of the taxpayers, and the continued concentration of the fishing industry into the hands of those who can pay the most.

WHALING

Under long established domestic law, foreign nations wishing to fish in U.S. waters are prohibited from doing so, or are penalized, if they are out of compliance with the International Whaling Commission [IWC]. This bill would allow countries that wish to fish in the waters of U.S. Pacific Insular Areas to do so regardless of whether they comply with the IWC. Let us be clear about what this means: Japan, which consistently flaunts IWC policies for protecting whales, will now be permitted to fish for tuna and other valuable fisheries in the waters off United States territories. Once again, we are told that those who ignore not only our environmental protection policies, but those subscribed to by dozens of other nations as well, will be granted special privileges in trade and economic relations.

BYCATCH

At the beginning of this debate, bycatch reduction was identified as a top

priority for environmentalists, industry, and the chairman, Mr. YOUNG. To that end, the House passed a bill mandating strong bycatch reduction measures. S. 39 weakened those provisions.

Mr. Speaker, it should come as no surprise to the other body that we have concerns about these and other provisions in the bill. House staff from both parties made every effort to convey these concerns to their Senate counterparts, but the majority of our concerns were dismissed as being outside the brokered Senate deal, or simply were not addressed.

It is unlikely that the Senate is going to comprehend the message that the House must be granted a coequal role in preparing legislation that affects our constituents if we simply roll over and play dead when presented with an ultimatum. This bill is just not good enough. We were consulted little in its drafting, and our concerns were ignored. There are legitimate problems in the way it affects coastal communities, the environment, marine mammal protection, and the taxpayers.

At some point, when we are told—with our backs to the legislative wall—"This is a take-it-or-leave-it offer"—the House will have to find the courage to leave it, and hope that by standing up for our institution and for our constituents, we improve the likelihood for better legislation. Unfortunately, that was not done in this case, and so I cannot support either this legislation or the process that produced it.

□ 1100

Mr. Speaker, the gentleman from Alaska and the gentleman from Massachusetts have worked hard on this legislation, and I have enjoyed working with them on this matter along with the gentleman from New Jersey [Mr. SAXTON].

Finally, let me just say that this is probably the last bill I will work on with the gentleman from Massachusetts [Mr. STUDDS]. His service in this Congress has become synonymous with concern about our oceans, about our fisheries, about the fishermen and their families. His efforts over the years have provided many improvements not only to the environment, to the habitat, to the fisheries but to those families. He has tried his darnedest to see whether or not we could sustain those families in this endeavor, to sustain an American fishing industry, to sustain what it means to the culture of many of these people, to our communities and to regions of this country.

I thank him for that, because this was a shambles before he got involved and the devastation would have continued without his involvement. I thank him for that effort. I also thank him for his service in this Congress. As many have said already on this floor, he is clearly one of our brightest, most articulate and committed Members to ever serve in this House. It has been a pleasure that I have been able to serve so many years with him and I thank him for his public service.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Maine [Mr. LONGLEY], a great committee member.

Mr. LONGLEY. Mr. Speaker, I want to thank Chairman YOUNG and Chairman SAXTON of the Subcommittee on Fisheries, Wildlife and Oceans. In every single instance on matters pertaining to fisheries in Maine, the waters off the State of Maine, in the gulf of Maine, they have been extremely supportive of issues of concern to us.

I also want to thank the gentleman from Massachusetts [Mr. STUDDS]. It has been a pleasure to work with him again on issues relating to fisheries.

I have to say honestly from the standpoint of Maine, we are very pleased with the provisions of the legislation that are now before us. That is not to say that we could not have hoped for something better, but on a very practical and fundamental level, we feel comfortable that we have made important changes to the Magnuson Act which will enhance the fisheries off the coast of Maine.

Specifically, two issues that we think are improvements are improved language relating to the consideration of habitat, in the evaluation of each fishery, as well as provisions relating to bycatch.

In an effort to be practical with respect to the actual difficulties that the fishermen experience in attempting to harvest their resource, we are particularly pleased at the incorporation of the bulk buyout program. We believe that this is a concrete, positive step in the direction of reducing fishing vessel capacity in limited-access fisheries that will allow for better conservation of the resource over the long term.

Some other provisions of the legislation that have particular benefit to the State of Maine include a change in jurisdiction relative to pockets of Federal waters that are surrounded on three sides by State water. In this case, in certain situations we will be seeing the State assert more jurisdiction over Federal waters off the coast of Maine.

This is particularly important because, as I visited the fishing ports along the coast of Maine, one point has become abundantly clear, and that is, to the extent that the State officials and the fishermen on the State level have had an enhanced ability to act in the management of and control of the resource, generally those resources are doing significantly better than the resources that are being managed federally.

Again, that is not to suggest that one jurisdiction has any greater or solitary responsibility as opposed to any of the others. Each jurisdiction must work hand in hand with each other. But again, as I said, by favoring State jurisdiction over waters that potentially could be in either Federal or State jurisdiction, I believe that we are acting to protect the resources off the coast of Maine.

Furthermore, there is a provision in the bill that is going to allow the continuation of the practice of transporting herring at sea by Maine harvesters. Again, given the fluctuation in harvest with the seasons and the location of the herring, this is an important consideration both for herring fishermen as well as for those who are concerned with bait.

Finally, there is a provision that I think we should all be ecstatic about, and that is, there has been a practice that has developed in Federal waters off the coast of Maine for a number of years where dragging for lobsters has occurred, and that is to say that fishing has not occurred in the traditional method of lobster pot but in the manner of a wholesale destruction of the floor of the ocean.

Senator SNOWE's amendment to the bill, which I think is a singular accomplishment, will restrict dragging for lobsters off the coast of Maine. This is going to help protect Maine's lobster fishery by restricting this wasteful and destructive practice.

Furthermore, her amendment is going to require the National Academy of Sciences to conduct independent peer review on the science on which the management of New England groundfish fishery is based.

As we all know, amendment 7 is having and is going to continue to have an enormous impact on thousands of Maine and New England fishing families. These small businesses deserve the reassurance of sound science before we restrict their livelihood. On balance, as I indicated, we are very pleased with the content of this legislation.

I spoke this morning with Commissioner Robin Alden of the Maine Department of Marine Resources. She is very pleased that it is coming to the floor today. That is not to say that the legislation is perfect, but at least from the vantage of my State and my district, we have made a concrete, positive step forward in a direction that will help ensure the continuation of a valuable resource in a State that has a tradition of fishing off the oceans that goes back almost 390 years to when we were first settled in 1607 at Popham Beach.

Again, Mr. Speaker, I appreciate the opportunity to address the provisions of this legislation. Again, I want to thank Chairman YOUNG of the Resources Committee as well as Chairman JIM SAXTON of the Subcommittee on Fisheries, Wildlife and Oceans for their extra efforts to pay attention to the issues that affect the fishermen off the coast of Maine and their consideration of these issues in this legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to join the gentleman from California [Mr. MILLER] and also the gentleman from Massachusetts [Mr. STUDDS] in expressing concern over the take it or leave it process that has been offered essentially by the Senate in bringing this bill to the floor.

I believe, because there was no conference, there was no opportunity to negotiate, if you will, a compromise or conference bill, that is why there are many problems with this legislation, including the one that my colleague the gentleman from New Jersey [Mr. SAXTON] mentioned with the definition of recreational fishermen.

I just wanted to say on that topic that in my State, many of the recreational fishermen are very concerned about the definition. The term in the bill, recreational fishing, is defined as, "fishing for sport or pleasure," and does not account for the importance of personal consumption nor the significance upon which sectors of the recreational fishing community sell, barter, or trade fish. For decades, fishermen of all social classes have engaged in these practices, which have not been shown to be deleterious to fisheries resources.

I am very pleased to see the colloquy that the chairman and the gentleman from New Jersey [Mr. SAXTON] entered into basically making it clear that it was not the intent of Congress to exclude these fundamental historical characteristics of the recreational fishing industry. I hope that NMFS, or the National Marine Fisheries Service, gets it.

What the fishermen are afraid of is that when we do allocations, they will not get their quota, that the recreational guys will be told, "You can just catch and release, you can't keep your fish." But I think that that colloquy between the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Alaska [Mr. YOUNG] hopefully will put that to rest.

If anybody from NMFS comes to me at some point in the future in their rulemaking and says that we are going to somehow negatively impact recreational fishermen because of that definition, I will go back to that colloquy that was entered into today.

I also want to point out that I will be cosponsoring, I mentioned to the gentleman from New Jersey [Mr. SAXTON], the legislation that he plans to introduce in the next session that will ensure that national policy clearly acknowledges all the elements of recreational fishing with a more appropriate definition.

The SPEAKER pro tempore (Mr. KINGSTON). The time of the gentleman from New Jersey, [Mr. PALLONE] has expired.

Mr. PALLONE. Lastly, I wanted to say something about the gentleman from Massachusetts [Mr. STUDDS]. He would probably appreciate it if I sat down, anyway. So with that I will say thank you for everything, GERRY, and I will sit down.

Mr. STUDDS. No greater commendation than silence. Mr. Speaker, I thank the gentleman, it was a very clever ploy, but it did not work.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to get my congratulations in early so I will not have to ask for more time. Congratulations for all your fine work, Mr. STUDDS.

Mr. Speaker, I am pleased to rise in support of the Senate's version of the Sustainable Fisheries Act. This legislation contains important provisions which would authorize the Secretary of State to institute Pacific insular area fisheries agreements at the request of and with the concurrence of the Governors of the affected Pacific insular areas.

The inclusion of these provisions is the culmination of efforts which started when the Governors met with the Department of the Interior and other Federal agencies to draft legislation which would allow for the responsible development of fisheries resources in the Pacific.

I am pleased to note that the other body has included provisions which were part of my original legislation, H.R. 2369, introduced last year, and this element includes an important recognition of the growing role of Pacific territories over their exclusive economic zone.

Under this legislation, fees from these fisheries agreements would be covered over into the Treasury of the insular area from where the fees were collected. Fees may be charged to foreign fishing vessels that wish to take advantage of the Pacific fisheries agreements under this bill.

It is our understanding that the legislative intent is not to limit the foreign fishing fees to correspond directly to the fees charged by the United States or to be specific to a single nation but, rather, to give us a mechanism for charging such fees in a manner similar to current agreements with foreign nations. This provision will level the playing field between American and foreign fishing vessels in the Pacific.

It is also our understanding that the legislative intent is to give maximum flexibility to the Secretary of State in interpreting appropriate reciprocal agreements.

I would like to thank the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Alaska [Mr. YOUNG] for their fine work on this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the chairman for yielding me this time.

Mr. Speaker, I think this has been a very positive exercise for this body, the House of Representatives, to go through and understand the nature and importance of the marine ecosystems, the world's oceans and especially the coastal waters of the United States in order to sustain the fishing stock which is necessary for so many livelihoods and so many people that depend on that type of food source.

There are three very important elements that I think have occurred in this legislation that survived in the House, that survived in the Senate, and that survived in the conference. Those three very important provisions are the habitat provisions, the bycatch provisions and the optimum yield provisions.

The habitat provision. If we did not include those into the legislation, even if we had all of the best regulations concerning the coastal fisheries possible, we could still lose, without protecting the habitat where the fish spawn, 75 percent of the commercial caught fish. We have solved that problem.

The next one, if we are going to have some type of efficiency built into the bycatch provision, if we do not have some type of protection built into the bycatch provision, we were catching and throwing away 10 fish for every targeted fish we were keeping. So the bycatch provisions in this legislation practically eliminates that and works to bringing that down to zero.

The last one is the optimum yield provision which I think is one of the most important. If we do not have any understanding as to the data of the health of the fish stock, how do we know how to allocate those fish stocks to each fisherman?

□ 1115

The scientific data collected now to determine the health of the efficient stocks is to be calculated into the allocation and the quota to each fisherman. Sustaining the marine ecosystem in this way, this piece of legislation goes a long way into accomplishing that task.

I want to thank the gentleman from Massachusetts [Mr. STUDDS], and wish him well in his future endeavors, and thank the gentleman from Alaska [Mr. YOUNG], for all the work he has done. I encourage people to vote for the conference report.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, in my first Congress I served on the Merchant Marine and Fisheries Committee. Chairman STUDDS demonstrated that under

his leadership it was possible to legislate in a manner that puts the public interest first, rather than the personal interest. That is a rare talent, indeed.

His quick wit and humor are far too rare in this body and will be sorely missed. His ability to craft bipartisan compromise is something we should all learn. But most of all, GERRY has become a very dear friend to me. He has greatly brightened my years in this Congress, and I will miss him sorely.

Unfortunately, I must also today rise in reluctant opposition to this bill. When we considered the House version a year ago, I was an enthusiastic supporter of the legislation, but, unfortunately, because of the Senate's failure to act on this issue until this final hour, we are forced to accept an inferior bill. There are a number of provisions which I find objectionable, but I will list just two.

First, the Senate bill removes the safeguards for coastal communities, and those small coastal communities that are up and down my district are often economically dependent on the bounty of the fishery resource. They must be taken into account when fishery regulations are developed. I do not think this bill does that.

Second, the Senate bill attempts to limit public participation in council proceedings. For example, a fisherman writing a letter to a council who does not provide complete documentation for his views could be subject to a $100,000 fine.

Now, that is absurd. We need more input, not less.

It is a shame that this bill is not what it could or should have been, and I must reluctantly conclude that no bill is better than this second-rate Senate bill.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. FARR].

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

I rise in support of this bill. This bill passed out of this body last October. I regret that some of the strong provisions in the House bill were watered down in the Senate. However, the bill still retains many of the strongest provisions of the House-passed bill, particularly that which we just heard from Congressman WAYNE GILCHREST, the optimum sustained yield standard. Is it is a remarkably strong standard we ought to have in law. The second is the fish habitat protections. In balance it is a good bill, and I commend the authors for their leadership and urge an "aye" vote.

While I am here, I would like for a moment to just talk about the fact that this is perhaps Congressman STUDDS' last appearance on the floor, and I think it would be remiss if we did not recognize that history is going to be very kind to this man in his service to this Nation. As former chairman of the Merchant Marine and Fisheries Committee and now, I guess, chairman emeritus, he was able to do some remarkable things. One of them was that he authored legislation to make oil companies liable for their spills.

He created the Studds-Magnuson Act which extended the 200-mile limit to our coastal zone. When you think about it, that is the largest acquisition of land without any price paid for it and without a shot fired. It was bigger than the Louisiana Purchase, and it now allows us to govern out to 200 miles from our shorelines all around the United States and its territory islands.

He also is famous, I think, for starting remarkable town hall meetings. Everybody knows his meetings in Massachusetts kind of set the stage for how we should all conduct our meetings at home.

To pay the greatest tribute to him, I think because he was involved with so many fishermen of Portuguese descent in this committee, he went out and learned Portuguese.

He has done many great things as chairman, and we are going to sadly miss him. This bill and the marine sanctuary bill are a real tribute to his years in Congress. We look forward to having many years of friendship with him after he is gone.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that each side have 5 additional minutes.

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

There was no objection.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I join my enormous admiration for my colleague from Massachusetts with my disappointment at the bill he has been put, against his will, in the position of supporting. I acknowledge also that the gentleman from Alaska, who has been unfailingly courteous to other Members, also was put in an uncomfortable position.

There is a lot of good work in this bill and I wish we had back the bill these two gentlemen brought forward. But in a development that will undoubtedly astound people, the United States Senate did not do what we all wished they would do, namely, keep a good bill.

One of the things they have added, quite surprisingly in this climate, is a new tax, in effect, on fishermen, because this bill says that under the new central lien registry fishermen will involuntarily be assessed one-half of 1 percent of the value of their permits. We are not sure what the permits are, but this is going to go to fishermen who are struggling now, trying to make a living, and take more money from them to finance government activities.

This is an assessment on the fishermen that will be indistinguishable to them when they have to pay it from any other tax. It is an error. I hope we will have a chance, and I will vote against this bill because of it in part, but I hope we have a chance to revisit it in the future. There are ambiguities because permits are not valued here.

I also oppose the lobster bycatch restrictions. We have State authority here. Again, it seems to me somewhat unusual that the Senate would disregard States' rights and impose nationally through legislation rules which are fully within the competence of States to deal with and which, at least in the case of Massachusetts, States have already dealt with.

I welcome the inclusion of peer review, because I think there has been an error with regards to further restrictions. I think amendment 7 in New England goes much further than necessary, when amendment 5 is working. I welcome the improvements there. But I do not welcome the additional tax, I do not welcome the intrusion into what could be a State matter, and I very much regret the Senate has ruined a good bill.

Mr. STUDDS. Mr. Speaker, I yield one minute to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, first I would like to commend the chairman emeritus of the committee, the gentleman from Massachusetts, GERRY STUDDS, for his leadership over his course of history here in the U.S. Congress, because certainly our fisheries in Maine and Massachusetts and elsewhere have been well served through his leadership.

I would also like to thank the gentleman from Alaska [Mr. YOUNG] for indulging us in some additional time on a very important issue, especially as it pertains to Maine.

I would like to stand in support of this legislation, recognizing that everything is not going to be perfect and we are not all going to get what we all would like to get, that there is more here to be gained I think for the fisheries, for fishery management, for our lobster resources and for the fishermen. I think those are the important people that we have to recognize and serve.

Here in Maine, we are going to be well served by this legislation, because it is going to conserve our lobster resources, it is going to protect our ground fish, and it is going to continue the boat buyback program which has been started by the Department of Commerce. I would like to commend them for their work, working with the State and working with the fishermen, because I think we are moving in the right direction, and it will be supportive of this legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished dean of the House, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this is a good bill and I urge my colleagues to support it.

Mr. Speaker, I want to pay tribute to two men. First, the distinguished chairman of the committee, my friend from Alaska, DON YOUNG, with whom I have served over the years on other committees and in other places and with whom I have done some great work. I have enormous respect and affection for him, and I wish to salute him at this time.

I also wish to pay tribute to my distinguished friend and colleague from Massachusetts, GERRY STUDDS. I have served with him on the Merchant Marine and Fisheries Committee earlier in happier days. I also have had the pleasure of serving with him on the Committee on Commerce, in which capacity he has been an extraordinarily competent, dedicated and decent man.

I want to praise him for the hard work he has done in the area of the environment, in the area of conservation, and to note that milestone legislation in the whole area of conservation bears his name and his imprimatur. Superfund legislation on proposals relating to conservation, fish and wildlife, things like the endangered species, ocean dumping, marine mammals protective legislation, and National Environmental Policy Act, are pieces of legislation which bear the imprint of his hand, his wisdom and his character.

We are grateful to him for what he has done in these area. The people that he has served so well in the Cape Cod, Massachusetts area, have reason to be grateful to him for his interest in fisheries and natural resources, for the splendid programs that he has pushed, not only to protect fishery resources, but for the constituent service which he has given, and for the concern he has had about them, about the people of the country, about the environment, about the future of this Nation, and about the general things that are so important to quality of life to the people of this country.

He has been a valuable member of the Committee on Commerce, and I will personally miss him. The committee will miss his wisdom, his superb service, and his diligence. We will also miss his sense of humor and the good will and good spirit with which he approaches legislation and the problems of this place.

I express to him my warm good wishes for great happiness and success in his future undertakings. I will miss him, and the lovely Deborah, my wife, joins in expressing to him our joint wishes for happiness, success, and long life.

Mr. STUDDS. Mr. Speaker, I yield myself a minute just to acknowledge with deep appreciation and, believe it or not, humility, for the very kind remarks of the dean of the House. In fairness, many of the statutes for which he gave me credit bear his name.

May I finally just say what a pleasure it has been to serve with him and my friend from Alaska and all of my colleagues here, almost all of them, and leave you with one thing I heard at one point.

Long before I served in this Congress, a very dear friend of mine had a grandfather who was a very senior Republican Member of Congress. Once, after a couple of drinks, he looked at me and he said, "Young man, remember Rule 6. Rule 6 is don't take yourself too seriously, and there are no other rules."

Mr. Speaker, I thank my colleagues for a magnificent 24 years, and I yield back the balance of my time.

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

Mr. Speaker, I was sitting here listening to the gentleman from Michigan, the dean of the House [Mr. DINGELL], give his compliments for my good friend, the gentleman from Massachusetts, and I cannot echo those words enough. I can assure him as one that has been the author and the worker of the Magnuson Act, and the gentleman from California [Mr. MILLER], I want them both to be aware that I have not left this subject. As I mentioned, we have reviewed this three times.

I will cherish the advice that the gentleman from Massachusetts [Mr. STUDDS] can give me on this issue as he goes into another life. We have modern communications today, far exceed that which we had in the past. As a friend, I expect him to keep in contact with me on issues that he thinks are important to the sea.

The gentleman from California himself brought up some issues that I believe very strongly in. I happen to think that the issuance of an IDQ, or IFQ, and then creating a great value of it, to be sold for wealth, is very wrong, and it is wrong to accumulate a massive amount, creating a monopoly. We are going to continue to address those issues as the future unfolds as far as our seas go.

I would like to say, Mr. Speaker, to my friends in the House, I would like to extend our interest in the oceans beyond the 200 miles. We sometimes concentrate, because fishermen vote and fishermen are very vocal and they are probably the hardest group in the world to represent, but I would like to extend our interest concerning what effect is going on beyond the 200 miles.

□ 1130

Because the key to our survival in this Nation today and all nations in this world is a healthy, providing ocean. If it is unhealthy, it does not provide. If it does not provide, I do not think any nation can survive. Someone who may live in the middle of our great Nation or the middle of Russia or the middle of India or the middle of China may say, what has that got to do with me? All of our food cycle chain and all of our wealth eventually is created from the sea.

So I am going to suggest in the future, if I have anything to do with it, with the gentleman from California [Mr. MILLER], that we extend not only beyond the 200 miles, I mean brought within the 200 miles, to be beyond the 200 miles, internationally trying to come to grips with, are the seas healthy, are the species healthy, have we done something wrong, have the death curtains been eliminated, what should we be doing, not impinging upon people's rights but how do we prevail in maintaining a healthy sea.

Mr. Speaker, again, in closing, I can suggest that those who have worked with me over the years on these issues, the ocean, I deeply appreciate their friendship and especially their dedication. The staffs that have been working with the gentleman from Massachusetts [Mr. STUDDS] are exceptionally good. We will continue to overview and to watch the great oceans that surround our shores.

Mr. GOSS. Mr. Speaker, I am pleased that today we will send S. 39, the Sustainable Fisheries Act, to the President. The bill before us is the result of a long process—it was almost a year ago that the House passed H.R. 39, the basis for the bill we're debating today. H.R. 39 was carefully crafted to limit over-fishing, rebuild depleted stocks of fish, reduce bycatch and protect our marine resources.

Of particular concern to me is the bycatch issue—when sea turtles, red snapper, and other nontargeted species get caught and die in fishing nets. During consideration of the Magnuson reauthorization bill, the House adopted an amendment I offered to address this issue.

It is clear that the delicate balance between protecting our marine resources and encouraging industry has been maintained in this bill.

Mr. Speaker, this bill is slightly different than the House-passed bill, but on the whole, it is a responsible step forward and an environmentally sound bill. Reauthorization of the Magnuson Act is long overdue. I strongly urge my colleagues to support passage of S. 39.

Mr. RIGGS. Mr. Speaker, I first want to thank my colleague from Alaska, the chairman of the committee, for his work on this bill. As the representative of a coastal district, I appreciate the difficulties and complexities you faced in crafting legislation in the face of such diverse and complicated fishing interests.

As you know, the reauthorization of the Magnuson Act is crucial to continuing the sound management of our Nation's fishery resources. Responsible fishing practices are necessary for protecting our nation's essential fishery habitat.

Last October, the House completed work on the Magnuson Act. The bill we sent the other body was a good bill that went a long way to restore the health of our fisheries.

However, it was not until last week that the Senate completed work on this bill and sent it to the House for final consideration. Obviously with only a few days left in the session, our options are limited and the opportunity to amend it is nonexistent. This has left me and many of my colleagues with a difficult choice. Either pass the bill in its current form, as watered down as it is, or send it back to the Senate where it would surely die. With reservations I will support this bill, in the hope that when we return to Congress next year, further improvements can be made.

I first want to point out that the Senate failed to adequately address the interests of small coastal fishing communities in the version delivered to the House.

Second, while the House addressed the windfall profit aspect associated with ITQS, the Senate bill falls silent. In addition, the Senate bill does not prohibit the development of ITQS through the moratorium period and does not prohibit ITQS from being placed in perpetuity.

Third, limited access schemes included in the bill may require permit holders to register their permits with a lien registry and pay a fee every time the permit is transferred.

I am concerned regarding provisions in the bill that may give the Secretary of Commerce the ability to impose a limited access plan, including ITQS, at his discretion, on any fishery that is not currently managed by a regional fishery management plan.

My last point is of special concern to many of my constituents. The Senate bill obscures the fishing community language by including the home ports of the distant water, corporately held, factory trawlers under the definition of "community-based fleets." The House bill gives consideration of local, community-based fleets and protects the interests of the historic, generation after generation family fishermen.

As I stated previously, while I have very real concerns and reservations regarding this bill, I will vote for final passage to further the process of protecting our Nation's fisheries.

Mr. MILLER of California, Mr. Speaker, yesterday, the House passed S. 39, The Sustainable Fisheries Act, and sent that measure to the President. I regret that this important fishery management bill was significantly altered, and weakened, by the Senate during a year of consideration, and that the House was denied any opportunity to improve on that version of the legislation.

H.R. 39 as passed by the House last year was a much stronger bill for the fish and the fishermen. While I realize that S. 39 does include important conservation measures, these measures could have been stronger. They should have provided more protection for the fish stocks, the fishing communities, and for the taxpayers.

The inferior version finally passed by the Senate contained many provisions that are unacceptable to the west coast fishing industry, including commercial fishermen, and processors. And it contains several provisions were particularly unacceptable, such as authorizing the Secretary to buy back fishing permits—(that were granted for free)—in biologically depressed fisheries and allowing violators of International Whaling Commission restrictions to gain access to U.S. territorial waters.

The Senate also deleted provisions of the House bill to assure that smaller communities are fairly represented, and to prohibit the private profiting from the sale of fishing quotas, which could also allow the growing concentration of quotas in the hands of the large-scale industry at the expense of family fishermen.

I am inserting in the RECORD two letters from fisheries industry groups in California, expressing their opposition to the House acceptance of S. 39 and their desire to see amendments made to the bill before it became law.

Finally, I would just like to thank the fishing families of California for their support. During the past 2 years, they worked tirelessly with us to ensure that the best Magnuson bill possible was enacted in to law. I regret that in the final analysis, the House leadership decided simply to accept the Senate's version that was negotiated with no input from the House. I salute the efforts of those families. In addition, I pledge to work with them in the years ahead to continue to seek the protections that our small fishing families and the fishery resources deserve.

WEST COAST SEAFOOD
PROCESSORS ASSOCIATION,
Portland, OR, September 18, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Rayburn Building, Washington, DC.

DEAR DON: As you know, over the past two years our Association has worked with you, other members of the House, and your counterparts in the Senate to develop a Magnuson Fishery Conservation and Management Act bill that will conserve and manage our fisheries and still provide an opportunity for our members to conduct their business and employ thousands of workers in Alaska, California, Oregon, and Washington. The House bill, while not perfect, did a good job of accomplishing these goals. The most current version of the Senate bill (which I realize is still being changed) improves the House bill in some areas, but is worse in many others. We had hoped that the Senate would act in time to allow a conference committee to develop a final product that we could all embrace. Unfortunately, time will not permit that to occur.

I have spoken to all of the members of my board of directors. Collectively, they represent the majority of shore based processors of Pacific groundfish, Dungeness crab, and shrimp—along with many other species in California, Oregon, and Washington. In addition, they represent shore based processors of salmon, king crab, tanner crab, pollock, cod, sole, sablefish, halibut, herring, and razor clams with plants on the Kenai Peninsula and in Bristol Bay, Kodiak, Cordova, and Petersburg. They unanimously agree that—absent a regular conference committee—the House should amend the Senate bill and return it to the Senate.

This decision was not made lightly. All of my members recognize the risks that this action would entail. However, they would rather make a fresh start in the next Congress than have a bill signed into law which has the potential to put them out of business.

To give you just a few examples, here are some of the Senate provisions which need to be addresses:

The Senate provisions on overfishing and bycatch do not take into account the realities of commercial fishing, leaving the industry, the Councils, and NMFS open to crippling lawsuits that could shut down fishing.

The Senate enforcement provisions could subject a fisherman or processing worker to criminal penalties if they get into an argument with a port sampler under contract to NMFS.

The Senate bill would allow the Secretary to impose a federal limited entry plan—not reviewable by the Council on fisheries such as Gulf of Alaska king crab, Pacific Dungeness crab, and Atlantic striped bass.

A fisherman writing a letter to a Council who does not provide complete documentation for his views could be subject to a $100,000 fine.

The Senate bill could allow a State to allocate Dungeness crab through area closures and pot limits at the expense of traditional fishermen legally harvesting crab in federal waters.

Every groundfish fisherman in the Pacific Council area would be required to register their limited entry permit with a newly established lien identification system and pay a fee every time the permit was transferred a provision that was never discussed with affected fishermen in California, Oregon, and Washington.

This is not an all-inclusive list of troublesome provisions, but it demonstrates the additional work that is needed on the Senate bill before it becomes law. On behalf of our members and their employees in San Luis Obispo, the San Francisco area, Sacramento, Fort Bragg, Eureka, Crescent City, Brookings, Charleston, Newport, Astoria, Warrenton, Portland, Chinook, Westport, Seattle, Bellingham, Petersburg, Cordova, the Kenai Peninsula, Kodiak, and Bristol Bay, I urge you to improve S. 39 when it arrives in the House and return it to the Senate for final action.

Sincerely,

ROD MOORE,
Executive Director.

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS,
Sausalito, CA, September 23, 1996.

Re reauthorization of the Magnuson Act.

Hon. GEORGE MILLER,
Ranking Minority Member, House Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR GEORGE: The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the west coast commercial fishing fleet, respectfully requests the House reject the effort to force House adoption of the Senate bill, S. 39, to reauthorize the Magnuson Act. While PCFFA had encouraged the Senate to take action on Magnuson, after nearly two years of delay, and worked for inclusion of language giving California, Oregon and Washington jurisdiction in federal waters over the Dungeness crab fishery, it was with the understanding that the two bills would be reconciled in conference. We understand now that this may not happen due to the Senate's delay.

PCFFA fully supports the House bill: Indeed, the only thing missing from it was the Dungeness crab language. The Senate version, on the other hand, we find seriously flawed and suggest that *no* bill this session would be better than adopting the measure passed last week by the Senate. There are a number of concerns we have with the Senate version, including:

S. 39 would require any limited access fishery (most of our west coast and Alaska fisheries are under limited entry, including salmon, pink shrimp, herring, groundfish, halibut, blackcod, swordfish/shark, Dungeness crab, sea cucumber, sea urchin and abalone) to register their limited access permit

in a line registry and pay a fee every time they transfer it. This provision, slipped in the Senate bill as an apparent favor to Seattle bankers, was not discussed with fishermen here on the west coast and, frankly, does not belong in a statute governing the conservation and management of fish stocks. Just who is the Senate concerned with here, the fish and the fishing fleet, or the bankers?

S. 39 allows the Secretary to impose limited access plans, including ITQs, on any fishery that is not under regional fishery management council jurisdiction. As mentioned, most of our fisheries here on the west coast are under limited access management, mostly under state-developed programs. Moreover, most of the state programs are working well and, in the case of California, most were industry-developed. As we read the Senate language, the Secretary could impose his/her own will over state fisheries under S. 39.

S. 39 perverts the fishing community language, which in the House bill gives consideration of local, community-based fleets, by including the home ports of the distant water, corporately-held, factory trawlers under the definition of "community-based fleets." About the only thing the Senate version did not do was define the corporate headquarters for these fleets as a "fishing community" and that's probably only because Arkansas is land-locked.

S. 39's language on bycatch is much weaker than your House version and actually makes reducing mortality of bycatch coequal with avoiding or reducing bycatch. The Senate bill also exempts the East Coast large pelagic fishery from the bycatch provision of the bill. The shark bycatch in the East Coast fishery is giving the whole of the commercial fishing industry a black eye. We have dealt with shark and shark bycatch issues here on the west coast (through state regulation) in an effort to ensure the resource was protected and the fishery is sustainable; surely it's not too much to ask that bycatch requirements be put in place for the Atlantic.

S. 39, moreover, fails to address the issue of windfall profits from ITQs. The problem of profiteering on permits has to be addressed, first to dissuade non-fishing speculators from seeking or gaining quota shares; second to assure quota shares are affordable for fishermen/women seeking to enter a fishery (by preventing windfall profits and restricting quota sales to those directly engaged in the harvest of fish—not bankers or processors); and third to assure the public a fair return on this publicly-held resource.

The House is to be commended for its bipartisan effort in developing H.R. 39, which is a very good bill. The only reason we had for pressing a Senate bill was to get in the Dungeness crab language, offered by Senator Widen, and get the two bills into conference with the idea of getting a measure out this year. If the choice now, however, is between the Senate version and no bill at all, PCFFA recommends waiting until next year.

Thank you for all your efforts this year on Magnuson and please convey to your colleagues our dissatisfaction with S. 39.

Sincerely,

W.F. "ZEKE" GRADER, Jr.,
Executive Director.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the Senate bill, S. 39.

The question was taken.

Mr. MILLER of California. 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 39, the bill just considered.

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

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

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

EXTENDING AUTHORITY FOR THE MARSHAL AND POLICE OF THE SUPREME COURT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4164) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The Clerk read as follows:

H.R. 4164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended by striking "1996" and inserting "2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

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

GENERAL LEAVE

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

Mr. Speaker, I am pleased to bring to the consideration of the House H.R. 4164, a bill to extend the authority for the Marshal of the Supreme Court and the Supreme Court Police to provide security to Justices, court employees, and official visitors beyond the Court's buildings and grounds. It is crucial that we take favorable action on this legislation before adjourning this Congress, since authority to provide this protection is slated to expire on December 29, 1996.

The authority for the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond court grounds appears at 40 U.S.C. 13n(a)(2), and was first established by Congress in 1982. Congress has periodically extended that authority—in the past 14 years, there has not been an interruption of the Supreme Court police's authority to provide such protection. Congress originally provided that the authority would terminate in December 1985, and extensions have been provided ever since. In 1985, authority was extended through December 26, 1990; in 1990, it was extended through December 29, 1993; and in 1993, it was extended through December 29, 1996.

Chief Justice Rehnquist has written to me requesting that Congress extend this authority permanently. As the Chief Justice correctly pointed out to me in his letter, "As security concerns have not diminished, it is essential that the off-grounds authority of the Supreme Court police be continued without interruption." The Supreme Court informs me that threats of violence against the Justices and the Court have increased since 1982, as has violence in the Washington metropolitan area. Accordingly, I support a permanent extension of this authority to provide for the safety of the Justices, court employees, and official visitors.

Given the late date in the Congress, however, and the fact that we must pass an extension before December 29, 1996, the bill we are considering today would provide for only a 4-year extension, until December 29, 2000. My colleague in the Senate, Senator HATCH, has introduced a similar, stopgap bill, which will allow for the orderly continuation of Supreme Court security measures until the time that we can consider a permanent authorization. Yesterday, the Senate approved that bill.

This provision is without significant cost, but provides great benefits to those on the highest court in the land and those working with them. According to the Supreme Court, from 1993 through 1995, there were only 25 requests for Supreme Court police protection beyond the Washington, DC, metropolitan area, at a toal cost of $2,997. I am also informed that off-grounds protection of the Justices within the D.C. area is provided without substantial additional cost, since it is part of the officers' regularly scheduled duties along with tasks on court grounds.

I encourage my colleagues to support this much-needed extension so as to preserve the security of the Supreme Court.

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 will be brief because the gentleman from Illinois has clearly outlined what this is. This is basically housekeeping and it must be done. I wish we did not ever have to worry about policing for the Supreme Court or for anything else, but that is a wish that, obviously, is absolutely ridiculous when we look at the real world. If we do not do this, we are in real trouble.

Yes, we probably need to do the permanent one as soon as possible because this constantly rolling it over every few years does not make sense either.

The gentleman from Illinois has explained this. We have no objection over here.

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

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to pay tribute to my friend, the gentlewoman from Colorado, PAT SCHROEDER. This may be our last clash on the floor. We have had several over the past 22 years anyway, and they have all been civil. They have been fervent but they have been civil.

The gentlewoman makes a great contribution to this body, and she will be missed by this Member. I wish her Godspeed in her future endeavors.

Mr. Speaker, I have no 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 Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 4164.

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

A motion to reconsider was laid on the table.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2100) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The Clerk read the title of the Senate bill.

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

Mr. REED. Mr. Speaker, reserving the right to object, I have no objection but I would like an explanation.

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

Mr. REED. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I would say to the gentleman that the bill is the identical bill with the one we just passed in the House. It is the Senate version.

Mr. REED. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2100

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

SECTION 1. EXTENSION OF AUTHORITY.

Section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking "1996" and inserting "2000".

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

A similar House bill (H.R. 4164) was laid on the table.

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The Clerk read as follows:

H.R. 4194

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 "Administrative Dispute Resolution Act of 1996".

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ", in lieu of an adjudication as defined in section 551(7) of this title,";

(B) by striking "settlement negotiations,"; and

(C) by striking "and arbitration" and inserting "arbitration, and use of ombuds"; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking "decision," and inserting "decision;"; and

(B) by striking the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Subsections (a) and (b) of section 574 of title 5, United States Code, are each amended in the matter before paragraph (1) by striking "any information concerning".

(b) DISPUTE RESOLUTION COMMUNICATION.—Section 574(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) except for dispute resolution communications generated by the neutral, the dispute resolution communication was provided to or was available to all parties to the dispute resolution proceeding.".

(c) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

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

"(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.".

(d) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574 of title 5, United States Code, is amended by amending subsection (j) to read as follows:

"(j) A dispute resolution communication which is between a neutral and a party and which may not be disclosed under this section shall also be exempt from disclosure under section 552(b)(3).".

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 571 note; Public Law 101–552; 104 Stat. 2736) is amended to read as follows:

"(1) consult with the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code, to facilitate and encourage agency use of alternative dispute resolution under subchapter IV of chapter 5 of such title; and".

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking "the Administrative Conference of the United States and other agencies" and inserting "the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code,".

SEC. 5. AMENDMENTS TO SUPPORT SERVICES PROVISION.

Section 583 of title 5, United States Code, is amended by inserting "State, local, and tribal governments," after "other Federal agencies,".

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking the second sentence and inserting: "The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law."; and

(2) in subsection (e) by striking the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking "agency, or" and inserting "agency, or to procure the services of an expert or neutral for use".

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended

by striking "agency, or" and inserting "agency, or to procure the services of an expert or neutral for use".

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of dispute resolution under this subchapter. Such agency or interagency committee, in consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, shall—

"(1) encourage and facilitate agency use of alternative means of dispute resolution; and

"(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis."; and

(2) in subsection (e) by striking "on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual".

SEC. 8. ARBITRATION AWARDS AND JUDICIAL REVIEW.

(a) ARBITRATION AWARDS.—Section 580 of title 5, United States Code, is amended—

(1) by striking subsections (c), (f), and (g); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) JUDICIAL AWARDS.—Section 581(d) of title 5, United States Code, is amended—

(1) by striking "(1)" after "(b)"; and

(2) by striking paragraph (2).

(c) AUTHORIZATION OF ARBITRATION.—Section 575 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking "Any" and inserting "The";

(2) in subsection (a)(2), by adding at the end the following: "Each such arbitration agreement shall specify a maximum award that may be issued by the arbitrator and may specify other conditions limiting the range of possible outcomes.";

(3) in subsection (b)—

(A) by striking "may offer to use arbitration for the resolution of issues in controversy, if" and inserting "shall not offer to use arbitration for the resolution of issues in controversy unless"; and

(B) by striking in paragraph (1) "has authority" and inserting "would otherwise have authority"; and

(4) by adding at the end the following:

"(c) Prior to using binding arbitration under this subchapter, the head of an agency, in consultation with the Attorney General and after taking into account the factors in section 572(b), shall issue guidance on the appropriate use of binding arbitration and when an officer or employee of the agency has authority to settle an issue in controversy through binding arbitration.".

SEC. 9. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101-552; 104 Stat. 2747; 5 U.S.C. 571 note) is amended by striking section 11.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter IV of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 584. Authorization of appropriations

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

"584. Authorization of appropriations.".

SEC. 11. REAUTHORIZATION OF NEGOTIATED RULEMAKING ACT OF 1990.

(a) PERMANENT REAUTHORIZATION.—Section 5 of the Negotiated Rulemaking Act of 1990 (Public Law 101-648; 5 U.S.C. 561 note) is repealed.

(b) CLOSURE OF ADMINISTRATIVE CONFERENCE.—

(1) IN GENERAL.—Section 569 of title 5, United States Code, is amended—

(A) by amending the section heading to read as follows:

"§ 569. Encouraging negotiated rulemaking"; and

(B) by striking subsections (a) through (g) and inserting the following:

"(a) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of negotiated rulemaking. An agency that is considering, planning, or conducting a negotiated rulemaking may consult with such agency or committee for information and assistance.

"(b) To carry out the purposes of this subchapter, an agency planning or conducting a negotiated rulemaking may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal if that agency's acceptance and use of such gifts, devises, or bequests do not create a conflict of interest. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the head of such agency. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 569 and inserting the following:

"569. Encouraging negotiated rulemaking.".

(c) EXPEDITED HIRING OF CONVENORS AND FACILITATORS.—

(1) DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by inserting "or negotiated rulemaking" after "alternative dispute resolution".

(2) FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by inserting "or negotiated rulemaking" after "alternative dispute resolution".

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subchapter III of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 570a. Authorization of appropriations

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 570 the following:

"570a. Authorization of appropriations.".

(e) NEGOTIATED RULEMAKING COMMITTEES.—The Director of the Office of Management and Budget shall—

(1) within 180 days of the date of the enactment of this Act, take appropriate action to expedite the establishment of negotiated rulemaking committees and committees established to resolve disputes under the Administrative Dispute Resolution Act, including, with respect to negotiated rulemaking committees, eliminating any redundant administrative requirements related to filing a committee charter under section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) and providing public notice of such committee under section 564 of title 5, United States Code; and

(2) within one year of the date of the enactment of this Act, submit recommendations to Congress for any necessary legislative changes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Speaker, I rise in support of H.R. 4194 and urge its adoption by the House.

Back in 1990, Mr. Speaker, the then-President of the United States, George Bush, signed into law the Administrative Dispute Resolution Act, which brings us to this moment in the history of this type of legislation. What we are about to do, if the House should agree and if the Senate, of course, is to reauthorize that first attempt at, and successful attempt, I might add, at bringing a new mechanism into play for the solution of problems that arise between agencies and people who deal with the agencies in the private sector most especially.

We ought to set the stage, Mr. Speaker, by saying assume that we have a contractor, and we have testimony in hearings that buttress the example that I am about to render, a contractor deals with an agency and they come to a stalemate on an important issue in which there is no alternative left for the contractor except to bring the matter to court.

What happens then is a protracted period. As we all know, a protracted period is part of the court system these days, during which the contractor is not going to be doing any work and which the agency may find itself frozen in its tracks in attempting to do the mandate while the court proceeds to handle a case that may take years to reach final docket stage.

The purpose then of the Administrative Dispute Resolution Act is to allow a mechanism where an interim kind of cooperative measure can be taken where both parties go before a mechanism which allows them an alternative way to solve their dispute.

What this does for the contractor is save enormous amounts of money, of course. No. 2, it, more importantly, saves important time segments for both the agency and the contractor

and, in the long run, brings about for the public a swift answer to the vexing problems that may have arisen. So by itself it is an excellent cost saver and time saver, and we want to make sure that the House and the Senate fully complement our efforts here by passing this legislation.

What more we can say about it is that on June 12, 1996, the Senate approved a predecessor to this bill with an amendment that included several substantive additions. First, several provisions in the Senate passed bill relating to ADR were different, notably with respect to the issues of confidentiality of ADR communications and the authority of the Government to engage in binding arbitration.

Second, the Senate added a permanent reauthorization of the Negotiated Rulemaking Act, a law designed to improve the development of agency rules by encouraging the formation of committees composed of representatives from the regulated public to work together with agency representatives.

Third, the Senate added a provision dealing with the jurisdiction of the Federal district courts to entertain bid protests in procurement cases, something which is commonly referred to as Scanwell jurisdiction, after the name of the case that wended its way through the court system.

The conferees of the House and Senate negotiated over a period of several months to arrive at an agreement that would enable two important provisions to be reauthorized, two provisions which our subcommittee had heard testimony that indicated that considerable taxpayer dollars were being saved, as I indicated in my hypothetical, because of their existence.

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Both the ADR Act and the Negotiated Rulemaking Act have reduced the cost of government to the taxpayer by, in the instance of the former, reducing resort to litigation, which is what I have been trying to emphasize, and in the case of the latter, by ensuring the promulgation of agency rules that make sense and which do not overburden the regulated public.

The question of changing Scanwell jurisdiction. This added feature that I mentioned had not been raised in the House but was supported by the administration and insisted upon by the Senate, thereby causing the delays that caused us to wait until almost the last day to make sure that this can be passed. The conference adopted a course of compromise with respect to Scanwell, but it is obvious that since efforts to change Scanwell jurisdiction have never been the subjects of hearings in the House, they cannot be successful at this point without discrete consideration in this body. Thus H.R. 4194 embodies the conference agreement with the exception of Scanwell, dropping off Scanwell, which is left for consideration as we see it in the next Congress.

With respect to ADR, the House receded to the Senate language on confidentiality with an amendment that brought it closer to the House position. The same course was taken with respect to the issue of arbitration. The conference report provided, and so does the current bill, H.R. 4194, that ADR communications between the neutral and the parties are exempted from disclosure under the Freedom of Information Act. It did so in order to promote honest and candid discussions in the process which will lead to the settlement of issues in dispute and a resulting savings in time and money to every party to a particular dispute. ADR communications between the parties themselves are not so exempted in recognition that the public does in fact have a right to know something about the process and how it is operating.

Now, with respect to arbitration, the conference report and H.R. 4194 authorize agencies to engage in binding arbitration but with certain limitations and guidelines designed to foster discretion and accountability. This bill, as did the conference report, clarifies that an agency cannot exceed its otherwise applicable settlement authority in ADR proceedings and it requires an agency, in consultation with the Attorney General, to issue guidelines on the use and limitations of binding arbitration.

Mr. Speaker, I think it is an important accomplishment of this body to reauthorize two very significant statutes that have been extremely useful in saving the taxpayers money and in helping agencies and the regulated public develop a better working relationship that makes government work better. I wish to commend my colleague, the distinguished gentleman from Rhode Island, Mr. REED, and thank him for his efforts and his cooperation and that of his staff in promoting the final result in this overextended controversy. We also wish to extend our personal wishes of good luck to the gentleman who is embarking on a new career that if he would be successful would result, of course, in the elevating of the IQ of both the House and the Senate and in doing so we wish him the best.

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

Mr. CONYERS. Mr. Speaker, I rise in support of this important, bipartisan legislation.

The original Alternative Dispute Resolution Act [ADRA] was signed into law in 1990 in order to encourage the use of alternative dispute resolution techniques—such as mediation, arbitration, and negotiation—to resolve disputes involving Federal agencies. The authorization for this program expired in October 1995, and this legislation would permanently reauthorize the program. Although agencies can engage in ADR without authorizing legislation, the ADRA provided a governmentwide framework for ADR and its expiration has caused unnecessary disruption in the field.

I favor innovative programs such as ADRA which can lower the costs of litigation without diminishing access to justice. This benefits both sides to the litigation equation—Government as well as business and private parties—and is the type of civil justice reform we can all support.

In addition to permanently reauthorizing ADRA, H.R. 4194 makes several other changes to the law. It expands the range of cases which are subject to referral to ADR by eliminating exemptions for certain types of workplace grievances and discrimination cases, so long as the employee so consents. I believe the program has been sufficiently tested so that it can be used for these very sensitive cases. H.R. 4194 also makes the ADR procedure more user friendly by streamlining the acquisition process for neutrals.

The bill also creates a limited exemption from the Freedom of Information Act [FOIA] for certain documents disclosed to an arbitrator or other neutral in the course of a dispute resolution proceeding. As with all other exemptions to FOIA, this new exemption is to be construed in the narrowest possible manner.

For example, it is important to note that the parties are not permitted to use this exemption as a mere sham to exempt sensitive information from FOIA. Thus, as noted in the statement of managers on the predecessor legislation to this bill (H.R. 2977), litigants may not resort to ADR principally as a means of taking advantage of the new exemption—in such a case the new FOIA exemption should not be held to apply. There are few policies which are more important than openness in Government and release of Government documents to the people.

Finally, I would like to note that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment or to relinquish any rights they may have under title VII of the Civil Rights Act of 1964 or any other statute. The decision to engage in binding arbitration concerning such disputes must be voluntary by all parties. No one should be required to relinquish his or her statutory rights as a condition of obtaining employment with the Federal Government. Under no condition could I support this legislation if this were not the case.

I urge my colleagues to join me in supporting this worthwhile, bipartisan legislation.

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

Mr. Speaker, first I want to thank the gentleman from Pennsylvania [Mr. GEKAS] for his hard work on this legislation. It was a pleasure working with him and his staff, and I commend him on the excellent job he has done this year as chairman of the Subcommittee on Commercial and Administrative Law. I thank him for his kind words and his accurate assessment of my intelligence.

The original House version of this legislation, H.R. 2977, passed the House by voice vote on June 4 of this year. The bill before us today is identical to

the conference report on H.R. 2977 minus a controversial procurement reform provision added by the Senate. That provision would have repealed Federal district court jurisdiction over bid protests otherwise known as the Scanwell jurisdiction, as has been explained by Chairman GEKAS. Removing this provision will give the House the opportunity to hold hearings on this issue and examine it more closely. In particular, close scrutiny should be given to the impact on small contractors of this provision.

The remaining provisions of this legislation permanently authorize the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act.

Mr. Speaker, I include my full statement for the RECORD:

First, I want thank Chairman GEKAS for his hard work on this legislation. It was a pleasure working with him and his staff and I commend him on the excellent job he has done this year as the chairman of the Subcommittee on Commercial and Administrative Law.

The original House version of this legislation, H.R. 2977, passed the House by voice vote on June 4 of this year. The bill before us today is identical to the conference report on H.R. 2977, minus a controversial procurement reform provision added by the Senate. That provision would have repealed Federal district court jurisdiction over bid protests, otherwise known as Scanwell jurisdiction. Removing this provision will give the House the opportunity to hold hearings on this issue and examine it more closely. In particular, close scrutiny should be given to the impact on small contractors.

The remaining provisions of this legislation permanently reauthorize the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act.

When the ADR Act was first enacted in 1990, the Federal Government lagged well behind the private sector and the courts in using alternative dispute resolution. Since then, almost every agency has experimented with consensus based dispute resolution techniques. Now, the Federal Government has the opportunity to become a leader in making dispute resolution easier, cheaper, and more effective.

H.R. 4194 makes several changes to the existing ADR Act:

It removes a procedural impediment to the use of binding arbitration by Government agencies while at the same time imposing safeguards to ensure binding arbitration is used only where appropriate.

It expands the range of cases that can be referred to ADR by eliminating the exemptions for certain types of workplace related disputes so they may, with the consent of the employee, be referred to ADR. The general provisions of section 572(b), which establish criteria for identifying cases where ADR is not appropriate, would still apply.

I would like to take a moment to address a concern that was recently brought to my attention by the gentlelady from Colorado [Mrs. SCHROEDER]. She wanted to make clear that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment or to require employees to relinquish rights they may have under title VII of the Civil Rights Act of 1964 or any other statute.

I wanted to assure her that she has no reason to worry about this bill. The decision to engage in binding arbitration must be voluntary by all parties, as provided by sections 572 (a) and (c) of the ADR Act. Also, 5 U.S.C. 2302(b)(9)(A) makes it a prohibited personnel practice to take any action against an employee because of the "exercise of any appeal, complaint or grievance right granted by any law, rule, or regulation." A party cannot be required to enter into binding arbitration as a condition of initial or continued employment. I wanted to make sure that point is absolutely clear. We have been assured of this by the Department of Justice, the EEOC, and OPM. Both the Ranking Member, Mr. CONYERS, and I signed the conference report with this understanding and would not have signed it otherwise, nor would we be supporting this legislation today.

H.R. 4194 makes ADR easier for agencies to use by streaming the acquisition process for neutrals.

H.R. 4104 also enhances the confidentially provisions of the ADR statute. The bill provides that a document generated by a neutral and provided to all parties is exempt from discovery under section 574(b)(7), as well as from disclosure pursuant to FOIA. This change will facilitate the use of early neutral evaluation and similar ADR processes that provide an outcome prediction to both sides. Parties are understandably reluctant to subject themselves to the risk of the neutral's opinion, which is not based on full discovery, being used against them at trial later. This is a change from the House passed version of H.R. 2977.

Another change from the House passed version of H.R. 2977 concerns the interaction between the confidentiality protections in the ADR Act and the Freedom of Information Act. As passed by the House, H.R. 2977 provided that the memoranda, notes, or work product of the neutral would be exempt from disclosure under the Freedom of Information Act. According to the testimony of the Federal Mediation and Conciliation Service, the lack of a FOIA exemption has served as an incentive to hire private neutrals who are not subject to FOIA, rather than Government neutrals. This is a particular problem for Government agencies, like FMCS, that furnish employees as neutrals for proceedings involving other Federal agencies, since their neutrals' notes, unlike the notes of private sector neutrals, may be subject to FOIA disclosure.

The conference was reluctant to go as far as the Senate bill and exempt all ADR communication from FOIA. Under prevailing law, documents exchanged by the Government and its litigation adversaries in the course of settlement are not withholdable under FOIA, and key documents have been made public that shed light on why the Government settled important enforcement actions.

But the House conferees were persuaded to go slightly farther than the original House proposal to cover the situation where a neutral asks an agency to prepare a statement outlying the strengths and weakness of its case. Under the House passed H.R. 2977, such a document in the hands of the mediator would be protected against disclosure pursuant to FOIA, yet that same document in the hands of an agency party would not be, unless it fit one of the existing FOIA exemptions. The overall purpose of the confidentiality provision is to encourage a candid exchange between a party and the neutral to the end of facilitating an agreement. Thus, the conference agreed that dispute resolution communications between a party and a neutral are to be protected against disclosure under FOIA. It is not the intent of the conferees, as is made clear by the statement of managers, that this provision be read to permit parties to evade FOIA by passing documents through the neutral to another party. It only exempts a document generated by an agency during a dispute resolution proceeding that is provided to the neutral alone. If a party provides a document to the neutral and the neutral provides it to another party, that document would be regarded as being exchanged between the parties, and hence outside the revised section 474(j). It would therefore, be subject to FOIA. In fact, under ADRA section 574(b)(7), if the document is provided to or available to all parties, it is also not protected against disclosure through discovery.

H.R. 4194 also narrows the definition of documents accorded confidentiality. They are limited to communications prepared for a dispute resolution proceeding. Preexisting documents are not protected. Section 574(f) already states that the ADR Act does not prevent the discovery or admissibility of any evidence that is otherwise discoverable.

When the Department of Justice drops antitrust charges against a software company pursuant to a settlement agreement or the FDIC settles a case with the directors of a failed savings and loan, the public should be able to find out why the Government acted as it did. The public interest in disclosure does not disappear simply because of a shift in venue from a trial court or an unassisted settlement setting to an alternative dispute resolution proceeding.

At the same time, ADR is qualitatively different from unassisted settlement negotiations and litigation. Working with a neutral, participants share information and concede weaknesses that otherwise would be more advantageous to withhold. Exempting from FOIA disclosure documents shared with the neutral, along with the work product of the neutral, will encourage ADR without sacrificing accountability and openness.

The conference report also permanently reauthorizes the Negotiated Rulemaking Act. The Negotiated Rulemaking Act was passed in 1990 to provide an alternative to traditional notice and comment rulemaking. Instead, of formulating a rule on its own, publishing it, and waiting for interested parties to comment, under negotiated rulemaking an agency brings together representatives of the parties that will be affected by the rule to develop that rule by consensus. Our subcommittee held a very informative hearing this year where we heard from the participants of a negotiated rulemaking involving OSHA, the construction industry, and labor, that succeeded where a decade of traditional rulemaking had failed.

Agencies have used negotiated rulemaking in a variety of circumstances, from fall protection in the steel industry to headlight aiming. Vice President GORE's National Performance Review encouraged its use, citing the reduction in compliance costs, greater ease in implementation, and more cooperative relationships between the agency and regulated parties that result. President Clinton by Executive order has required executive departments and selected agencies to do at least one negotiated rulemaking this year.

The Negotiated Rulemaking Act would expire at the end of November. This conference report would permanently reauthorize it, and make some primarily technical improvements. For example, the process for acquiring neutrals and facilitators is streamlined. Likewise, OMB is directed to expedite the procedures for forming a negotiated rulemaking committee.

H.R. 4194 also authorizes the President to designate an agency or interagency panel to coordinate and facilitate agency use of ADR and negotiated rulemaking, to make up for the loss of ACUS, the Administrative Conference of the United States, which lost its funding last year.

Finally, I insert into the RECORD a copy of the statement of managers as part of the legislative history of this bill.

It is important that we reauthorize both the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. This bill has the support of the administration and I urge my colleagues to vote for H.R. 4194.

Mr. Speaker, I include for the RECORD a copy of the statement of managers as part of the legislative history of the bill:

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104–597 and Senate Report 104–245. To the extent not otherwise inconsistent with the conference agreement, those reports give expression to the intent of the conferees.

Section 3—House recedes to Senate amendment with modifications. This section clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as Early Neutral Evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The Managers recognize that the intent of the Conference Agreement not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. It is the intent of the Managers that if the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the exemption from FOIA would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. The Managers would not expect the parties to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, we would not expect litigants to resort to ADR principally as a means of taking advantage of the new exemption. In such a case the new exemption would not apply.

Section 7—Senate recedes to House with a modification. This section requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of alternative dispute resolution. The Managers encourage the President to designate the same entity under this provision as is designated under section 11 (regarding Negotiated Rulemaking). This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and Negotiated Rulemaking.

Section 8—House recedes to Senate amendment with modifications. This section permits the use of binding arbitration under certain conditions, and clarifies that an agency cannot exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings.

The head of an agency that is a party to an arbitration proceeding will no longer have the authority to terminate the proceeding or vacate any award under 5 U.S.C. section 580. However, it is the Managers' intent that an arbitrator shall not grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Section 11—House recedes to Senate amendment with modifications. This section permanently reauthorizes the Negotiated Rulemaking Act of 1990. The President is required to designate an agency or interagency committee to facilitate and encourage the use of negotiated rulemaking.

In addition, this section requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. It is the understanding of the Managers that the Federal Advisory Committee Act (FACA) applies to proceedings under the Negotiated Rulemaking Act, but does not apply to proceedings under the Administrative Dispute Resolution Act. The Director also is required to submit recommendations to Congress for any necessary legislative changes within one year after enactment.

The Managers deleted language in paragraph (b)(1)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Section 12—House recedes to Senate amendment with modifications. This section consolidates federal court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The grant of exclusive federal court jurisdiction to the Court of Federal Claims does not affect in any way the authority of the Comptroller General to review procurement protests pursuant to Chapter 35 of Title 31, U.S. Code.

This section also applies the Administrative Procedure Act Standard of review previously applied by the district courts (5 U.S.C. sec. 706) to all procurement protest cases in the Court of Federal Claims. It is the intention of the Managers to give the Court of Federal Claims exclusive jurisdiction over the full range of procurement protest cases previously subject to review in the federal district courts and the Court of Federal Claims. This section is not intended to affect the jurisdiction or standards applied by the Court of Federal Claims in any other area of the law.

Mr. Speaker, it is important that we reauthorize both the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. This bill has the support of the administration and I urge my colleagues to vote for H.R. 4194.

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

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, the cost and length of traditional litigation is increasingly leading to the settlement of claims through alternative means. Many different techniques, such as mediation, arbitration, minitrials, and partnering have been found effective in reaching expeditious and consensual resolutions to matters which would have otherwise been adjudicated through our courts. The benefits of these alternative dispute resolution techniques are equally apparent where one or more of the parties to the dispute is a governmental entity. In order to promote their use by agencies, we are today considering H.R. 4194, the Alternative Dispute Resolution Act of 1996, which will reauthorize that act.

In addition to providing a permanent authorization for the act, H.R. 4194 contains several provisions which will improve procedures governing alternative dispute resolution, and give parties incentives to use these techniques. First, it eliminates the provision of current law which gives the Government 30 days to vacate the award of an arbitrator. The practical effect of this provision was that no private party would agree to arbitration with the Government. This change is anticipated to dramatically increase the use of binding arbitration.

Under the bill, an agency cannot use binding arbitration if doing so would exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings. An arbitrator would not be permitted to grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Second, H.R. 4194 increases the confidentiality of dispute resolution communications between a party and a neutral. While current law sets out in great detail what communications in an alternative dispute resolution may be disclosed by the neutral and the parties, and under what conditions, it fails to ensure that such documents are also protected from disclosure under the Freedom of Information Act [FOIA]. If either a party or the neutral is a Government agency, a dispute resolution communication would be potentially available to

the public through FOIA dispute the intent of the ADR Act that it be kept confidential. This confidentiality is of vital importance to reaching a voluntary agreement, because it encourages a candid exchange between a party and a neutral. H.R. 4194 provides an exemption from FOIA disclosure for communications between a party and a neutral, so long as they would also be confidential according to the terms of the ADR Act.

The bill clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as early neutral evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The intent of this provision not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. If the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the FOIA exemption would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. Parties should not be allowed to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, litigants should not resort to ADR principally as a means of taking advantage of the new exemption. In such case the new exemption would not apply.

Mr. Speaker, H.R. 4194 also reauthorizes the Negotiated Rulemaking Act, which encourages agencies to use negotiated rulemaking when its use would enhance the informal rulemaking process. The bill requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of negotiated rulemaking, and to do the same to facilitate the use of alternative dispute resolution. Hopefully, the President will designate the same entity for both purposes. This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and negotiated rulemaking. In addition, the bill requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. The Federal Advisory Committee Act [FACA] would apply to proceedings under the Negotiated Rulemaking Act, but not to proceedings under the Administrative Dispute Resolution Act.

Mr. Speaker, I strongly support H.R. 4194 and urge its swift adoption.

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

Mr. Speaker, when we engaged in hearings on this bill, I want to spread on the record the thought that I have that the quality of the testimony was what spurred this Member in attempting to bring about a final solution to the resolution of administrative disputes. Particularly I want to pay tribute to the gentlemen from TRW, who in their testimony outlined how in effect money could be saved and, more importantly, time and energy of the various agencies and the private entities involved in an enterprise and very forcefully convinced this Member, along with the testimony of others, that this type of mechanism indeed should be and is now on the verge of being reauthorized.

We worry about what effect the Scanwell language might have and what atmosphere it casts over the final passage of this legislation. The gentleman from Rhode Island was correct in stating that hearings ought to be held and that the next Congress ought to make it a part of its agenda. I want to place on the record my pledge that if reelected and we return to the work of the committee in which we participate, that we will hold hearings and look at it very closely. But for now, we do no harm to anyone by leaving the law as it is without delving into the controversial aspects of the Scanwell item about which we speak. So, with that pledge, I am determined to offer the best possible face of this legislation so it can be reauthorized now, along with its other provisions.

I wonder if the gentleman from Rhode Island would engage in a colloquy with me with some of my remaining time. I remembered during the conference that the gentleman from Rhode Island was not unhappy with but was not final in his determination as to the report language. Could I ask the gentleman if he is now satisfied with the report language as now will accompany the bill?

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

Mr. GEKAS. I yield to the gentleman from Rhode Island.

Mr. REED. Mr. Speaker, I believe we have made progress with respect to the report language and it is adequate. We have made progress with the report language. I believe at this juncture, it is adequate to substantiate our understanding of the legislation and provide guidance to interpretation of the legislation.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

So that the last tidiness that has to be applied to this legislation, namely the report language, will probably offer no obstacle to the final passage of this legislation; is that correct?

Mr. REED. Mr. Speaker, I do not think there is anything that we should know. I believe that the staffs have been in communication and that there is an understanding that the language of the report will substantiate our mutual understanding of the legislation. Consequently, I do not at this juncture anticipate any problems.

Mr. GEKAS. Mr. Speaker, I am rapidly coming to the close of the remarks that I want to insert into the record, but I am searching diligently for even additional language that I feel should become part of the RECORD. I am doing that to give time to the gentleman from Georgia [Mr. LINDER] to get here so that we can proceed with the next item of business. You are going to have to listen to me drone on for a few minutes, if you do not mind. The gentleman from Massachusetts [Mr. MOAKLEY] is present but he cannot begin the process without the presence of his colleague from the Committee on Rules. We are consulting here on how best we can fill the time.

Mr. Speaker, as my final item in the discourse which I have embarked on this morning, I want to give some statistics that will show the value of what we are about here today. The Army Corps of Engineers reportedly used dispute resolution in 55 contract disputes between 1989–94, 53 of which were successful. One case reportedly resulted in a claim for $55 million being settled for $17 million in 4 days. So this gives you an idea that we are not just puffing here when we are saying that to allow for a mechanism for alternative ways to solve disputes between contractors and agencies, that we indeed can demonstrate to the public that we are utilizing time, energy and cost savings very efficiently.

I think that the gentleman from Georgia [Mr. LINDER] would agree with me if he were here. If he should get to the floor rather quickly, I could end my discourse.

Mr. Speaker, this is not the most exciting of issues and my heart is not pounding with the rapture that usually accompanies my involvement in issues before the floor, but insofar as it was granted to us to have the power to deal with the issue and because it was relegated to my committee, I now take the privilege of thanking every member of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, both on the minority side and the majority side. This may be the last time that our voice, collectively or individually, will be heard as members of that committee.

I daresay that we had excellent cooperative, bipartisan action on many items and where we did devolve into ideological or partisan approaches to a particular problem, those were handled on a civil basis with great cooperation being accorded between staffs and between and among Members.

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

□ 1200

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

Mr. Speaker, I would like, if I could, to engage the gentleman from Pennsylvania [Mr. GEKAS] in a colloquy, and in doing so I would like to take a moment to address a concern that was recently brought to my attention by the gentlewoman from Colorado [Mrs. SCHROEDER]. She wanted to make clear that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment, or to relinquish rights they may have under title 7 of the Civil Rights Act of 1964 or any other statute. I want to assure her that she has no reason to worry about this bill and that the decision to engage in binding arbitration must be voluntary by all parties, as provided in sections styled 72(a) and (c) of the ADR act, and in fact would like if the gentleman could confirm that understanding.

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

Mr. REED. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I assert for the record and for the gentleman's confirmation that indeed this bill does not in any way change the current law, the current system for handling binding arbitration of the type that has been described by the gentleman in his hypothetical. We remain nongermane in this bill as to the current situation on binding arbitration.

Mr. REED. Mr. Speaker, I thank the gentleman from Pennsylvania, and reclaiming my time once again, I do want to commend him for his leadership on the committee and to commend all of my colleagues on the committee, both the members of the minority and majority parties and the staffs who have done an excellent job. I, too, second the chairman's determination that this has been a committee I think marked by collegiality and cooperation, and at times when we did disagree it was done based upon principle, in a very civil and constructive manner, and I thank the chairman for that atmosphere that he has created.

I have no more speakers, Mr. Speaker, and I would reserve the balance of my time pending other comments by the gentleman from Pennsylvania.

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

Mr. Speaker, one other item: I made it the point throughout the entire 2-year period in which I chaired this committee to begin the each meeting and each hearing on time. When we said 10 o'clock or 9:30 or 11 o'clock, the gavel actually rapped every single time that we had a hearing or meeting throughout the course of the 2 years.

Now many times we had to recess immediately upon convening the hearing because of the absence of a quorum, but I want the record to show that every single meeting or hearing that was conducted in the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary began on time. I believe, unless someone can contravene it, that that is a record.

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

Mr. GEKAS. I yield to the gentleman from Massachusetts [Mr. MOAKLEY] to see if he can challenge that assertion on my part. Seeing that he is rising, that worries me, but I will yield to the gentleman.

Mr. MOAKLEY. Mr. Speaker, actually I cannot affirm whether or not that is true, but the only thing is I know that presently, right now, I am waiting for a Republican member of the Committee on Rules to show up who is not on time.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his noncomment.

Another matter that I wanted to bring before the CONGRESSIONAL RECORD is my personal thanks to Ray Smietanka, to Roger Fleming, to Charles Kern, who are staff attorneys in the subcommittee, and of course Susan Guttierez and Becky Ward who are visible most of the time, but invisible another part-time, but who very boldly and carefully helped the process of the committee.

Now I want to speak some more, and the gentleman from Georgia [Mr. LINDER] is here, but I refuse to end my discourse because I am getting warm now. But I think I am going to have to do so.

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

Mr. REED. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 4194.

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

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 540 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. Speaker, House Resolution 540 provides for the consideration of the conference report for H.R. 3539, Federal Aviation Reauthorization. House Resolution 540 is a typical House rule for a conference report. The rule waives all points of order against the conference report and against its consideration, and the conference report shall be considered as read.

The House understands the importance of the timely consideration of this bill, and the Rules Committee favorably approved this rule yesterday. It is imperative that this bill be enacted into law soon so that airport improvement funds can be released across the country by the end of the month. We are close to completing the work of the 104th Congress, and the House cannot delay sending the President this legislation for his signature; therefore, I urge adoption of this rule so that we can get on with debate and passage of this essential legislation.

As a conferee on the section of this legislation under the jurisdiction of the Rules Committee, I want to commend Chairman BUD SHUSTER, and BILL CLINGER, and JOHN DUNCAN for their hard work in resolving the differences that remained between the House and the Senate legislation. The conferees had to balance an assortment of concerns, and the resulting product closely resembles the FAA reauthorization bill that passed the House.

The conference report authorizes the Federal Aviation Administration's major program for 2 years and provides about $19 billion dollars for FAA operations, airport grants, and FAA facilities, equipment, and research. This legislation reforms the FAA, authorizes the necessary funding to increase aviation safety and security, and assures expanded aircraft inspection. These are provisions that are vital to provide the effective services and protection that the American public deserves.

I also want to comment on a number of notable items in the bill. First, the conference report authorizes an airport privatization pilot program that will allow five airports to be either sold or to enter into long term leases. The pilot program gives us an opportunity to observe the ability of the private sector to introduce the necessary capital and efficiencies that may help to advance our current airport system into the 21st century.

Another significant provision in the conference report is a requirement that the National Transportation Safety

Board serve as the responsible contact following an accident. Under these requirements, the NTSB would designate an independent, nonprofit entity to provide emotional care and support for the families of any passenger involved in an accident. It is crucial that we provide family members with information about their loved ones, and this provision helps provide the care that is needed under the most horrible of circumstances.

Finally, this Nation has seen a disturbing rise in the practice of lawyers immediately harassing the grieving families of victims following an accident. I am particularly pleased this bill protects passengers and family members by prohibiting unsolicited contacts from lawyers until 30 days after an accident. It is a compassionate provision that deserves our support.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with the debate and consideration of a conference report that contains these meaningful FAA reforms, vital transportation resources and significant safety and security protections for American families across the nation.

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

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

Mr. Speaker, I thank my colleague, the gentleman from Georgia [Mr. LINDER], for yielding me the customary half-hour.

Mr. Speaker, most of the things that this bill does are excellent.

It authorizes $10.4 billion for the next 2 fiscal years for our Federal Aviation Administration. These are people in charge of our air traffic control, air routes and airline safety.

It also authorizes $4.6 billion in airport grants.

It authorizes funding for airline safety and inspection programs which will improve the safety of air travel in the United States.

It improves the notification process for families of airline accident victims to end confusion and to speed the transfer of information during that very, very difficult time.

And if that were all that this bill would do, Mr. Speaker, I would happily support it, and so would many of my colleagues. But that is not all that is in this bill.

This bill contains a direct attack on working Americans. This bill contains a provision that was not part of either the House or Senate bill. This provision will resurrect the term "express carrier" solely on behalf of the Federal Express Co. No other company is categorized as an express carrier.

In fact, Mr. Speaker, the term "express carrier" was dropped with the passage of the ICC Termination Act in 1995, but this bill pulls that term out of the trash heap, and in doing so will effectively prohibit the employees of Federal Express from unionizing.

The supporters of this provision, this blatant attack on American workers, call it a technical correction. The person testifying before the committee said it was inadvertently left out of the House bill. It was inadvertently left out of the Senate bill. But somehow it showed up in the conference committee report.

I would argue that for the 130,000 employees of Federal Express this change is hardly a correction, it is more like a misdirection.

If Federal Express employees cannot unionize locally, Mr. Speaker, they cannot unionize at all, and the powerful people at the top of Federal Express know it.

So, I urge my colleagues to stand up for those 130,000 employees of this company and defeat the rule and defeat the bill. Despite all of the progress this bill will make towards improving air travel and airline safety, it should be defeated because of that one provision.

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

Mr. LINDER. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. LIPINSKI].

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

Mr. Speaker, H.R. 3539 is a good bipartisan bill except for one horrible extraneous provision which was beyond the scope of the conference. We should be passing a conference report today in order to fund airport improvement program grants, reform the FAA, address the security needs of our aviation system, restructure the Washington Airport Authority, and deal with the ways that pilot records are shared, accident victim families are treated, and children are allowed to fly. But I cannot ask my colleagues to vote for this bill because the Republican leadership has chosen to sabotage this important legislation with a big favor for the Federal Express Corp.

In case my colleagues have not heard, the history of this controversial so-called Fed Ex provision is as follows:

There has never been a hearing on it, not in a subcommittee in the House, not in a full committee of the House, not in a subcommittee of the Senate, not in a full committee of the Senate. They attempted to attach this provision to the fiscal year 1996 omnibus appropriations bill and failed. They tried to attach it to the NTSB reauthorization bill and failed.

□ 1215

They tried to attach it to the Railroad Unemployment Act amendments and failed. They attempted to attach it to the amendments to the DOT appropriations and failed. I understand that they even tried to attach it to the CR that we will be voting upon today, tomorrow, Sunday, Monday, Tuesday, whenever it comes to pass. Now they have stuck it on this very important aviation bill, threatening everything in it.

Defeating the rule will enable us to have this terrible special interest provision removed so that the product of 2 years of effort of the Aviation Subcommittee will not be sacrificed to Federal Express.

Mr. Speaker, I hate to see the progress that we have made in improving virtually every aspect of aviation for the American people thrown away to cater to one powerful corporation. We have had splendid, outstanding cooperation on all aviation matters here in the House, principally because of the nature of the chairman of the Aviation Subcommittee, the gentleman from Tennessee [Mr. DUNCAN]. He and I have worked splendidly together throughout the entire process of this bill and many other bills.

The ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, have worked in tremendous cooperation to improve the aviation industry in this country, with all the legislation that is included in this bill.

Now, unfortunately, at the last moment, when everything else was done in conference, when we had worked everything else out between the House and Senate, at the 11th hour, an amendment is brought forward to aid and assist one giant corporation against the American middle class, a provision for Federal Express.

Mr. Speaker, I say to one and all in this House, this is an opportunity for Members to stand up and do something for American middle class people, and vote against this rule.

For the arguments that people will put forth that we do not want to defeat this very important piece of legislation because so many things will be adversely impacted in the aviation industry, I simply say to them, the very distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], has stated in several publications if the rule is defeated, if the bill is defeated, they will simply put it on the continuing resolution, or they will bring it back without this provision and pass a clean aviation bill.

Mr. Speaker, I say to the Members, vote against this terrible rule.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation.

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

Mr. Speaker, I rise in support of the rule. The issue which my friend, the

gentleman from Illinois, brings up will, of course, be debated after this rule has passed, and we can address it at that point. Our view is that it is simply a technical correction that needs to be made.

But beyond that, let me emphasize that the provision was offered by the Senate. Indeed, it was offered by Senator HOLLINGS, a Democrat. The Senate conferees unanimously, Republican and Democrat alike, including Senator WENDELL FORD, supported this provision. So this is certainly not simply something, it is not something that we have proposed, it is something that the Senate has proposed. It is something that we accept, because we think it is a technical correction.

But, indeed, that can be debated, and I am sure it will be debated at length when we get into the conference report itself. I simply rise and urge my colleagues to vote in favor of this rule so we can get to the debate, to the substance of the conference report.

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

I have heard certain people in the Republican party do not want this bill. I wanted to ask my dear friend, the gentleman from Pennsylvania [Mr. SHUSTER], who just sat down, if he really wants this proviso in the bill.

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

Mr. MOAKLEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would be happy to respond. Absolutely.

It is outrageous, it is outrageous that we even have to deal with this issue this way, because it is nothing more than a technical correction. Indeed, if we were the ones who were involved in putting something in here which inadvertently hurt labor, we would be down there in the well saying it should be taken out.

We think it is fundamentally wrong, it is outrageous that this issue is even contentious, because this is nothing more than a technical fix. In the gentleman's heart of heart, he knows it.

Mr. MOAKLEY. Mr. Speaker, I do not know how anybody could say that something that affects 130,000 working people, that has not had one minute of hearing in the House committees or the Senate committees, that was put into the conference committee, is a technical correction. I would like to take a look at that dictionary to see what technical correction really means.

Mr. Speaker, this is a terrible thing. This is a terrible affront to the working men and women of America, that this type of proviso could be inserted into this otherwise great bill. For anybody to jeopardize the millions of Americans that fly every year, the protections that are put in this bill are jeopardized by putting this proviso in there.

I think we would do best to defeat the rule, then extract this amendment, and I am sure that the conference committee, it probably would go through without a negative vote.

I just think that the stakes are too high. Regardless of what party the gentleman is in who inserted this amendment in the Senate, I just think it is the wrong place. This should be debated before it gets to the conference committee report. This should have been debated in the House. This should have been debated in the Senate. This should not end up on our doorstep, at the 11th hour, when we are trying to get out of this place.

Mr. Speaker, I would hope my colleagues would join me in voting against the rule, so we can strip out this terrible provision.

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

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 187, not voting 24, as follows:

[Roll No. 445]

YEAS—222

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Portman
Pryce
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Forbes
Ford
Frank (MA)
Frisa
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer

Scott	Tejeda	Ward
Serrano	Thornton	Waters
Sisisky	Thurman	Watt (NC)
Skaggs	Torres	Waxman
Skelton	Torricelli	Williams
Slaughter	Towns	Wise
Spratt	Traficant	Wolf
Stark	Velazquez	Woolsey
Stokes	Vento	Wynn
Studds	Visclosky	Yates
Stupak	Volkmer	

NOT VOTING—24

Boucher	Jackson-Lee (TX)	Quillen
Campbell	Johnston	Richardson
Chapman	Largent	Rogers
Dellums	Levin	Rose
Foglietta	McCrery	Solomon
Frost	McIntosh	Thompson
Green (TX)	Peterson (FL)	Wilson
Hayes	Porter	
Heineman		

□ 1243

The Clerk announced the following pair:

On this vote:

Mr. Porter for, with Ms. Jackson-Lee of Texas against.

Messrs. DAVIS, ENGLISH of Pennsylvania, and McHUGH changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1245

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 540, I call up the conference report on the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 540, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 26, 1996, at page 25172.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Illinois [Mr. LIPINSKI] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Speaker, this conference report is an omnibus aviation bill that includes many important issues that the Subcommittee on Aviation has considered during the 104th Congress. This conference report incorporates many bills and issues, including the FAA reauthorization, aviation safety, FAA reform passed by the House this March, the child pilot safety bill passed by the House this July, the pilot record sharing bill, passed by the House this July, the aviation security bill, passed by the House this August, assistance to families of passengers involved in aircraft accidents, passed by the House earlier this month, and the Metropolitan Washington Airports Authority bill.

It is a good bill. It is a must piece of legislation, because if this is not passed and signed into law, our airports across America will get no funding for their airport improvement programs. Therefore, it is absolutely imperative that we pass this legislation.

As far as I know, there is only one issue which has been made controversial, an issue which many of us believe should not be controversial, because it is a technical correction. It is an issue which was offered by Senator HOLLINGS, a Democrat, in conference in the Senate, supported by all of the Senate conferees, Republicans and Democrats, and supported by the Republicans in the House.

Therefore, the provision is a technical correction to correct a provision in the bill in which we eliminated the ICC. It is referred to as the Fed-Ex provision. We believe that this should not be controversial at all, because, as a matter of good faith, it is simply correcting something that was inadvertently left out of the legislation when the ICC bill was passed. Nevertheless, it has become controversial, and I am sure it will be debated as we move along here this afternoon.

Mr. Speaker, I would urge my colleagues to support this conference report, because if we do not support it, if it goes down, there will be no funding for America's airports in the coming years.

Mr. Speaker, I include the following letters for the RECORD:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, September 18, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. SHUSTER: This is in response to your letter of September 3, 1996, requesting our opinion as to whether certain proposed changes to the Federal approving legislation for the Metropolitan Washington Airports Authority (the "Authority") would result in the Authority being viewed as a Federal instrumentality under the Internal Revenue Code (the "Code") rules governing issuance of tax-exempt bonds. The Authority is established as an interstate compact by laws of Virginia and the District of Columbia. The compact was approved by Congress in the Metropolitan Washington Airports Act of 1986 (P.L. 99-591, the "Act"); the Act also provided for a lease of Washington National and Dulles International Airports to the Authority. The Authority has been viewed as a political subdivision of Virginia during past periods when it was permitted to incur debt because it was created by Virginia law, operates in Virginia with respect to property located in the Commonwealth, and possesses the power of eminent domain and the police power, two of the three principal indicia of governmental status under the Code's tax-exempt bond rules.[1]

Your proposed legislation would reverse several limitations currently placed on the Authority as a result of a court determination that a Congressional Review Board is unconstitutional. The proposed legislation also would (1) expand the Authority's Board of Directors to include two additional directors appointed by the President and (2) sunset certain reinstated powers and benefits after five years. The concerns about future issuance of tax-exempt bonds for the Authority arise from the latter proposed amendments to the Act.

The Code exempts interest on debt of States and local governments from the regular income tax when the debt is incurred to finance activities conducted by those governmental entities or to finance certain private activities specified in the Code. One such private activity is financing for airport facilities. Interest on both debt of the Federal Government and debt issued by any other entity (including States or local governments) for the benefit of the Federal Government is taxable. Further, under longstanding Treasury Department rules, if a beneficiary of tax-exempt bonds ceases to qualify for this subsidized financing, interest on the bonds (in certain cases) becomes taxable retroactive to the date the bonds are issued (referred to as "change in use" rules). A prohibited change in use could occur, for example, if the Authority were to become a Federal instrumentality during the term of any previously issued debt as a result of sunset provisions in relevant authorizing legislation. If the possibility of such a change in use were specified in legislation when bonds were issued, required certifications of tax-exemption could not be made. An unqualified opinion from the bond counsel of the issuer as to the tax-exempt nature of interest is required at the time of bond issuance as part of industry marketing requirements, and certain information reports must be made to the Internal Revenue Service (the "IRS") that debt which purports to be tax-exempt has been issued.

The relevant Code tax-exempt bond rules do not provide specific guidance on when an entity is treated as a Federal instrumentality. Rather, that determination is made by the IRS based on all relevant facts and circumstances. The IRS has issued no guidance directly on point to your inquiry. As a result, the only manner in which a binding determination could be made would be either revenue legislation enacted by the Congress or a ruling letter issued to the Authority by the IRS. Because of the absence of clear present-law authority on the effect of your proposal, we recommended to your Aviation Subcommittee staff that the Authority and its bond counsel be contacted to discuss in detail the source of the concerns which had been expressed to you about the proposed legislation. A conference call was held with your staff and Authority counsel on September 11, 1996. At the request of the Aviation Subcommittee staff, this letter outlines the matters discussed in that conference call.

The Authority counsel concurred with the Joint Committee staff that there is no tax guidance directly on point to the questions raised by your proposed legislation. We discussed with the counsel the factors which might lead them to conclude that they could obtain a favorable ruling from the IRS, if requested, and therefore issue a favorable tax opinion on future bonds of the Authority if your proposals were enacted. The counsel stated that such a determination would be based on whether the Authority remained as valid political subdivision of Virginia. They cautioned that any final legislation would have to be reviewed in its totality to determine whether the Authority continued to be

[1] The third principal factor is the power to tax, which has not been granted to the Authority.

a political subdivision of Virginia before making such a determination; however, they did state that the two changes you propose, viewed standing alone, would not in all cases lead them to opine that the Authority had become a Federal instrumentality.

Specifically, the counsel stated that the mere expansion of the Authority's Board of Directors from 11 directors to 13, with the two additional directors being appointed by the President, would not preclude their giving a favorable tax opinion for future bond issuances based on their belief that they would receive a favorable ruling from the IRS, if requested. This statement was conditioned upon any such expansion being drafted to preserve the existing procedures whereby directors are appointed pursuant to the Virginia statute creating the Authority, rather than pursuant to Federal law. On the other hand, if Virginia law were overridden in providing for the additional directors, the counsel stated that they would decline to give a favorable opinion. The counsel noted that amendment of the relevant Virginia statutes is limited by the State legislature's rules and schedule, and that any legislation that is enacted should take into account at least minimum time periods needed to comply with those requirements.

Your legislation also proposes a sunset of certain Authority powers, including the power to issue additional debt, after a five-year period. Unlike similar provisions which we understand to have been included in some past versions of this proposal, however, this sunset would not affect the status of the Authority as a continuing entity. Provided that the powers subject to the sunset provision are not essential to the Authority's continued status as a political subdivision of Virginia, both we and bond counsel concur that the provision should not preclude continued eligibility of Authority debt for tax-exemption. However, if the legislation were drafted to terminate the Authority or powers essential to its status as a political subdivision, as opposed to limiting certain of its other powers, we and the Authority's counsel agree that the change in use rules described above would preclude future issuance of Authority debt as tax-exempt.

In conclusion, while certain additional Federal restrictions may be imposed on the Authority without precluding tax-exemption for its debt, there is no direct legal authority on how pervasive those restrictions may be. Any such restrictions must be carefully structured to avoid adversely affecting the Authority's continued status as a political subdivision of Virginia.

I hope this information is helpful as you finalize your proposed legislation.

Sincerely,

KENNETH J. KIES.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 1996.

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

DEAR CHAIRMAN SHUSTER: I am writing to you regarding the pending conference report on H.R. 3539, the Federal Aviation Reauthorization Act of 1996. As I stated in an earlier letter, I remain opposed to any provisions to create a "fast-track" procedure in the House for considering possible tax legislation in the future.

The Committee on Ways and Means has always been cooperative in giving Administration proposals their due consideration. I want to reassure you and the other conferees that my opposition to legislative mandates does not preclude expeditious consideration of recommendations of the Administration by the Committee on Ways and Means as appropriate. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

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

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is, on the whole, with one glaring exception, an excellent and bipartisan piece of legislation. Beginning with the work in the subcommittee, throughout the hearing process, the chairmanship of the gentleman from Tennessee [Mr. DUNCAN] and the leadership on our side of the gentleman from Illinois [Mr. LIPINSKI], the subcommittee worked together, ironed out many contentious issues, others of lesser significance, but worked through all of the fundamental aviation issues, to produce a truly fine piece of legislation.

In full committee we did again the same thing. Working together with the gentleman from Pennsylvania, Chairman SHUSTER, we were able to come to accommodation on major issues. We have already discussed these previously on the floor when the bill passed the House.

The conference report largely reflects the House position on most of the significant aviation issues concerning structure and formula for the Aviation Improvement Program. All airports are going to receive their full formula allocation. The allocations for general aviation airports are streamlined and improved in many respects.

We placed more emphasis on the need for a strong discretionary fund in the airport improvement program, and the reason for that discretionary fund is to underscore the role of the Secretary of Transportation in ensuring that we have a national system of airports.

Mr. Speaker, the reason for the role of the secretary is to ensure that we integrate our national airports in the spirit of the national system of integrated airports. That is the concept of the airport improvement program.

The conference report provides for a minimum discretionary fund of $300,000 for fiscal year 1997. That is an important provision. It means that in the future, emphasis will be able to be placed on those airports that truly contribute in a very special way to the movement of people and goods throughout the Nation's air space.

The conference report also supports an important letter of intent program. That is important for major mega projects, to ensure that the revenue stream will be available over the period of several years needed to complete these large airports, like improvement of Hartsfield airport in Atlanta, and of DFW, O'Hare, of Los Angeles, of JFK, where you have major aviation traffic and projects that cannot be done overnight, that take years of planning and years to complete.

So the letter of intent is vitally important to ensure there will be sufficient funds, and that provision provides about $150 million for high priority projects that offer expansion in capacity and improvement in safety.

At the beginning of our process, there was a lot of pressure to eliminate the noise setaside program, the so-called part 150 program of FAA. The bill rejects that rather ill-conceived notion. Noise funding is a capacity issue. If people living near the airport or within the noise footprint of the airport object to increased traffic, then you cannot flow more traffic into that airport. If you can abate the noise, calm neighbors' concerns, you really have, in effect, increased the capacity of the airport.

By the end of the decade, thanks to the 1990 aviation bill, we will cut in half the number of people impacted by noise, and this legislation continues that commitment.

The bill also includes legislation previously passed in the House to require airlines to share pilot training records so bad pilots can be weeded out of the system, to ensure the tragedy that befell the 7-year-old child pilot trying to set a cross-country record is not going to happen again, to ensure that families of aircraft accidents, victims, are getting the proper consideration and care and sensitive treatment and the information and the prompt response that they require in the aftermath of an aviation tragedy.

The bill will also remove the constitutional problems associated with the Metropolitan Washington Airport Commission and a bill that we passed in the House in August concerning antiterrorism measures.

The bill also brings small commuter airports up to the higher standards of major airports and inaugurates a pilot program to review the privatization of airports, whether this privatization program might be a good way to attract additional capital investment airports need that they otherwise cannot achieve in order to expand capacity.

Mr. Speaker, for these and a host of other reasons, other provisions of the bill that I need not go into at this time, I think we ought to pass that part of the bill, the part that is offensive, which I shall address in later remarks.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Tennessee

[Mr. DUNCAN], chairman of the Aviation Subcommittee.

Mr. DUNCAN. Mr. Speaker, I rise in strong support of the conference report to H.R. 3539, the Federal Aviation Reauthorization Act.

First, let me congratulate the chairman of the Transportation and Infrastructure Committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his outstanding leadership on this bill and throughout the entire 104th Congress.

He has been, in my opinion, one of the, if not the most effective and hardest working chairmen in the entire Congress.

I also want to thank the ranking member of the full committee, Mr. OBERSTAR, and the ranking member of the Aviation Subcommittee, Mr. LIPINSKI, for their expertise in aviation matters and for their bipartisanship throughout this entire Congress.

We have certainly accomplished significant improvements to aviation in this Nation by working together.

Mr. Speaker, the Federal Aviation Reauthorization Act conference report, H.R. 3539, is a comprehensive measure that this House can be proud of. It is must pass legislation. If we do not pass this conference report, no airport in this Nation will receive any Federal grants to make much needed improvements to their respective airports.

No Federal funds can be spent to improve our aging air traffic control equipment, which so desperately needs to be updated. Mandated airport security requirements will go unfunded.

We just cannot afford to let these things go unfinished. We must pass this conference report.

Mr. Speaker, by the end of this year, there will have been well over 500 million passengers boarding planes all across this country. Experts predict that this number will increase to more than 800 million in just 10 years time.

I cannot stress enough the urgency of this legislation.

We have addressed many important issues in this conference report in a very bipartisan manner and I think members on both sides and staff have done an outstanding job.

We have worked throughout this entire process in a bipartisan manner and we have also worked closely with our colleagues in the Senate.

This conference report is very similar to the House passed bill. Although we had a 3-year authorization, the Senate had a 1-year authorization. So we split the difference in conference and agreed to a 2-year authorization.

□ 1300

Mr. Speaker, this legislation will bring needed and additional reforms to the personnel and procurement systems at the FAA, very similar to the FAA reforms that were included in H.R. 2276, that the House passed unanimously in March. It helps move the FAA into the 21st century in a very businesslike manner.

It also incorporates and improves upon several of the aviation security measures that the House passed just 1 month ago. We have required criminal background checks for certain airport employees, required standards for airport security personnel, called for improvements to passenger profiling, to help detect bombs and terrorists, allowed bomb sniffing dogs to be used at our largest airports, and several other security improvements.

In addition, the conference report also includes the pilot record sharing bill, the Child Pilot Safety Act, and the Aviation Disaster Family Assistance Act, all of which were overwhelmingly passed by the House this year.

It expands the State block grant program, so that two additional States can be more involved in the allocation of Federal dollars to airports in their respective States.

The conference report includes a scaled back version of the Metropolitan Washington Airport Authority legislation that the Transportation Committee favorably reported.

I am very pleased that this conference report includes a new and innovative privatization pilot program, developed in our subcommittee, that will allow at least five airports across the Nation to become private.

With scarce Federal dollars we need to be looking at new ways of doing things. And I think this pilot program will be very successful just as other privatization efforts have been in several other countries.

It will be good for the taxpayers and the flying public.

And Mr. Speaker, this conference report establishes a Commission to review alternative financing methods that will enable us to develop a stabilized funding system for the FAA in the near future.

Finally, Mr. Speaker, this legislation will help every airport in the Nation.

We have adjusted the formulas under the airport improvement program so that the entitlements for all but I think four airports across the Nation will be increased, and those are the four largest airports and they wanted a larger discretionary fund for the FAA and so we have take care of all of the smaller- and medium-sized airports in this bill.

Mr. Speaker, the flying public pays for much of our aviation system and infrastructure through a 10-percent ticket tax. These taxes are placed in the aviation trust fund. So we have a system that is mainly payed for by those who use the system.

And I hope that we can push forward again in the next Congress, like we did here in the House earlier this year, by approving Chairman SHUSTER's trust funds-off budget legislation.

This will also enable us to make aviation security and safety improvements. And it will be mainly payed for by those who use the aviation system in this Nation.

Mr. Speaker, we have an outstanding conference report that I believe every Member of the House can and should support.

We need to improve aviation security and aviation safety in this Nation—and we should do it as soon as possible.

We must pass this conference report today. The American people deserve nothing less.

Mr. Speaker, I urge passage of this bill.

Mr. LIPINSKI. Mr. Speaker, how much time do we have remaining on our side?

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Illinois [Mr. LIPINSKI] has 23½ minutes remaining and the gentleman from Pennsylvania [Mr. SHUSTER] has 22½ minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO.]

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member for yielding me this time. There are, indeed, many important parts to this legislation, those that go to security, those that go to the infrastructure of the air traffic system in this country, and a provision which I worked hard to get in my decade here in Congress; that is, to finally say that the FAA's business is to regulate in the public interest and regulate for safety and not promote the airlines.

Those are the good parts of this bill. They have merit and they should be enacted into law.

Unfortunately, what we have here is one last attempt at the very last moment to put in an extraneous matter, voted on by neither committee of jurisdiction, voted on neither by the House or the Senate, to benefit one very large multinational corporation who has generously filled many campaign coffers of Members of this House and the other body.

This is not a technical correction. It is not a technical correction. Do trucks run on rails? No. Well, we are going to classify Federal Express for the purposes of this bill as a rail carrier.

Now, Mr. Speaker, there is one very simple reason for that. It makes it a lot harder to organize. So, once again, the working people of this country are going to be screwed by a large corporation, screwed behind the closed doors of a conference committee. Special interest provisions are being put into what is an otherwise meritorious must-pass bill for this Congress.

We can defeat this bill and send a message to the big corporations: It is not business as usual here in Washington anymore.

What happened to the changes in the revolution? Is this the revolution? Special interest for one large corporation stuck into a bill that otherwise benefits the people of America generally

and would not hurt the working people. It is not too much to ask.

Reject this bill. If we do not reject it, the President may well veto it. Let us reject it, send it back to conference, get the special interest provision, this provision for one large company, taken out and get a clean bill.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI] chairman of the Subcommittee on Railroads of the Committee on Transporation.

Ms. MOLINARI. Mr. Speaker, I thank the chairman for yielding me this time, and perhaps at the risk of trying to restore some sense of order, sanity and, hopefully, some reasonableness back into this House, I would like to explain, in fact, without the political hysteria that has just gone on, exactly what happened here.

Mr. Speaker, we are talking about, and there has been references made with some very colorful language, to the Hollings amendment that is included in this conference report has drawn far more controversy than it should have. A careful review of the facts, as opposed to the rhetoric, should bear this out.

To begin with, the Interstate Commerce Commission Termination Act, which was enacted last December, removed the term "Express Company" from the I.C.C. statute. This was done at the suggestion of the then ICC—now the Surface Transportation Board—because the staff believed the term no longer had any meaning. The ICC bill also included many conforming amendments to other laws. One of these conforming amendments removed the term "Express Company" from the Railway Labor Act, again under the assumption that the term was obsolete and had no meaning.

The assumption, that "Express Company" no longer had any meaning, was true for ICC purposes. What no one realized at the time, however, is that the term does have meaning for National Mediation Board purposes in determining who is and who is not covered by the Railway Labor Act. In fact, as recently as 1993, the National Mediation Board has used the term "Express Company" standard in deciding Railway Labor Act cases.

So the effect of the drafting error in the ICC Termination Act is possibly to jeopardize certain entities' existing status under the Railway Labor Act. This ambiguity flies in the face of the stated intent of the ICC legislation—made explicit at labor's request—not to "expand nor contract coverage of employees and employers under the Railway Labor Act."

The Hollings amendment would simply correct the mistake that was made in the ICC Termination Act by restoring the Railway Labor Act legal standards that existed before the ICC Termination Act was enacted. It would not make it more difficult to organize, as some critics have claimed, since no one's status is being altered. It would not affect trucking companies, since trucking companies are explicitly excluded by statute from the Railway Labor Act. What it would do is correct an honest mistake that certain groups are trying to exploit to their own advantage.

I urge my colleagues to consider the facts of this issue and vote "yes" on the conference report.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York, [Mr. NADLER].

Mr. NADLER. Mr. Speaker, as a member of the Subcommittee on Aviation, I was expecting to support this conference report. The gentleman from Tennessee, Chairman DUNCAN, the gentleman from Pennsylvania, Chairman SHUSTER, the gentleman from Minnesota, Ranking Member OBERSTAR, and the gentleman from Illinois, Ranking Member LIPINSKI, and the other members of the committee as well as the staff put in countless hours crafting a bill that was bipartisan in nature and would easily have passed this House.

That is why I am so disappointed. We now find ourselves in a heated debate over one provision in this bill, a provision that is beyond the scope of the conference report.

The majority has inserted language to reinstate the language "express carrier" as a recognized term in the Railway Labor Act, a term that was deleted by the majority in the ICC Termination Act just a few months ago. It was not done by accident, it was not an oversight on the part of some clerk. It was deliberate and reasonable because, according to the ICC and its successor, the Surface Transportation Board, there are no companies left that fall into that classification. But we know the real reason why this is being done.

With this language, the Federal Express Corporation, a large source of campaign contributions for lots of people, will be able to apply to be reclassified as a so-called express carrier. If the Federal Express were successful, it would be able to deny to its truck drivers the protections afforded by the National Labor Relations Act of their right to organize a labor union, should they wish to do so.

Why has Federal Express suddenly found the need to be classified as an express carrier? The classification has been around for more than 20 years. What has changed? Why is it suddenly so important? It is obvious: to keep out the union. This is a union-busting provision, pure and simple. If, as was stated, this is simply a technical correction being made, why was it not done at the committee level? Why was it not done at the House? Why was it not done at the Senate? Why this last minute secret addition in the conference report? Why does the Committee on Rules have to waive the point of order to make this nonconferenceable provision admissible into the conference report?

It is terrible that we are now perhaps jeopardizing billions of dollars in airport construction funds in order to carry out some secret promise to one company. If this is a reasonable request, let us have hearings, let us have some debate about this. This is the wrong time to be doing this. It is the wrong bill to be doing this in.

I urge a no vote on this conference report as long as it contains this nefarious "FEDEX" amendment.

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

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague for yielding me this time.

Mr. Speaker, there are a number of good reasons to oppose this bad legislation, but let me tell my colleagues about another less publicized provision. This is a Republican special interest fix which was so bungled we are not in this legislation about to eliminate a key airline safety provision.

The tale starts with some airline companies that were concerned that EPA may be overly aggressive in regulating airplane emissions from engines. I, too, frequently have criticized the EPA for its ovezealousness but I cannot support the solution that this conference has advised.

I would also point out that existing law, the Clean Air Act, forbids this action from being taken by EPA where it would jeopardize the health and the safety of the traveling public.

As passed out of the Senate committee, the measure included a provision which stripped EPA of its power to regulate aircraft engine emissions. When the measure got to the Senate floor, an amendment was adopted that basically stated EPA could not change aircraft emission standards where the change would impact engine noise or aviation safety.

Unfortunately, this was translated into legislative language on the Senate floor and as adopted by the conference, from which the Committee on Commerce, which has jurisdiction and expertise on clean air, was excluded, the result was that the provision literally only applies to EPA emission standards, which both significantly increases engine noise and harms engine safety.

In other words, as passed by the Senate, the safety concerns alone are not enough to stop EPA engine emission standards. Bungling. Incompetence.

Worse, because this new language was placed by the conferees, over my

strong objections, directly into the Clean Air Act, this provision now conflicts with existing provisions of the law in the Clean Air Act which allowed FAA to prevent implementation of EPA airplane emission standards where airline safety may be compromised. The result is a thoroughly screwed up, incompetently done statute, which risks the safety of our traveling public.

We can resolve this whole problem by rejecting the bill and going about our business in a more sensible fashion.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume to respond to my good friend from Michigan as well as my colleagues on our side of the aisle on this issue, that it was the Senate bill that included this provision. Indeed, both Republicans and Democrats.

So when my good friend from Michigan calls it a Republican provision; the Democrats in the Senate supported this as well as the Republicans, I am told. And it gave the FAA a greater role in setting aircraft emission standards. It is important because emission standards can affect aviation safety as well as aircraft noise.

□ 1315

Currently, aircraft emissions are controlled by EPA and the House Committee on Commerce. We acknowledge that. We agreed with this provision in conference for the sake of safety, not committee, jurisdiction. The provision was changed in conference, indeed, to make it more acceptable to the Committee on Commerce. Our staffs worked with the Committee on Commerce to try to make it more acceptable.

We would be happy to continue to work with that committee on this issue and we certainly acknowledge their jurisdiction on this issue, and we have already committed to put that in writing, that we will indeed acknowledge that this is their jurisdiction on this issue. It was a Senate provision which we found in the course of negotiating in the conference we had to accept in order to get on with the legislation.

Mr. LIPINSKI. Mr. Speaker, I yield 15 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the answer is the Committee on Transportation and Infrastructure thoroughly bollixed up and botched this matter. Airline safety is adversely affected because the committee did not talk to the Committee on Commerce and because the Committee on Commerce was excluded. The result is that the traveling public is going to be much less safe under this legislation than they are under existing law.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I rise in support of the conference report on H.R. 3539, the Federal Aviation Administration Authorization Act of 1996. We must pass this bill without delay. The time is way overdue.

This year the FAA has been the target, and rightfully so in many cases, of public concern over aviation security and airline safety. In this crucial time when we are asking the FAA to secure our airports and ensure the safety of our planes, this is no time to let a partisan squabble over a technical amendment threaten the future of the FAA, our airports, and our airline passengers.

For the last 2 years of this Congress, I have been a strong advocate of FAA reform. In fact, I introduced my own FAA reform bill, H.R. 2403, just 1 year ago this month.

Mr. Speaker, this bill takes the final steps to set these reforms in motion. We can all rest easier when we fly knowing that the FAA will be able to place qualified and satisfied air traffic controllers in towers and cities across our Nation. This bill also ensures that the FAA can begin replacing its outdated air traffic control computer with reliable and updated computer systems that will guarantee the safety of our Nation's skies.

Finally, this bill requires airlines and airports to implement security screening standards and bomb detection equipment. Again, are we going to hold up this bill in the final hour? I think not.

Mr. Speaker, it is time to pass the FAA Authorization Act. Just this morning a major airline experienced a security threat at the Nashville International Airport, which serves my district. This bill, ensuring new safety and security for our Nation's airports, airlines, and passengers cannot be delayed. I call on my colleagues to support H.R. 3539.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, as chairman of the Health and Environment Subcommittee, I must rise in opposition to section 406 of H.R. 3539.

This new section changes current law respecting the promulgation of aircraft emission standards. Although the changes are specifically made to the Clean Air Act, and not to the underlying bill, I believe this is a matter which is properly addressed through the normal legislative process and not through last minute legislating in a conference which was closed to the committee of jurisdictional interest in this matter.

The new section 406 is not a radical departure from current law. It maintains the present requirements of the Clean Air Act for consultation between the Environmental Protection Agency and the Federal Aviation Administration regarding aircraft emission standards.

However, the new section is duplicative at best and troublesome at worst for its attempt to alter standards affecting the promulgation of new emission standards. While I do not personally object to considering noise and safety as part of developing new emission standards—I do object when my subcommittee, which has jurisdiction over the Clean Air Act, is allowed neither time nor opportunity to assess recommended changes to the law.

Section 406 has not been subject to proper review by the Health and Environment Subcommittee and there is no legislative record to support its inclusion in H.R. 3539. This section was added without the consent of the Commerce Committee or the Subcommittee on Health and Environment.

Years ago, I objected when such provisions were added by the former majority in various bills and conference reports—most often late in the session and very often late at night. I do not believe the new majority should fall into the same trap of ignoring bona fide interest and expertise of the committee of jurisdiction. As we all know, what may appear to be simple and innocuous legislative language often can have an impact far beyond that which is apparent in the initial review. Aircraft emission standards are an important subject for consideration within the Clean Air Act and within the committee given explicit authority over the act. And so, Mr. Speaker, this is a protest against doing business in this manner.

Mr. LIPINSKI. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, let us focus on what this debate is really about. This provision for FedEx is another assault on the American middle class, the American middle class that has been attacked for over 15 years by our Nation's terrible trade policies, technology, profit driven downsizing, profit-driven deregulation, and systematic sinister weakening of unions. How, you ask? Let me explain.

During the debate on the rule, I outlined the history of this dubious Federal Express provision. Let us take a closer look at what my colleagues are calling a technical correction.

The last express carrier, as defined by the ICC, went out of existence 20 years ago, so at the ICC's suggestion the classification was removed from statute because it was obsolete.

But suddenly, after the ICC bill is signed into law, one company and its countless consultants decided that it might want to be an express carrier some day and started knocking on doors up here.

I have already outlined the five other times FedEx has tried to get this provision into law. Judging by the consistent effort and expense they have gone to, it must really be important for them to remove this dead classification.

But why? Federal Express would not go through all this trouble if they were

not going to get something out of it. The fact is that it is much more difficult for a union to organize under the Railway Labor Act than under the National Labor Relations Act.

Under the RLA a unit of the company would have to be organized companywide, while under the NLRA it can be done facility by facility.

Why is this relevant for a company like Federal Express, which is currently classified as an air carrier and already subject to the RLA? Federal Express' operations have changed. No longer does every package get on a plane. Often it just goes on a truck to its destination.

I understand that Federal Express' long-term plan is to truck in packages less than 400 miles away from their hubs around the country. Why would an airline like Federal Express rely so much upon trucks? Because it is cheaper. To their credit, Federal Express is planning for the future to remain competitive. It sure seems to be working. In fiscal year 1996, Federal Express had revenues of $10.3 billion. That is $10.3 billion revenues in 1996. It has headquarters in Memphis, Miami, Hong Kong, and Brussels, with offices in hundreds of cities around the world. And yet, it is afraid of middle-class Americans coming together in a union to improve their way of life, improve their children's way of life, and expand the American middle class.

Managers at FedEx get a labor law book which states in large print: "Our corporation goal is to remain union free." Sections in that document are titled: "What are indications of union activity and what can I do?" "What can I do to prevent union intervention?" I have that documented right here in my hands at the present time, if anyone would like to look at it. No wonder they want to be an express carrier.

Mr. Speaker, there are no express carriers and have not been any for two decades. Federal Express is pushing this provision so it will be prepared in the future to meet its corporate objective: Remain union free. That is why they have tried to attach this provision to six bills in the last 9 months.

The Republican leadership has decided even though the airports need funding, the FAA needs to be reformed and aviation security needs to be addressed, as well as the other four areas this bill addresses, it is more important to do FedEx a favor.

Today we have an opportunity to take a stand for the American middle class, a small but very significant stand. We can strip from this bill the 11th hour, no hearings in subcommittee or full committee, Federal Express amendment that makes it much, much more difficult for middle-class Americans to organize into unions so that they can improve their standard of living with better salaries, wages, and benefits.

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

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

We may disagree and have different opinions, but I am sure my good friend would not want to misstate the facts. When we hear that Federal Express is not an express company, that simply is factually incorrect. There is no reclassification here. According to the National Mediation Board findings of law, it is very clearly spelled out that they are recognized as an express company. They have been for as many years as they have been in business. So this is a matter of fact, and I am sure my friend would not want to mislead the body. I think the fact needs to be stated.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. DELAY.]

Mr. DELAY. Mr. Speaker, I rise in support of this conference report, but I am disturbed by the kinds of things that are being said on this floor with regard to what is frankly a simple technical correction that was made by the conferees of this committee. FedEx is not trying to get something that they have not had for many, many years. FedEx is not trying to get something new. FedEx is not union bashing. FedEx understands that we made a mistake in the Interstate Commerce Commission Termination Act, and they are trying to regain and correct that mistake. It is fairness here. And I am very disturbed that like the ads that are being run against us time and time again out in the country and almost $100 million misrepresenting what we have been doing in this, once again the facts are being misrepresented in this regard.

When the Interstate Commerce Commission Termination Act was signed into law last year, a drafting error in a conforming amendment created an ambiguity concerning the status of express companies under the Railroad Labor Act, which is the sole statute governing labor relations in the rail and the airline industry. That is fact. Prior to the enactment of the ICC Termination Act, the Railway Labor Act had jurisdiction over carriers which were defined as "any express company, sleeping car company, carrier by railroad."

□ 1330

Due to a drafting error, express companies were inadvertently dropped from the scope of the Railway Labor Act, and that is fact. The result is that an ambiguity was created.

The ICC Termination Act states that the enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act.

Now clearly, Congress did not intend to change the status of express companies with regard to the Railway Labor Act in any way, and unfortunately that is the result of this error. So I certainly would hope that those Members expressing concerns about this provision are not trying to take advantage of an unintended mistake for their own gain. This bill simply corrects an error to restore what was the status quo in this country.

So I urge my colleagues to support this bill and oppose any motion to recommit that would strip out this provision.

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

Mr. DELAY. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would ask the gentleman, why, if this is just a technical thing, was it not put in the House bill back originally?

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman's time has expired.

Mr. DELAY. Could I have 15 seconds to respond?

Mr. SHUSTER. I just do not have any more time.

Mr. DELAY. I hope someone will answer that.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to reiterate and adopt what the previous speaker said, the gentleman from Texas [Mr. DELAY]. This is nothing more than an issue of fairness. As he said and as others have said, there was an ambiguity unintentionally created, and I want to read again what we said in the bill.

The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of the employees and employers by the Railway Labor Act.

These are not my words; these are the words of Congress. Some of the people who are opposing the conference report for this reason are the very ones that drafted it. These are not our words; these are the words of Congress.

And to say this is any way antilabor is simply untrue. As a matter of fact, there are a higher percentage of workers unionized under the National Railway Labor Act than there are under the National Labor Relations Act, and I see it as a basic matter of fairness to correct an unintended error made in drafting.

Mr. Speaker, I want to say something else about FedEx. I represent part of Memphis, TN. Federal Express has dedicated 100 percent of their aircraft to the civil patrol. They flew more missions in Desert Storm than any other civilian aircraft company in this country. Fred Smith is a dedicated patriot who served in Vietnam, crawled through the rice paddies, and I resent this attack on one company because of a drafting error that is clearly the intent of Congress to correct today, and that is all this matter is about.

Mr. LIPINSKI. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I not only am a lover of cats, but I love flowers, and flowers are very beautiful, and what I saw developing as this bill passed through the House, passed through the Senate, started in the conference up to Wednesday was a beautiful bouquet of flowers that smelled just beautifully. And then Wednesday night, something happened. Wednesday night, a skunk snuck in a beautiful flower garden and smelled up the whole thing, and this bill now just smells, smells, smells terribly.

Why? Because of one special interest provision that was put in there for Federal Express. That is all. The rest of the bill is fine.

I would like to ask the gentleman from Illinois who worked so hard on this legislation to get all the good points in, and I want to commend him and also the gentleman from Minnesota, the ranking member of the full committee.

As my colleagues know, this provision which we have heard here, this leadership, and I will talk about that leadership in a minute, that leadership calls it a technical thing. Did we ever have any hearings on it?

Mr. LIPINSKI. Mr. Speaker, if the gentleman would yield, no, there were never any hearings on it in the House.

Mr. VOLKMER. In the subcommittee?

Mr. LIPINSKI. Not in the subcommittee.

Mr. VOLKMER. Full committee?

Mr. LIPINSKI. Not in the full committee.

Mr. VOLKMER. How about the Senate? Did they have any in subcommittee or full committee?

Mr. LIPINSKI. No hearings in the subcommittee or full committee in the Senate.

Mr. VOLKMER. That explains why it was not in the bill when it passed the House and the Senate.

Mr. LIPINSKI. Absolutely.

Mr. VOLKMER. Because it really did not need to be in this bill, but all of a sudden—now it was not in either bill when it passed through the House or the Senate; is that correct?

Mr. LIPINSKI. That is correct.

Mr. VOLKMER. Now how many times has Fed Ex tried to get this provision in other bills unsuccessfully before this bill?

Mr. LIPINSKI. At least five and perhaps six. I cannot confirm the sixth one, but I certainly can confirm five occasions.

Mr. VOLKMER. Now if this was purely a technical little provision that really did not harm anybody or do anything, they would not have that problem; would they?

Mr. LIPINSKI. It is my opinion that they would not, no.

Mr. VOLKMER. Now, as my colleagues know, I have been reading about this, and I admire the gentleman from Pennsylvania, and up to Wednesday night I would say he helped grow that beautiful bouquet of flowers.

But I would like to quote the gentleman from Pennsylvania when this came up in conference. It says:

> Representative SHUSTER: I am told by my staff that this is clean language to accomplish what the Senator stated. I am instructed by our leadership to accept it from my perspective.

That is what I find, that the gentleman from Pennsylvania, from the leadership, and I find that leadership down on the floor, but I also find that leadership has raised all kinds of dollars all through this political process through this whole Congress from special interests.

And I would like to ask anybody in this body, ethics, I think somebody should take a look at the Federal Election Commission reports and let us see where Fed Ex money is going to. How much is the Republican National Committee getting from FedEx? How much is the Republican Congressional Campaign Committee getting from FedEx? How much are the members of the leadership on that side getting from FedEx?

I think there is our answer right there, Members. That is what this is all about. It is a payoff; that is all it is, is a payoff.

Now even the gentleman from Tennessee, the subcommittee chairman, and he is up at the Committee on Rules, he did not say he wanted this. And I admire that gentleman greatly. He said in answer to the chairman's question in the Committee on Rules, "It would have suited me if it was not in there." That is what he said. Now, that is the truth. It is better not to be in here.

The best thing we can do to get this skunk out of the flower bed is to defeat this bill, and if the bill is not defeated, I think we all should urge the President to veto this smelly, skunky bill.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Pennsylvania for yielding the time.

Let me congratulate Members on both sides of the aisle for bringing this bill to the floor and the job that they have done in reauthorizing the FAA and in furthering many projects that need to be done to improve the Nation's airports.

Now we all know that there has been a great change in this Congress. We have just not restored common sense back to Congress, but we have also brought an awful lot of accountability back to Congress, and when we make a mistake, we have had the courage to stand up and to correct that mistake. That is why we are here today, fighting over one small provision of this bill.

When we eliminated the ICC last year, we made a drafting mistake, and I think every Member of this body understands it was truly a mistake. And since then, we have lawyers around America trying to exploit the mistake that was made when we eliminated the ICC.

What we are trying to do today is to have the courage and the guts to stand up to do what is right and to fix the mistake that we made and to stop those from exploiting this innocent mistake for their own professional good or, frankly, for their own livelihood.

Now the outrageous claims that were just made by the previous speaker, I am not going to even provide enough dignity to what was said to respond to it, other than no person's name, no company's name ever ought to be uttered on the floor of this House.

We know we made a mistake. Let us stand up and do the right thing.

We know in the Senate, where this provision came from, that the Senate Members unanimously agreed to put it in the bill. That means all of the Democrat Senators and all of the Republican Senators in the other body unanimously argued to put this provision in this bill.

That is where it came from, that is why it is here, and that is why we are dealing with it today. But more importantly, we are dealing with it because it is the right thing to do, to admit we made a mistake and correct it.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Speaker, let me just say this is being painted as a union vote, and it seems incredible to me that it could be cast in those terms. It is simply correcting a technical error that was made when the ICC Regulation Termination Act was passed.

Someone having firsthand knowledge of this, actually having facts in this case, will understand that while Federal Express was under the Railway Labor Act, that in fact its pilots did unionize. So I am not sure I understand the facts that this is an antiunion vote.

I might also cite the national statistics on this, that folks under the National Labor Relations Act in the private sector are unionized about 11 percent, whereas under the Railway Labor Act they are unionized 65 to 70 percent.

So, again, I fail to see how this could possibly be, under any circumstances, an antiunion or a union vote.

I urge my colleagues to do the right thing to correct this mistake and give the relief sought.

Mr. SHUSTER. I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in very strong opposition to this bill. Let

me just talk to the Members on our side.

This bill expands the essential air service that our Committee on the Budget voted to phase out. I thought we had abolished all the ice buckets on Capitol Hill. We have created a massive ice bucket with regard to this bill. We are expanding essential air service.

There are so many other things, Mr. Speaker, I am just going to revise and extend. I strongly urge my colleagues on this side to vote against this bill, because when they read this bill later on next week, they will be very regretful that they voted to spend all this additional money.

Mr. Speaker, I wish I could vote for the conference report to H.R. 3539, the Federal Aviation Authorization Act of 1996. This bill funds airport improvements, air traffic control facilities and equipment, and salaries and expenses to operate the FAA.

But the bill includes amendments to the Metropolitan Washington Airports Act which I find unacceptable. Colleagues who were serving in the mid-1980's may recall the legislation to turn control of the two metropolitan Washington airports—National and Dulles—from the Federal Government to a local authority.

We got the Federal Government out of the airport management business and established an authority made up of a majority of local residents to run these two airports located in Virginia. And what has happened since the 1986 act establishing the Metropolitan Washington Airports Authority? I believe everyone would agree that it's been a true success story. I submit here for the RECORD a copy of statistics on the success of the two airports.

Both airports have had major renovation and expansion projects underway and are serving more passengers more efficiently than ever before in modern and safe facilities.

If there has been one ongoing source of contention, though, in this almost decade-long process of having the local authority operate these airports, it has been the Congressional Board of Review which was set up in tandem with the Airports Authority as a way to keep congressional oversight and even, some would say, control over the airports.

I never believed the Review Board was necessary because Congress already has a built-in mechanism for oversight and that's the committee hearing process. Court challenges also were made to the Review Board and twice the U.S. Supreme Court struck down the Review Board as unconstitutional.

Legislation was then introduced to try to keep Congress involved with the airports and get around the constitutional challenges. What has emerged in this Congress as provisions in the FAA conference report are changes to the make-up of the Airports Authority board of directors which I find incongruous with one of the primary changes this Congress has tried to make in the area of Federal mandates and turning back control to State and local governments of what should be State and local government decisions.

This conference report mandates two additional directors to the MWAA board appointed by the President and specifically mandates that the two additional appointments "shall be registered voters of States other than Maryland, Virginia, and the District of Columbia." Furthermore, provisions in the conference report for the two additional Presidentially appointed board members state that "in carrying out their duties on the board, members of the board appointed by the President shall ensure that adequate consideration is given to the national interest."

That is wholly unacceptable and defies what this Congress has tried to accomplish in turning back control of program and decision-making to the local and State levels.

Another provision in his conference report is merely a job protection provision for a former employee of the Congressional Board of Review. Even though the Board of Review is terminated, this bill provides that this employee will continue to have a position with the Department of Transportation serving "to assist the Secretary in carrying out this Act."

Mr. Speaker, I am a strong supporter of aviation programs but am convinced that the provisions in the conference report to H.R. 3539 relating to the Metropolitan Washington Airports Authority are unnecessary and regret that these provisions are included in legislation I would like to support. I thought we got rid of ice buckets.

There are other bad provisions in this bill and I therefore oppose H.R. 3539.

YOU CAN ONLY TRADE AS FAR AS YOU CAN TRAVEL

Prepared for the Washington Initiative's European Mission.

WASHINGTON ENJOYS EXCELLENT AIR SERVICE

In today's global market the efficiency of a region as a business location is a function of its air service availability. The Washington region's businesses work with local governments, the airports, and the federal government to attract new air services and to represent the travelers' and the shippers' interests. As a result, Washington's air service choices have more than doubled in ten years and Washington Dulles is projected to be one of the top five international gateways to the U.S. by 2002.

Washington's excellent demographics form one of the nation's largest domestic and international aviation markets. Combined with the city's strategic geographic location, this market gives Washington based companies a very wide choice of competitive services from a choice of airports, including:

238 international flights a week operated by 20 carriers, provide direct service in 32 markets principally from Washington Dulles, including nonstop service to all major European gateways and Tokyo.[1] (Canadian services also operate from National.)

More than 600 daily domestic flights from Dulles and National serve 77 U.S. destinations nonstop and provide single plane or one stop connecting service to virtually every community in the United States receiving scheduled air service.

New low-fare services saved travelers from Washington Dulles and National $97 million in 1995.

In 1995, Washington Dulles was the 7th largest intercontinental gateway to the United States and ranked 4th as a transatlantic gateway behind New York's JFK, Los Angeles International and Chicago Airports.

On the east coast, Dulles ranked second only to New York's JFK as a transatlantic and Asian gateway.

[1] Summer 1996 Schedule.

Washington Dulles serves the 3rd largest international market in the United States.

Washington Dulles is strategically located:

1. Within a two-hour flight or a day's truck journey of two-thirds of the U.S. and Canadian populations—the world's largest market.

2. On the Great Circle air routes between the Far East and South America and between Europe and Southern NAFTA.

Washington Dulles and National Airports, 36 airlines provide:

1. Nonstop daily service in 77 domestic markets and one-stop service to virtually every airport served by scheduled airline service.

2. Nonstop or single-plan service in 32 international markets, including nonstop service to Tokyo and all major European gateways.

Washington Dulles Airport European services include:

1. A choice of three daily nonstop services to Frankfurt with United, Lufthansa and Delta Airlines.

2. Six daily nonstop flights to London by British Airways, United Airlines, and Virgin Atlantic.

3. Daily service to Amsterdam by United and Northwest/KLM.

For air cargo shipments Washington offers:

1. 141 airlines and companies providing freight forwarding, customs brokerage, trucking, warehouse and bonded space, foreign-trade zone, cold storage, and other services with reliable, 24-hour operations.

2. Modern cargo facilities and a vibrant growing cargo industry.

3. Paperless, electronic interfaces with U.S. Customs, allowing prompt service and clearance of cargo, in some instances before the plane lands.

4. Uncongested airport access through the Washington Dulles Access Road and an uncongested extensive road feeder trucking network.

5. A high standard of secure, rapid and responsive cargo services with extremely low loss and damage levels.

THE REGION'S AIRPORTS

Washington is served by three airports which provides the traveler and shipper with an unusually side competitive choice for fares and services. American cities with only one airport which is predominantly served by one or two carriers typically have fares 18 percent higher than the national norm.

Washington Dulles International and Washington National Airports are part of the National Capital Region and operated by the Metropolitan Washington Airports Authority—a regional self-funding government agency.

Baltimore Washington International Airport is located between Washington and Baltimore and operated by the state of Maryland. BWI and Washington Dulles are located approximately 40 minutes from downtown Washington. National Airport is located on the Potomac River in the downtown area.

National Airport is a physically limited facility offering a controlled number of flights to U.S. and Canadian destinations without 1,250 miles. Washington Dulles is the region's full service growth airport with a design capacity of 50 million passengers and 750,000 flights per year with 320,424 flights handled over the 12 months ending with July 1996. BWI provides a wide range of North American service, including transcontinental, Canadian and Caribbean flights, and transatlantic service principally to the U.K. and Scandinavian countries.

The Smithsonian plans to open a 720,000 sq. ft. expansion of the National Air & Space Museum at Washington Dulles in 2001.

Mr. LIPINSKI. Mr. Speaker, we at the present time only have two speakers remaining. I do not know how many speakers the gentleman from Pennsylvania has. He still has more time than we have, so I would like to try to balance this out, Mr. Speaker.

Mr. SHUSTER. Mr. Speaker, I am still attempting scientifically to determine how many speakers I would have, I would say to my friend, but I yield myself such time as I may consume.

Mr. Speaker, I would respond to my friend from Virginia, who was in the well a moment ago, two points. First of all, the authorized levels in this bill are below previous authorized levels; and, second, it is easy for someone from a large metropolitan area, indeed, the Nation's Capital, to not care about essential air service for rural America. But rural America cares about essential air service. Indeed, many of our communities are dependent upon it.

So for those Members on both sides of the aisle who care not only about supporting our major metropolitan areas, and we do, but also care about supporting rural America, the essential air service provision is an important provision.

□ 1345

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, in 1978, if we had not had an agreement that created essential air service, we likely would not have had deregulation. Continuing EADS is continuing the commitment we made to small towns and communities and rural areas across this country, that they, too, would be served by aviation.

Mr. LIPINSKI. Mr. Speaker, I yield 3½ minutes to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Committee on Transportation and Infrastructure.

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

Mr. Speaker, let us just get the record straight on this express issue. The reason for ending ICC regulation and oversight of express carriers was that the concept of express carrier had become obsolete. The ICC staff itself recommended the elimination of express carrier status.

It was not an oversight, it was not something that someone forgot to do, it was not something that was neglected in drafting. It was not a drafting error. It was done for good reason. The last express carrier went out of business in the mid-1970's.

Federal Express purchased that carrier's operating certificates. The Surface Transportation Board, successor to ICC, advised us in writing, "Federal Express apparently never engaged in the operations authorized by these certificates."

Subsequently, Federal Express obtained and operated new certificates which, according to the Surface Transportation Board, were "different from the licenses typically issued to motor common carriers to provide express service."

In short, Mr. Speaker, and factually, without hyperbole, Federal Express has never been an express carrier. There have been no other express carriers since the 1970's.

The change in the Railway Labor Act does not deprive Federal Express or anyone else of rights they held in 1995. Whether you are an express carrier or not is going to be determined on the basis of the nature of your operations as a carrier.

If express carriers continue to be covered by the Railway Labor Act, then we will be in an Alice in Wonderland situation. Supposing a trucking company is formed in the year 2000 and claims to be an express carrier under the Railway Labor Act. How will its case be decided? Will the National Mediation Board have to decide whether the ICC would have issued to this company an express carrier certificate? It just creates a lot of problems.

Whether Federal Express is an express carrier within the meaning, or is a carrier within the meaning of the Railway Labor Act, is determined on the basis of the dollar volume of its operations and whether the preponderance of its operations are as an air carrier or as a truck carrier, motor carrier. They are an air carrier.

We should not, on the thin thread of a nonexistent operation of a dormant authority purchased and never used, lock this carrier into a statutorily established position within the meaning of the Railway Labor Act forever and ever. That is simply wrong.

If Federal Express wants to make its case, we can hold hearings in the ordinary course of events and attempt to find a way, but we should not use the subterfuge of dormant authority, never used, never undertaken by this carrier, to give them a very special and privileged status.

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

Mr. Speaker, counsel informs me that Federal Express is indeed an express carrier, and refers very specifically to findings of law in 1993, three different cases, instances before the National Mediation Board, in which they state "Federal Express corporation has been found to be a common carrier as defined in 45 U.S.C. 151, First;" and it goes on. The important point is 45 U.S.C. 151, First is the express carrier statute. So very clearly, Mr. Speaker, in these findings of law Federal Express has been identified as an express carrier.

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

Mr. LIPINSKI. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Illinois [Mr. LIPINSKI] is recognized for 2½ minutes.

Mr. LIPINSKI. Mr. Speaker, first of all I want to say that the cooperation I have had with the gentleman from Minnesota has been outstanding, and I sincerely thank him for that, in regard to all these aviation bills.

I also want to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for the excellent cooperation we have had with him, and the majority staff on the Republican side has worked extremely well with the minority staff on the Democratic side. They have all worked enormously hard on these pieces of legislation.

They are very, very good pieces of legislation. Mr. Speaker, none of us want to see them fail. But, unfortunately, we do have this Federal Express provision in this bill. It was not ever talked about in any hearing in the subcommittee or a full committee, in the House or in the Senate.

In fact, there were no discussions between the conferees in regard to this particular provision until at the absolute end of the conference, when everything else was decided, a Senator brought forth this provision. It prevailed. I understand that. But just because it prevailed in a conference committee among 10 Members, it should not mean that this House has to accept it. Mr. Speaker, this House has a right to reject it.

As I have said before, we all give lipservice to protecting, strengthening the American middle class. This is an opportunity to do it. This is a $10.7 billion corporation. They can afford to have their employees unionized. They can afford to have their employees come together for a better way of life, a better way of life for their family, a better way of life for themselves.

If Members truly support the American middle class, if they want to see it grow, vote "no" on this bill, and we will come back and pass this bill without this terrible provision.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I happen to agree with my friends that we should not have to be here today on this floor debating this particular issue. This issue should have been easily resolved many months ago, and of course, as my friends know, we tried to resolve it but they blocked it. We were unable to.

Then, of course, we did not bring this issue to the floor in our conference report. Rather, it was offered by our colleagues in the Senate, and indeed by Senator HOLLINGS, and passed unanimously by the Senate conferees, Republicans and Democrats, and supported by the Republican conferees because we believe and are absolutely convinced that the evidence is overwhelming that this is nothing more

than a correction of a mistake, an honest mistake that was made at the time we eliminated the ICC.

Mr. Speaker, we have had a lot of rhetoric on the floor here today, everything from flowers to skunks, but I would hope we could set the rhetoric aside and look at the facts. Mr. Speaker, let us look at the facts. There are certain facts that are incontrovertible. Perhaps the most significant, the most overwhelming fact of all is that there is labor-requested language included in the ICC Termination Act. Let me quote what is in the law.

"The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act." That was the quote. Let me emphasize it again, that is the law: "It shall neither expand nor contract coverage of employees and employers by the Railway Labor Act." I do not see how anybody can misinterpret that. It is there. It is a fact. It is the law.

Then we discovered we had made a mistake. By making that honest mistake on both sides of the aisle, we find that this term of the law is not met, so we simply are attempting to correct it.

Mr. Speaker, it is very clear to everybody, I think, that our friends in labor saw this as a windfall opportunity, the opportunity to capitalize on an honest mistake that was made in drafting the legislation, so they are attempting to capitalize on this windfall.

I believe, from the bottom of my heart, that had we discovered an unintentional provision of the law which inadvertently hurt labor, I would be down in the aisles today, as would many of my colleagues, supporting the removal of that unintended provision that hurt labor. But, so be it, everybody must make their own judgment.

The evidence is overwhelming. Indeed, the technical correction contained in this report is entirely neutral. It does not predetermine the actual status of any company, either in the present or in the future. It simply restores the legal standards that were in place before the ICC Termination Act was passed.

So I hope we would set aside the rhetoric, I hope we would set aside the misinformation, I hope we would deal with the facts. Indeed, the facts are very clear. The law spells out, there is no advantage or disadvantage. We are simply correcting a mistake which was made in the law. For that reason, I urge my colleagues to support this legislation. It is must legislation.

I regret that something that should have been handled routinely much earlier has not been handled routinely much earlier, but at bottom, what we are doing here is fair. What we are doing here is correcting a mistake. Very importantly, what we are doing here is bringing to the floor of this House vital aviation legislation so we can continue to build and improve the airports of America, the United States of America's aviation system, and provide for the safety and security of the pension.

For all of those reasons, I would urge my colleagues to support this legislation.

Mr. ARCHER. Mr. Speaker, I rise in support of the conference report to accompany H.R. 3539, the Federal Aviation Reauthorization Act of 1996. The bill, as introduced, was referred to the Committee on Ways and Means, and the Committee on Ways and Means was named as conferees on this bill. The bill is necessary to extend the expenditure authority of the aviation trust fund contained in the Internal Revenue Code, ensuring needed funding for the operation of our aviation system, and to enhance air safety and security.

I am very pleased to inform my colleagues that the conference report does not include Senate amendments which would have required a fast-track procedure for House consideration of future administration recommendations on aviation financing, including taxes. Legislative mandates of this nature only serve to limit the input of congressional committees of jurisdiction and to circumscribe consideration of a proposed financing package. I what to thank my colleague, Rules Committee Chairman SOLOMON, who helped us oppose this legislative straight jacket for the House.

I will also note that section 273 of the conference report and accompanying statement of managers contains language to clarify the method by which the Federal Aviation Administration may establish and collect fees on aircraft that overfly the United States but do not take off or land here. These clarifications have been included to ensure that these overflight fees are true user fees and not new taxes on air carriers.

Specifically, the statement of managers on this section states:

> The user fee imposed on any flight must be based on the FAA's actual cost of service and not on any non-cost based determination of the "value" of the service provided. Further, assuming similar costs of serving different carrier and aircraft types, the user fee may not vary based on factors such as aircraft seating capacity or revenues derived from passenger fares.

Any interpretation of these fees by the FAA to the contrary would be a clear violation of congressional intent. Furthermore, the Committee on Ways and Means will continue to exercise vigorous oversight on any proposed fees which could be viewed as inconsistent with this statement of congressional intent or as a delegation of congressional taxing authority.

The lion's share of this bill is the product of enormous work and effort by Chairman SHUSTER and his committee to develop a bipartisan agreement for strengthening and improving our Nation's aviation programs. The bill before us accomplishes those goals, and it deserves the support of the House.

Mr. ROEMER. Mr. Speaker, one of the important accomplishments of this bill is that it focuses the FAA exclusively on safety, a matter of renewed concern in this country.

The conference report includes a number of provisions similar to the Vice President's Aviation Security and Antiterrorism Commission. These include requiring airlines and airports to conduct background checks—in some cases, criminal background checks—of all personnel who would screen passengers, baggage, or cargo; and requires the FAA to certify companies that provide security screening, and to develop uniform performance standards for the training and testing of security screeners.

While these steps are welcome and needed, they should be considered a beginning. The FAA should establish performance milestones that are attached to the development of technology. They should conduct a classified review of which airports are the safest, and immediately take steps to bring other airports up to speed using the safest airports as working models. The FAA should be implementing a long-term strategy taking into consideration all of the Vice President's recommendations, including any followup report that the Commission may have in the coming months.

Although the bill requires the FAA to use existing technology for explosives detection even if the technology has not been perfected, the FAA gets to decide whether such technology provides a benefit. The FAA should accept technology even of minimal benefit. Even if a device can only detect explosives or weapons 30 percent of the time, it will improve safety.

In addition, Mr. Speaker, in privatizing some airports, the Congress and the FAA should consider what this will do to the uniform standards that the bill is working to implement. There is a lot of promise in new technology: in explosive detection machines to explosion-proof cargo holds. These will augment traditional procedures such as well-trained staff, bomb-sniffing dogs, x-ray devices, and others. These needs provide a clear mandate for Government-sponsored research and development of technology.

All of these efforts should be looked at as milestones toward a single goal: that no airport should be less safe than another. We must achieve a single standard of high security for American airports; a standard that every airport in this country meets at the same level.

Mr. POMEROY. Mr. Speaker, I rise in reluctant opposition to the conference report on the FAA Authorization Act (H.R. 3539).

The legislation before the House contains many vitally important provisions to enhance the efficiency and safety of air travel in this country. I supported the bill when it passed the House, and I fully expected to be able to support the conference report. However, regrettably, in the 11th hour, a positively poison pill was added to the bill that was not part of either the House or the Senate bill, has not been the subject of a single congressional hearing, and represents a serious setback for the interests of working people.

This provision is textbook special-interest legislation added in conference to aid a single, powerful company—Federal Express. The effect of the provision, which would reinstate an outdated classification under the Railway Labor Act, would be to make it much more difficult for Federal Express employees to unionize. This is precisely the wrong step to take in this time of corporate downsizing and financial insecurity. Instead, we must work to safeguard worker protections.

Mr. Speaker, because of this provision, I am forced to oppose an otherwise outstanding bill. However, I am confident that this objectionable provision will ultimately be deleted and the FAA legislation passed before the 104th Congress adjourns.

Mr. CLAY. Mr. Speaker, I rise in opposition to the conference report accompanying H.R. 3539. This legislation includes a blatant effort to deny workers the right to form and join unions. While I support other provisions of the bill, I will not vote for this legislation so long as it includes the express carrier provision.

The express carrier provision was not a part of this legislation as passed by either the House or the Senate. Rather it is a wholly extraneous provision that was inserted into the conference report at the behest of a single company. The sole purpose of the provision is to deny employees of that company any realistic means of being able to form a union and bargain on their own behalf.

This is a measure of the lengths antiunion Members of Congress will go on behalf of the rich and powerful to undermine the rights of ordinary citizens.

The express carrier provision is intended to accomplish a single end—to ensure that employees will not be protected by the National Labor Relations Act, but by the weaker protections of the Railway Labor Act instead. If this transfer of jurisdiction is accomplished, employees would be required to organize on a national basis before they would be able to exercise any voice in the determination of their wages and working conditions. In effect, the express carrier provision is intended to make it impossible for employees to engage in collective bargaining.

That some are willing to jeopardize passage of the Federal Aviation Reauthorization Act in order to deny workers the ability to have a voice in their working conditions demonstrates once again the antiworker animus of this Congress. I urge Members to defeat the conference report.

Mr. BLILEY. Mr. Speaker, I must reluctantly rise to report that the House Commerce Committee does not agree with provisions contained in section 406 of H.R. 3539 which affect the promulgation of aircraft emission standards.

These provisions were added in the other body and adopted in conference with some modification to reflect the fact that aircraft emission standards are established under the authority of the Clean Air Act. However, the Commerce Committee did not assent to the inclusion of these provisions in the conference agreement and was not allowed an opportunity to make changes to the legislative language of this conference report.

The Commerce Committee has an undisputed jurisdictional interest in section 406. In essence, this section amends the Clean Air Act to alter the current provisions under which aircraft emission standards may be set. Section 406 creates a new legislative hurdle to changing any existing regulation requiring the consideration of factors unrelated to health or environmental protection.

To be sure, these new factors are not unreasonable considerations. The new language bars changing existing standards if such change would significantly increase noise and adversely affect safety. But now is not the time—in this bill—to advance new legislative standards for aircraft engines. Present statutory authority has stood—unamended—for nearly 20 years. Such standards should not be altered in an unrelated bill.

I recognize the long labors of my colleagues to bring this bill to the House floor. I know that members of the Transportation and Infrastructure Committee and other House committees which were allowed to be part of the conference have labored long and hard to produce a good bill. But I repeat—section 406 in its present form should not be part of this legislation.

I thank the Speaker for the opportunity to address the House on this most important legislation and this most important concern of the Commerce Committee.

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 3539, the Federal Aviation Authorization [FAA] Act of 1996. I would like to thank Chairman WALKER and the Technology Subcommittee ranking member, Congressman JOHN TANNER for their work in crafting title XI of the H.R. 3539.

Title XI is the FAA Research, Engineering, and Development [RD&E] Management Reform Act of 1996. I originally introduced the RD&E Act on May 16, 1996. Its major provisions were subsequently incorporated into H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996 which passed the House on May 30, 1996.

The language in title XI is taken from H.R. 3322. It has been modified slightly to increase the authorization for aviation security research by just over $21 million. This increase should allow the FAA to step up its efforts to develop effective antiterrorism technologies for U.S. airports.

In total, title XI authorizes $208 million for FAA research and development activities in fiscal year 1997—an increase of $21 million over the fiscal year 1996 appropriated level. The title further directs the FAA research advisory committee to annually review the FAA research and development funding allocations and requires the Administrator of the FAA to consider the advisory committee's advice in establishing its annual funding priorities. Finally, title XI streamlines the requirements of the national aviation research plans and shortens the timeframe the plans must cover from 15 to 5 years.

Mr. Speaker, title XI strengthens an already good bill, and I would like to thank Transportation Committee Chairman SHUSTER and Aviation Subcommittee Chairman DUNCAN along with full Committee Ranking Member OBERSTAR and Subcommittee Ranking Member LIPINSKI for their support and assistance in including the FAA RD&E Act in H.R. 3539.

Also included in H.R. 3539 are provisions to restore the operating authority of the Metropolitan Washington Airports Authority [MWAA]. MWAA, which oversees operations at National and Dulles Airports, has been functioning with limited powers under a court order for more than 1 year.

I firmly believe that the only flaw in the original legislation creating the airport authority is the unconstitutionality of the congressional board of review. I maintain that the best remedy would be to amend this legislation by eliminating the congressional review board.

However, I recognize that there is a strong interest to preserve the federal interest, and I have expressed my willingness to accept the compromise provisions included in this conference report. Two additional Federal appointments to the MWAA board of directors surely would ensure that the two airports remain attentive to Federal concerns.

I am pleased that the provisions protect the high density rule at Washington National Airport. Any change in the hourly limits would impose serious social and economic consequences on Maryland and the entire metropolitan Washington region. The primary safety and economic concerns, as well as the impact of noise generated by additional flights on the airport's neighbors, make the high density rule imperative for this heavily traveled metropolitan airport.

I urge all of my colleagues to vote to suspend the rules and pass H.R. 3539.

Mr. SHUSTER. Mr. Speaker, the conference report for H.R. 3539, the Federal Aviation Reauthorization Act of 1996 includes an airport privatization pilot program. Five airports will be allowed to either be sold or enter into long-term leases.

The intent is to allow the private sector to bring more capital, efficiency, and cost-effectiveness to our congested airport system.

The bill requires these privatization agreements to be approved by the Department of Transportation and the majority of airlines.

The bill contains many safeguards to ensure that not only does the airport remain open to the public, but that proper capital investments and safety improvements are made.

This is a pilot program, but I am confident that the success of the program will convince the skeptics that privatization of some airports can be extremely beneficial.

Under this program, DOT will select five airports to privatize, one of which must be a general aviation airport. Allegheny Airport in Pennsylvania is a general aviation airport which is interested in privatization and would be an excellent candidate to be sold as part of the program. Allegheny Airport was the only general aviation airport discussed during the conference and it is the one the conferees expect to be chosen for the program, if they choose to apply.

Ms. BROWN of Florida. Mr. Speaker, I rise today to express my disappointment in the passage by the House of the conference report for H.R. 3539 which reauthorizes the Federal Aviation Administration.

As a member of the Aviation Subcommittee, I've worked in a bipartisan fashion with Chairman SHUSTER, Chairman DUNCAN, Congressman OBERSTAR, and Congressman LIPINSKI to develop this important legislation to authorize funding for our Nation's airports and to address serious aviation security issues in a noncontroversial bill that could be enacted by the end of the fiscal year in order to avoid disruption in AIP funding for the Nation's airports. The future ability of our Nation's airports to provide safe and convenient air transportation strongly depends on the AIP Program.

I was especially pleased with provisions in the bill regarding the Military Airport Program. Nationwide, there is $30 billion of military airfield infrastructure that can be converted and used to meet the capacity needs of the national aviation system. In addition, the bill

changes the criteria for the FAA's distribution of discretionary AIP funds to address issues raised by airports in Florida.

Unfortunately, I remain opposed to the conference report as long as it contains a provision added in conference for a particular company. This antiworker provision would make it very difficult for employees of this company to organize as a union. It is unconscionable that this provision was attached at the last minute, without the benefit of hearings, to a bill that has broad bipartisan support.

I hope that the Senate will do the right thing, and take this controversial provision out of the bill so that it can be signed into law by the October 1 deadline.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 198, not voting 17, as follows:

[Roll No. 446]

YEAS—218

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Rahall
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Myers
Nadler
Neal
Neumann
Ney
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Quinn
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—17

Boucher
Chapman
Collins (MI)
Dellums
Deutsch
Frisa
Frost
Green (TX)
Hayes
Heineman
Jackson-Lee (TX)
Obey
Peterson (FL)
Quillen
Rose
Solomon
Thompson

□ 1418

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Ms. Jackson-Lee of Texas against.

Messrs. BARR of Georgia, STUPAK, ROYCE, WATT of North Carolina, and Mrs. KENNELLY changed their vote from "yea" to "nay."

Mrs. KELLY changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LINDER. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered today, September 27:

H.R. 4000, POW/MIA; H.R. 4041, Dos Palos Land Conveyance; H.R. 3219, Native American Housing; S. 1004, Coast Guard Reauthorization Conference Report; S. 1505, Pipeline Safety; H.R. 2779, Metric Conversion (if/when Senate sends over); and S. 1972, Older American Indian Tech. Amdts.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1311, NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ESTABLISHMENT ACT

Mr. ARCHER. Mr. Speaker, I rise to a question of privileges of the House.

Mr. Speaker, I offer a privileged resolution (H. Res. 545) returning to the Senate the bill S. 1311 and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 545

Resolved, That the bill of the Senate (S. 1311) entitled the "National Physical Fitness and Sports Foundation Establishment Act", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of privilege under rule IX.

Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

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

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1311. S. 1311 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. It would override current tax law and direct a particular tax treatment for a certain newly established foundation, and therefore contravenes this constitutional requirement.

Section 2 of S. 1311 would establish the National Physical Fitness and Sports Foundation. Subsection (a) provides that the foundation shall be a charitable and not-for-profit corporation and shall not be an agency or establishment of the United States. In particular, it dictates that the foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code and that it shall be presumed for tax purposes to be a 501(c)(3) organization until the Secretary of the Treasury determines that the foundation fails to meet the requirements of section 501(c)(3). The final sentence of the subsection explicitly waives the requirements of subsection (a) of section 508 of the Internal Revenue Code, which generally requires new organizations to notify the Secretary that they are applying for recognition of section 501(c)(3) status.

This provision explicitly overrides the Federal income tax rules governing recognition of tax-exempt status. The Internal Revenue Code has specific rules that govern tax-exempt organizations and that specify the application for 501(c)(3) status and the tax treatment of entities applying for 501(c)(3) status. S. 1311 supersedes those rules in this instance and grants special Federal income tax treatment to the newly established National Physical Fitness and Sports Foundation.

The provision would have a direct effect on tax revenues. The proposed change in our tax laws in a "revenue affecting" infringement on the House's prerogatives, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on October 7, 1994, the House returned to the Senate S. 2126, containing Internal Revenue Code provisions regarding exemption from taxation. On July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On June 15, 1989, the House returned to the Senate S. 774, conferring tax-exempt status to two corporations. Finally, on September 25, 1986, the House returned to the Senate S. 638, containing numerous provisions relating to the tax treatment of the sale of Conrail.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. Adoption of this privileged resolution to return the bill to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

The proposed action today is procedural in nature, and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, on a personal note, I'd like to say that this is probably the last time that my friend, SAM GIBBONS, and I will be working together on a legislative matter on the floor of the House of Representatives. As our colleagues know, SAM is retiring at the end of this Congress.

In a way, it's only fitting that we are standing here shoulder to shoulder defending the constitutional prerogatives of the House of Representatives to originate revenue measures.

Mr. Speaker, this morning the members of the Committee on Ways and Means had a breakfast to pay tribute to SAM and to give him a send-off with our very, very best wishes for his years of service. I want to say to my colleague, SAM, I will personally miss you.

Mr. Speaker, further on a personal note, the end of the congressional session brings with it both joys and sorrows. I take a considerable amount of joy in reaching the end of the one of the more grueling legislative sessions in my memory—knowing that we are all heading to our congressional districts to face our constituents, and compete for election based on our record of accomplishments and our differing philosophies of government.

But I take great sorrow knowing that as the year comes to a close, the House of Representatives is going to lose one of the most outstanding staff members who has ever served in these halls, Phil Moseley, the chief of staff of the Ways and Means Committee.

Phil came to Washington from San Antonio, TX, in 1973 to serve as my press secretary. He was a bright and enthusiastic 27-year-old, ready to take on the heady world of congressional politics. His intention was to stay for a couple of years and then to return to Texas to settle down. Fate had a different answer in store for Phil. He fell in love with a lovely young woman who also worked in my office, Norah Horrocks, and she soon became his bride.

Fortune smiled on me when Phil and Norah met, because I have been the chief beneficiary of their decision to make the Nation's Capital their home. Phil served as my administrative assistant from 1978 to 1988. When I became the ranking Republican on the House Ways and Means Committee, I managed to prevail upon him to take on the new challenge of serving as the minority chief of staff.

When the Republican Party took control of the House in 1994, fortune was with me again because Phil was at my side as the committee's chief of staff when I took over the reigns of the chairmanship. We hit the ground running in November and we haven't stopping running yet.

Within 2 weeks of the election, Phil had already prepared a plan to reduce the committee's budget by 39 percent and reduce the size of the committee staff by a third. The taxpayers can thank Phil Moseley for helping to save them $3.1 million.

In the first 3 months of 1995, the Ways and Means Committee held more hearings receiving testimony from more witnesses than during any similar period in history. We reported out many major pieces of legislation—among them, welfare reform and the Contract With America Tax Relief Act. Phil was a guiding force during the long days and nights as the committee did its job. At a time when everyone in Congress was working hard and giving 100 percent, Phil gave 150 percent.

In his 2 years as the chief of staff of the Ways and Means Committee, Phil Moseley has developed a reputation as one of the House's most capable, thoughtful, and politically astute staff members. It's a reputation that is totally deserved. He is person of great intelligence and integrity, and I am sure my Democrat colleagues on the committee will agree that Phil has provided fair and an evenhanded service to all committee members on both sides of the aisle.

Phil's departure leaves me with a great sense of personal sorrow, because he's one of the best friends I've had in my life. We know each other so well that we often know what each other is thinking without having no articulate it. He is leaving some mighty big shoes that no one will be able to fill. I know that everyone on the Ways and Means Committee, both Republicans and

Democrats alike, is sorry to lose a person of his integrity and ability.

But as I said, this is also a time of joy. As Phil's close friend, I take great joy in knowing that in leaving the House, he will have more time to spend with Norah and his daughter, Kendall, and his son, Clay. Phil, I will truly miss you. God bless and good fishing, my friend.

□ 1430

The taxpayers can thank Phil Moseley for helping to save them $3.1 million in that first year.

In the first 3 months of 1995, the Committee on Ways and Means held more hearings, receiving testimony from more witnesses, than during any similar period in history. We reported out many major pieces of legislation, among them welfare reform and the Contract With America Tax Relief Act.

Phil was a guiding force during those long days and nights as the committee did its job. At a time when everyone in the Congress was giving 100 percent, Phil Moseley was giving 150 percent.

In his 2 years as chief of staff of the Committee on Ways and Means, he developed a reputation as one of the House's most capable, thoughtful, and politically astute staff members. It is a reputation that is totally deserved. He is a person of great intelligence and integrity, and I am sure my Democrat colleagues on the committee will agree that Phil has provided fair and evenhanded service to all committee members on both sides of the aisle.

His departure leaves me with a great sense of personal loss. He is one of the best friends that I have ever had, and we know each other so well that, more often than not, we can know what the other is thinking and articulate it without even conversation between ourselves. He is leaving some mighty big shoes to be filled.

I know that everyone on the Committee on Ways and Means, both Republicans and Democrats alike, is sorry to lose a person of such integrity and ability. But, as I said, it is also a time of joy. As Phil's close friend, I take great joy in knowing that in leaving the House, he will have more time to spend with Nora and with his children, Kendall and Clay.

Phil, I will truly miss you. God bless you, and good fishing.

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

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

First, I want to thank the gentleman from Texas [Mr. ARCHER] for the kind words that he had to say about me. I appreciate them.

Second, I want to say that Phil Moseley deserves and has earned all the credit that Mr. ARCHER has paid to him. I have known him not as well and not as long, but I have observed his operation, and he is a very fine individual and has done a fine job for all of us Americans.

Third, I want to say that the motion that Mr. ARCHER has made deserves to be supported here in the House of Representatives because the Constitution, very wisely, placed in the House of Representatives the exclusive right, let me repeat that, the exclusive right to originate tax legislation.

Now, this is not a bad bill that this tax legislation is connected with, and if we blue-slip it back to the Senate, and if they give a hoot about it over there, they will strip out the obnoxious part of the legislation and send it back to us, and then the private corporation that they are setting up can follow the same procedure that every other American corporation can follow by filing with the appropriate people in the United States the necessary forms to be declared tax exempt. Or they can come back to the House of Representatives next year and, if they deserve it, then we will grant them that tax exemption.

But the tax exemption they get in this bill should not be originated in the Senate. It never has been. It is something we have always had to fight in the 218 year history of this Republic.

Every year since I have been here, always on the closing days and in the closing hours of this Congress, the Senate zaps over one of these little zingers hoping we will swallow them. We never have. We never should. We should defend the rights of the American public by sending this back to the Senate to take out the objectionable, unconstitutional part.

Mr. Speaker, I urge an "aye" vote on the chairman's motion.

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

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to say, in reiteration of what the gentleman from Florida has said, let this be the last time in this session that this House needs to spend the time doing what we are doing at this moment. Let this be a signal to the Senate that we will assert over and over again our constitutional prerogatives.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LONGLEY. Mr. Speaker, pursuant to House Resolution 525, the following suspension is expected to be considered today, September 27: S. 1918.

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4073, by the yeas and nays; and S. 39, by the yeas and nays.

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

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4073.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 4073, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 170, not voting 19, as follows:

[Roll No. 447]

YEAS—244

Allard	Cox	Hall (TX)
Archer	Crane	Hamilton
Armey	Crapo	Hancock
Bachus	Cremeans	Hansen
Baker (CA)	Cubin	Hastert
Baker (LA)	Cunningham	Hastings (WA)
Ballenger	Davis	Hayworth
Barr	de la Garza	Hefley
Barrett (NE)	Deal	Herger
Bartlett	DeLay	Hilleary
Barton	Diaz-Balart	Hobson
Bass	Dickey	Hoke
Bateman	Doolittle	Horn
Bereuter	Dornan	Hostettler
Bilbray	Dreier	Houghton
Bilirakis	Duncan	Hutchinson
Bliley	Dunn	Hyde
Blute	Ehlers	Inglis
Boehlert	Ehrlich	Istook
Boehner	English	Jacobs
Bonilla	Ensign	Johnson (CT)
Bono	Everett	Johnson, Sam
Brewster	Ewing	Jones
Brown (OH)	Fawell	Kasich
Brownback	Fields (TX)	Kelly
Bryant (TN)	Flanagan	Kim
Bunn	Foley	King
Bunning	Forbes	Kingston
Burr	Fowler	Klug
Burton	Fox	Knollenberg
Buyer	Franks (CT)	Kolbe
Callahan	Franks (NJ)	LaHood
Calvert	Frelinghuysen	Largent
Camp	Frisa	Latham
Campbell	Funderburk	LaTourette
Canady	Gallegly	Laughlin
Cardin	Ganske	Lazio
Castle	Gekas	Leach
Chabot	Gilchrest	Lewis (CA)
Chambliss	Gillmor	Lewis (KY)
Christensen	Gilman	Lightfoot
Chrysler	Goodlatte	Linder
Clinger	Goodling	Livingston
Coble	Goss	LoBiondo
Coburn	Graham	Longley
Collins (GA)	Greene (UT)	Lucas
Combest	Greenwood	Manzullo
Condit	Gutknecht	Martini
Cooley	Hall (OH)	McCollum

McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—170

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—19

Barrett (WI)
Boucher
Chapman
Collins (MI)
Dellums
Durbin
Frost
Gephardt
Green (TX)
Gunderson
Hayes
Heineman
Hoekstra
Hunter
Jackson-Lee (TX)
Peterson (FL)
Quillen
Rose
Thompson

□ 1500

Mr. MONTGOMERY changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the second motion to suspend the rules on which the Chair has postponed further proceedings.

SUSTAINABLE FISHERIES ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 39.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the Senate bill, S. 39, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 30, not voting 19, as follows:

[Roll No. 448]

YEAS—384

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
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)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
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
Torkildsen
Torricelli
Towns
Traficant

Upton	Watt (NC)	Wise
Vento	Watts (OK)	Wolf
Visclosky	Weldon (FL)	Wynn
Volkmer	Weldon (PA)	Yates
Vucanovich	Weller	Young (AK)
Walker	White	Young (FL)
Walsh	Whitfield	Zeliff
Wamp	Wicker	Zimmer
Ward	Williams	
Waters	Wilson	

NAYS—30

Becerra	Furse	Pelosi
Berman	Gibbons	Rahall
Conyers	Gutierrez	Reed
DeFazio	Johnston	Roybal-Allard
Eshoo	Lantos	Royce
Farr	Lofgren	Schroeder
Fattah	Martinez	Stark
Fazio	Matsui	Torres
Filner	Miller (CA)	Velazquez
Frank (MA)	Pallone	Woolsey

NOT VOTING—19

Barrett (WI)	Green (TX)	Jackson-Lee (TX)
Boucher	Gunderson	Peterson (FL)
Chapman	Hayes	Quillen
Collins (MI)	Heineman	Thompson
Dellums	Hoekstra	Tiahrt
Durbin	Hunter	Waxman
Frost		

□ 1509

Mr. MATSUI, Ms. PELOSI, Ms. WOOLSEY, and Mr. BERMAN changed their vote from "yea" to "nay."

Mr. KENNEDY of Rhode Island changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1995, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Seventeenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1995.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

FAMILY-FRIENDLY WORKPLACE ACT OF 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–270)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Economic Opportunities and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1996.*

DOS PALOS LAND CONVEYANCE

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4041) to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school.

The Clerk read as follows:

H.R. 4041

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

SECTION 1. LAND CONVEYANCE, UNUSED AGRICULTURAL LAND, DOS PALOS, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, including section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)), the Secretary of Agriculture may convey to the Dos Palos Ag Boosters of Dos Palos, California, all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) held by the Secretary that consists of approximately 22 acres and is located at 18296 Elgin Avenue, Dos Palos, California, to be used as a farm school for the education and training of students and beginning farmers regarding farming. Any such conveyance shall be final with no future liability accruing to the Secretary of Agriculture.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the transferee shall pay to the Secretary an amount equal to the fair market value of the parcel conveyed under subsection (a).

(c) ALTERNATIVE TRANSFEREE.—At the request of the Dos Palos Ag Boosters, the Secretary may make the conveyance authorized by subsection (a) to the Dos Palos School District.

(d) DETERMINATION OF FAIR MARKET VALUE AND PROPERTY DESCRIPTION.—The Secretary shall determine the fair market value of the parcel to be conveyed under subsection (a). The exact acreage and legal description of the parcels shall be determined by a survey satisfactory to the Secretary. The cost of any such survey shall be borne by the transferee.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. SMITH] and the gentleman from California [Mr. CONDIT] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we expect this to be very short, very quick. The bill as introduced by the gentleman from California [Mr. CONDIT] on September 10 is a noncontroversial land sale that has the support of the local community, the Department of Agriculture, the Democrats and the Republicans.

Mr. Speaker, I include the following letter for the RECORD:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 1996.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, the Congressional Budget Office has reviewed H.R. 4041, a bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school. The bill was introduced in the House of Representatives on September 10, 1996. Based on information provided by the Farm Service Agency (FSA), which owns the land, CBO estimates that enacting H.R. 4041 would have no significant impact on the federal budget. Because the bill could affect direct spending, pay-as-you-go procedures would apply; but any such effect would be negligible.

The bill would direct the Secretary of Agriculture to convey a parcel of about 22 acres of land in Dos Palos, California, to the Dos Palos Ag Boosters. As consideration for the conveyance, the transferee would pay to the Secretary an amount equal to the fair market value of the parcel, as determined by the Secretary. The transferee would also be required to pay the cost of a survey to determine the exact acreage and legal description.

According to the FSA, the land is worth less than $100,000. The agency acquired the parcel through liquidation and then leased the land out. That lease has since expired. Under new procedures, FSA now is required to sell such land at its appraised value (if possible) upon expiration of a lease, so this land would likely be sold in the near future under current law. CBO estimates that receipts from the sale of this land would not be significantly different under H.R. 4041.

H.R. 4041 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no significant costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The staff contact is Craig Jagger.

Sincerely,

JUNE E. O'NEILL, *Director.*

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

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

Mr. Speaker, I first want to thank Committee Chairman ROBERTS and Subcommittee Chairman ALLARD in addition to Ranking Members DE LA GARZA and JOHNSON for expediting this bill through the committee and to the House floor, for consideration at this time.

This bill is simple and straightforward.

H.R. 4041 gives USDA the authority to sell 22 acres of land in my congressional district to a nonprofit organization or alternatively, to the Dos Palos School District in Dos Palos, CA.

This land will be used to establish a farm school for the education and training of students and beginning farmers regarding farming.

Under the farm school proposal, high school and middle school students will be farming the ground under the advisement of the school Agriculture advisor.

The students will be taught all aspects of modern agriculture practices, including irrigation and conservation methods, integrated pest management, agricultural marketing and administration.

In addition, all proceeds from the farm school will allow students to purchase their own equipment and supplies for use at the site.

Finally, not only would this project benefit beginning farmers, it would also assure that the land remain in an agricultural use.

This legislation has the support of the local school district and the community of Dos Palos, in addition to the USDA at the local, State and Federal levels as a very worthwhile project to help young beginning farmers get started.

I hope that all of the members will join me in supporting H.R. 4041 and I urge the House to approve the bill at this time.

Mr. Speaker, I thank the House for its generosity in allowing us to do this at this time, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is 22 acres of land, it will be sold at market value and any other provisions that the Secretary of Agriculture deems appropriate.

Mr. DE LA GARZA. Mr. Speaker, this bill will give some kids a chance to learn how to farm the old-fashioned way: through hard work and sweat. They will work hard, planting their crops, watering them, guarding them against the many threats faced by all farmers—the weather, disease, insects. And they will feel the satisfaction of bringing in the harvest. This bill will help these students learn to appreciate the hard work that goes into producing our Nation's food, and it may even get a few of them off to a good start as farmers.

Mr. SMITH of Michigan. 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 Michigan [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 4041.

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

A motion to reconsider was laid on the table.

□ 1515

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

RESTORATION OF CERTAIN POW/MIA AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 4000, 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, as amended.

The Clerk read as follows:

H.R. 4000

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

SECTION 1. RESTORATION OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE AS IN EFFECT BEFORE ENACTMENT OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for."; and

(B) by adding at the end the following new subsection:

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.".

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one military officer" and inserting in lieu thereof "one individual described in paragraph (2)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.".

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out "who are" and all that follows in that paragraph and inserting in lieu thereof "as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry."; and

(B) in paragraph (4), by striking out "section 1503(c)(3)" and inserting in lieu thereof "section 1503(c)(4)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.".

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out "10 days" and inserting in lieu thereof "48 hours"; and

(ii) by striking out "Secretary concerned" and inserting in lieu thereof "theater component commander with jurisdiction over the missing person";

(B) in subsection (a), as amended by subparagraph (A)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting "(1)" after "COMMANDER.—"; and

(iii) by adding at the end the following new paragraph:

"(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).";

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person."; and

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: "The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.".

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)" and inserting in lieu thereof "section 1502(b)".

(3) Section 1504 of such title is amended by striking out "section 1502(a)(2)" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "section 1502(a)".

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.".

(d) PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.".

(e) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.".

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KIA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.".

*(2)(A) The heading of such section is amended by inserting ", **special interest**" after "**Preenactment**".*

(B) The item relating to such section in the table of sections at the beginning of chapter 76 of such title is amended by inserting ", special interest" after "Preenactment".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect immediately after the enactment of the National Defense Authorization Act for Fiscal Year 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from Virginia [Mr. PICKETT] each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

GENERAL LEAVE

Mr. SPENCE. 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 South Carolina?

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 4000, a bill to restore a number of important authorities to chapter 76 of title 10, United States Code that were originally included when it was first passed.

I was disappointed when the original version of the Missing Persons Act was amended this year. I believed we had

the right answer in 1995 and I believe that H.R. 4000 will again set the record straight.

Mr. Speaker, all Members should note that the Military Personnel Subcommittee conducted nine hearings on POW/MIA matters over the last 2 years. Additionally, the full Committee on National Security was unanimous in its support of H.R. 4000 when it reported the bill to the House with a 45-to-0 vote.

Mr. Speaker, the case in support of H.R. 4000 is overwhelming. I urge the House to send a message with this vote—the record must be corrected and H.R. 4000 must be included in the law of the land.

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

Mr. DORNAN. Mr. Speaker, we are talking about dead heroes here, and missing men who may be alive. I would hope the Chamber would be as quiet as a church, and that includes our wonderful guides in the gallery, who are carrying on a narration. I know you are a great historian. Please do not do it. Let that great group listen to this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). The gentleman from California [Mr. DORNAN] will refrain from referring to individuals in the gallery. But the gentleman is correct, the gentleman speaking on this bill deserves to be heard. The subject is of a serious nature that deserves respect.

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

Mr. Speaker, I rise in support of H.R. 4000 and urge its adoption.

Under Chairman DORNAN's leadership, the Subcommittee on Military Personnel conducted a series of hearings in the 104th Congress on U.S. prisoner of war and missing in action issues. The chairman is to be commended for his diligent work in this effort. It is important that we follow up immediately on all data and reports concerning the fate of United States Korean war and Vietnam war POW's-MIA's, and develop a comprehensive policy for dealing with this issue. It is clear from the hearings held so far that the U.S. Government has not exerted the kind of focused and consistent effort that could be expected to fully account for those men.

The unknown extent of the reported involvement of the Soviet Union, China, and other nations in the exploitation, torture and experimentation on United States prisoners of war from Korea and Vietnam fully justify the additional investigative work that will be required. It is also becoming increasingly apparent that a full accounting of our prisoners and missing in action cannot be achieved until the United States has gained the full cooperation of these other nations.

As I told witnesses who appeared before the Military Personnel Subcommittee earlier this month, their testimony was compelling. Having listened to and questioned the witnesses at each one of the POW-MIA hearings over the last 2 years, I am convinced that the missing persons section of title 10, United States Code, as enacted just 5 months ago, is a necessary element to achieving full accounting for U.S. POW's and MIA's. It is past time that the U.S. Government put this issue to rest by adopting and implementing an honorable and responsible program.

Therefore, Mr. Speaker, I urge my colleagues to vote in favor of H.R. 4000. This will reinstate the POW-MIA provisions deleted from Public Law 104-106 when the fiscal year 1997 Defense authorization bill was signed into law. These provisions are necessary if our Nation is to have a thorough and comprehensive statutory framework for effectively dealing with the POW-MIA issue.

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

Mr. SPENCE. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. DORNAN], the chairman of the Subcommittee on Military Personnel of the Committee on National Security.

Mr. DORNAN. Mr. Speaker, I would like to immediately defer, as I discussed with the gentleman from New York [Mr. GILMAN], who is one of the cosponsors of the original language that was worked out over two decades, and he and I discussed this, to a Member of this House who spent 7 years in Communist captivity in Hanoi.

Only the words medieval barbarity, inquisition, or Nazi or Japanese warlord prison camps, can conjure up the image of what was done to this Member of Congress and 10 other men who stood up to the Communist brutality in Hanoi, and were isolated for almost 4 years from everyone else and from one another in a slimy little hole in downtown Hanoi that they, with fighter pilot bravado, called Alcatraz.

Mr. SAM JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we have been uncovering all kinds of information in the committee of the gentleman from California [Mr. DORNAN], as well as on the United States-Russia Commission on POWs/MIAs, of which I am a member, about prisoners being taken to Russia during World War II, the cold war, Korea, and Vietnam. We have yet to resolve that. I think our families are owed that.

Members will recall last year we included in the defense authorization bill language which clarified and strengthened the policies and procedures regarding missing service personnel. It was praised by both military and veterans groups. As a matter of fact, it was also praised by the families, who were still alive, of missing members. They are vitally concerned and support this, as we know.

Those who support the repeal of these provisions, some of them on the other side, claim it puts undue pressure on our field commanders. Do Members want to know, is it undue pressure to ask a commander to report a missing person in 48 hours? I do not think so.

They also claim it is too burdensome to require division or theater commander staffs to handle search and rescue calls. Come on, is it too much to answer our families when they are asking about their missing guys? As a 29-year Air Force veteran who has fought in 2 wars, I want to say this thinking, besides being totally illogical, is potentially devastating to all American military families.

One of the most basic standards we live by in this U.S. military is the promise that if while performing your duty you are found missing or taken prisoner, that everything possible will be done to try to find you or free you. This bond of trust was made stronger by the missing person language that was signed into law last year. If we continue to revoke that language now, are we not revoking our promise to our military to take care of our troops who fight to keep this country free?

Mr. Speaker, I ask Members to please understand what I am saying. Before going into combat, the service member does not know if they are going to be fully backed up by our Government if they get into trouble. It is a matter of morale. We should not even be debating this issue, in my view. I think we should support our valiant military and support this bill. I thank the gentleman for bringing this to the front.

Mr. DORNAN. Mr. Speaker, as much as anyone, I am proud to serve with the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of our Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the chairman of the committee, the gentleman from South Carolina [Mr. SPENCE], for bringing this measure to the floor. I want to commend, too, the gentleman from New York [Mr. SOLOMON], for his dedicated work to this issue, and the chairman of the subcommittee, the gentleman from California [Mr. DORNAN], for his devotion to the cause of our MIA's and POW's.

Mr. Speaker, I rise in strong support of H.R. 4000, the POW/MIA Restoration Act. Last year, this body secured a victory for U.S. service personnel, their families, and the families of POW/MIA's by the passage of H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

Unable to prevent the passage of H.R. 945, the opponents of the legislation waited to attach a Senate amendment to the 1997 defense authorization conference report which essentially gutted the Missing Service Personnel Act.

H.R. 4000 restores the provisions stricken from the Missing Service Personnel Act by the Senate amendment.

The first provision to be restored requires that military commanders report and initiate searches for missing service personnel within 48 hours, rather than 10 days as proposed by the Senate amendment. While current regulations require local commanders to report any individual missing more than 24 hours, the missing often fall through the cracks, especially during military operations.

The second provision covers civilian employees of the Defense Department who are in the field under orders to assist our military. They deserve the same protections afforded our men and women in uniform.

The third provision to be restored provides if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made. There have been too many recent cases where misidentification of remains has caused undue trauma for families.

Finally, H.R. 4000 restores the provision which requires criminal penalties for Government officials who knowingly and willfully withhold information related to the disappearance, whereabouts and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of any POW/MIA case. This cannot be achieved if individual bureaucrats deliberately seek to derail the process.

The opponents of the Missing Service Personnel Act have to this day never offered any credible reasons for their opposition to the legislation. Rather than create more redtape I believe these provisions will help streamline the bureaucracy and improve the investigation process.

Moreover, the Missing Service Personnel Act has not been public law long enough to be adequately evaluated. To repeal provisions of a law after 5 months does not make sense, especially when that law has not yet had a chance to be tested.

Accordingly, I urge my colleagues today to join me in supporting H.R. 4000, the POW/MIA Restoration Act.

Mr. Speaker, I thank the gentleman for yielding time to me, and I commend him for his staunch support of this measure.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, as former chairman of the Task Force on POW-MIA's, and a member of that task force, I just want to thank all of the Members for bringing this vital piece of legislation to the floor. It ought to be made part of the omnibus appropriation bill that is coming to this floor so it becomes a law, without any question about it.

□ 1530

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I wish to speak this afternoon to the civilian MIA's and POW's. There are far more qualified men in this body to speak about the military MIA's and prisoners of war. I was a young man of 10 years old and I was the 10th child of 17 children when my father went to Wake Island to help build a military air base. He was a civilian. He, of course, was taken prisoner shortly after the war broke out. Wake Island was bombed the same day that Pearl Harbor was bombed and every day thereafter until it fell to the Japanese. He served the entire war years in a prison camp. It was almost 2 years before my mother and his children found out whether he was alive or not. If we did not have the Government to follow and to look after and be able to report to the families of any prisoner of war, whether it be a military or a civilian prisoner of war, the families have no place to turn to. They are left without information. They have no resources or no source to get information about their family member who might be held in a prison camp.

Mr. Speaker, I strongly urge that this bill be passed and signed into law. It will require the Government to keep track of and to report to the families of military prisoners of war but it will also make the same requirement for the civilians who might be involved in Government contracting and thus the Government has a responsibility to report to the families and keep them posted. Had we had that information, we would have certainly not gone through the anguish, the bitterness, and the difficulty that we did.

It was a pleasure, of course, to see my father come home, but we should have known long before he did. Two years is too long to know whether your father is alive or not.

I urge the Members to pass this and then urge the President to sign it.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT], a very valuable member of our committee.

Mr. TALENT. Mr. Speaker, I thank my chairman for yielding me this time and I want to congratulate him for his work on this and the gentleman from Virginia [Mr. PICKETT] for his work as well and the leadership of the House for bringing this bill to the floor so quickly.

Like many of the people who have spoken on this, I want to relate my remarks from a personal standpoint. I do not have a personal connection, but a lot of my constituents do. When I got elected to Congress in 1992 they came and talked to me about the issue. I decided to study it some. After I studied it, it did not take all that long, I reached the conclusion that indeed we had left hundreds and hundreds of men behind in Vietnam and probably in Korea as well, and I reached that conclusion, Mr. Speaker, to my shame.

Well, in the years that have passed since then, I along with many of the other Members here have tried to get out what we believe is the truth about these men and to take whatever steps we can to recover them or at least to recover their bodies. It has been difficult to do and I am not naive enough to believe that it is going to be any easier in the future. But earlier this year we did something that I thought was very significant. We established a series of safeguards to try and make sure that at least it did not happen again. We put that in the defense authorization bill which the President eventually signed, and I was very proud of those changes and very sorry when many of them were taken out in the bill which recently passed the House and Senate and which the President signed. I know that my chairman and others from the House fought the deletion of those provisions at that time and I respect their work very much. I did not see why we needed to have 10 days for commanders in the field to decide whether a person was missing. I did not see why we did not need to require forensic, standard forensic certification before finding that a bone or a tooth was sufficient to identify a missing serviceman, and I did not see why we should not have periodic reviews of cases so that families could have current understandings of what had happened to their loved ones. We are remedying it now with this bill. I think it is an attempt, after the fact, but an attempt after the fact to keep faith with those we did leave behind.

Mr. Speaker, if there is one thing we can do for them, it is to try to make sure it does not happen again.

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, Red McDaniel, a returned Vietnam POW told Congress: "We were prepared to be captured; we were prepared to die for our country. But we were never prepared to be abandoned!"

I thank BOB DORNAN for his leadership, and for introducing the POW/MIA Protection Act.

I ask that my colleagues support this bill to show those still missing and otherwise unaccounted that we still care,—that we don't consider them ghosts, and that they have not been forgotten by an ungrateful nation!

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I welcome this opportunity to rise in support for H.R. 4000. Under the leadership of my chairman on the Personnel Subcommittee, BOB DORNAN, this Congress has done more for the recovery of American servicemen than any Congress before.

I am proud to support this legislation that sends a clear message to the administration that it must drop the rhetoric and adopt the resolve to recover missing Americans in Asia.

I would also like to commend the hard work of the families and friends of our missing Americans like Ms. Joanne Shirley of Georgia who serves as the chairman of the board of the National League of POW/MIA Families. Her hard work, and the work of countless others like her, ensures that we remain committed to the promise printed on the POW flag that hangs in front of my office—"You are not forgotten."

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I thank Chairman SPENCE and I thank Chairman DORNAN for offering this legislation.

Mr. Speaker, I want to express my strong support for H.R. 4000 and America's forgotten heroes, our POW's and MIA's. Recent hearings before the Military Personnel Subcommittee that revealed that more than 900 American fighting men were left behind in Korea by our Government, and on whom the most inhumane experimentation was done, is proof of the necessity to enact this legislation. I strongly urge my colleagues to support this important legislation if for no other reason than regard for those who await the fate of their loved ones, the families.

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DORNAN], the chairman of our Military Personnel Subcommittee and the author of this legislation.

The SPEAKER pro tempore (Mr. NEY). The gentleman from California is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I want to correct two things. I am proud that I was the quarterback, with the help of the gentleman from Virginia [Mr. PICKETT], to get the legislation, written by veterans and sponsored in the Senate by the Republican presidential candidate, a World War II veteran, 100 percent disabled and an inspiration in a bipartisan way, to all the country that you can still serve when your body has been torn apart in combat, and serve well.

On this side of the aisle, it was the gentleman from New York, Mr. GILMAN, fighting for it and backed up by others, and I was proud to be one of them; on the Senate side, FRANK LAUTENBERG, Democrat of New Jersey; all of them fighting together; on our side, naval captain reserve, retired, the gentleman from South Carolina, Mr. SPENCE, and everybody on our side and everybody on the other side eventually. It was a unanimous vote in the full committee, 40 to 0. The six or seven that were not there all made it a point to come to me and say, "I would have voted with you if I had been there." More original cosponsors, 262, than any bill introduced in 20 years. And people came to me, like the gentleman from Vermont, BERNIE SANDERS, the Independent, and 30 other Democrats came to me.

Mr. Speaker, it is amazing to me that we are here on suspension when one U.S. Senator, for reasons that are still mysterious, can blackball this tonight, or tomorrow.

Let me read a letter, and it is a leadership letter. It is from the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations. That is a leader.

The gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules. That is a leader.

The gentleman from South Carolina [Mr. SPENCE] is a leader.

Mr. PICKETT is a leader.

I am a chairman.

All five chairmen and almost every one of the chairmen of the military subcommittees in both Chambers. Are we not leaders?

We all want the following, but this is from Mr. GILMAN and Mr. SOLOMON:

"As you consider the Omnibus Appropriations Bill for fiscal year 1997, we respectfully request that you please attach H.R. 4000, the POW/MIA Protection Act."

The continuing resolution, the CR, is our last chance to have this legislation enacted into law before the end of the session. One person will not dare filibuster the Senate over a whole CE to run the government and keep 535, minus our Bill Emerson watching us from heaven, to keep 533 other people from going home while he filibusters. But to blackball a suspension vote like this, even a unanimous one, a snap of the fingers, mysteriously, for some people.

The chairmen continue: "As you are well aware," this bill "will restore the provisions that were removed from the Missing Service Personnel Act," at 11:52 at night, without a phone call to me, "by the McCain amendment to the 1997 Defense Authorization Conference Report. It requires no additional funding.

"Under the language in the Defense Authorization Act," which was law from February 10 to this Tuesday, a couple of days ago. And Clinton did not even know this was in the bill when he signed it, or he could have said "I will veto it," and then he would have had a claim on the POW families because he always tried to get to the right of another war combat person, President Bush, on this.

I have to correct one tiny thing that this hero the gentleman from Texas, SAM JOHNSON, said. It is not 48 hours. We negotiated it with the POW who heroically withstood 6 years of deprivation and torture, the gentleman from Florida, PETE PETERSON. It is 10 full days for a CINC. That was the one amendment of this, 10 full days, to paraphrase Mr. JOHNSON. Is that an inconvenience on a combat commander, particularly Marines, who almost have it emblazoned in their brains we do not leave our wounded on the battlefield, let alone desert our missing? I do not think so.

"Missing servicepersons can be declared dead by the Pentagon without credible proof," as of Tuesday. If a body were recovered that was not identifiable by visual means, forensic certification is no longer required, as of Tuesday.

We restore that.

"Criminal penalties were removed for government officials" get these words, "who knowingly and willingly withhold information related to the disappearance, whereabouts, or status of a missing person." What clod would do that? Some criminal person once in every 10 years? But the families want this to prevent people not paying attention to them being included in the process 10, 20, 30, 40 years later.

"H.R. 4000 would restore the original language," the Dole-Gilman language, that has been public law for months, since February 10. 49–0 vote in the full committee.

"We realize that there are numerous difficult choices being made in organizing this Omnibus" CR bill. "However, it is critical that H.R. 4000 be included in the measure to," and this is Chairman GILMAN and Chairman JERRY SOLOMON, an Air Force veteran and a Marine veteran, to reestablish the core of the Missing Service Personnel Act.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DORNAN. Mr. Speaker, could I ask the gentleman from Virginia [Mr. PICKETT] if I could have any remaining time he has?

Mr. PICKETT. If the gentleman will allow me to yield to the gentleman from Mississippi [Mr. MONTGOMERY] for a unanimous-consent request, then I will yield him time.

Mr. DORNAN. Absolutely.

Mr. PICKETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 4000. I commend the gentleman from California [Mr. DORNAN], the author of the bill. We have worked together for years on this

issue. I thank the gentleman for giving me this opportunity.

Mr. PICKETT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Before the gentleman continues, the Chair would remind Members of the House, it is not in order to cast reflections on the Senate or its Members individually or collectively.

The gentleman may proceed.

Mr. DORNAN. Mr. Speaker, before I continue, I was remiss in talking about heroes on both sides of the aisle. General MONTGOMERY has gone to Hanoi itself, has argued eyeball to eyeball in the 1970's starting, chaired a commission, has given so much time as he has to every aspect of military life, all services, and has been properly rewarded by every veterans group in this country. Every enlisted group and every officer group has commended him for his undying support of our men in the Reserves, the Guard, on active duty, and yes, those left by political and diplomatic circumstances behind while others walked across a freedom bridge or got on a freedom bird in Hanoi, those big Air Force C–141's.

□ 1545

I left out the last line of Chairmen GILMAN and SOLOMON. "Our Nation's POWs and missing-in-action and their families deserve no less than this being put on the CR."

I am not casting aspersions on anybody in the other body; I am talking about our leadership here. I am a NEWT GINGRICH fan. I supported him at every point in his career. He is a son of an Army artillery officer, as I am the son of an Army artillery officer. He promised me, he saw no reason this could not go on the CR. Kick into high gear, Mr. Speaker; do it for these families. They are counting on you. Mr. ARMEY, Mr. DELAY, to all the leadership, there is only a handful between JERRY SOLOMON and BEN GILMAN and the Speaker at the top. They all promised me this could be done.

Staff tells me, "We can't put authorizing language on the CR." This does not cost a nickel. This is a point of honor. I deliberately wore my RAF, Royal Air Force, regimental tie today. Can you hear Churchill's words ringing down through history? "Never in the course of human conflict have so many owed so much to so few."

Well, we are the many here, and we owe it to the few left behind to do the right thing here and put it on the CR so it cannot be blackballed in the other distinguished Chamber.

Now, this POW–MIA Act will further ensure that the families are treated with respect by the U.S. Government and are provided with full disclosure of the facts regarding their loved one's fate.

Imagine taking a report of American pilots sent from Korea, not through China, but through Siberia, to the Soviet Union, for air combat tactics, information, and then to reside there as guinea pigs or God knows what, for any other intelligence or stealing identity schemes by the MVD and then the KGB?

Imagine a report of that thing being given to the Russians, and when former and current KGB people at the time objected to it, it came back here and was stamped "working document." Thank heavens the guy named Ross who did that was fired within a week.

Imagine backing off from your own work product because former KGB people out of nothing but embarrassment or maybe ongoing operations say "we reject this U.S. report." And then the families could not get that report? It was suppressed, so that the loved ones of the people involved here could not get the best work effort of our best intelligence sources on what happened to them? It is outrageous.

The gentleman from California [Mr. PACKARD] summed it up beautifully for his dad, Forrest Packard. Because he was 46 he was put to work in the hospital. All his young construction workers were given that old tin pot helmet that my dad wore in World War I, a Springfield 1903 rifle, and told, "Defend Wake Island."

Some of them died as civilians with a gun and helmet. The ones captured along with Forrest Packard, 200 of them were executed. The lucky ones that did not die in Manchuria or other coal mines under the Japanese warloads like RON PACKARD's dad, the older ones were sent off to prison camps in Japan. But the 200 best young kids that stayed, that were hired for $25 a month, they worked as slave labor for 2 years, still building pill boxes, and then were executed as we bypassed Wake Island. How could any Member of this or the other body say civilians do not count?

"Slang word, cuss word, write them off. They all make $100,000 a week."

Give me a break. These kids were making nothing for 2 years until they were executed. Restore the requirement not for 40 hours, but as soon as possible, which is reasonable, not later than 10 hours, for the review board to provide a description to the parents and the primary relatives, principally other brothers and sisters and grown-up children who become primary relatives, if evidence comes forward and if they want it. It is not an immediate review of every case cycled over and over. The rest of it is pretty well-known in this House.

I beg my leadership on this last day, I beg you to put it in the CR.

Mr. Speaker, I include for the RECORD the letter referred to.

COMMITTEE ON INTERNATIONAL RELATIONS
SEPTEMBER 27, 1996

To: House Leadership

From: Chairman Benjamin A. Gilman, Committee on International Relations, Chairman Gerald Solomon, Committee on Rules.

Re H.R. 4000, the POW/MIA Protection Act.

As you consider the Omnibus Appropriations Bill for FY '97, we respectfully request that you please attach H.R. 4000, the POW/MIA Protection Act. The continuing resolution is our last chance to have this legislation enacted into law before the end of the session.

As you are well aware, H.R. 4000 will restore the provisions that were removed from the Missing Service Personnel Act of 1996 by the McCain amendment to the 1997 Defense Authorization Conference Report. It requires no additional funding or expenditures.

Under the language in the Defense Authorization Act:

Unit commanders are permitted to wait 10 full days (rather than 48 hours) before reporting that a service person a missing or unaccounted for.

Missing service persons can be declared dead by the Pentagon without credible proof. If a body were recovered that was not identifiable by visual means, forenic certification would no longer be required.

Criminal penalties were removed for government officials who knowingly and willingly withhold information related to the disappearance, whereabouts, or status of a missing person.

H.R. 4000 would restore the original language of the Missing Service Personnel Act. This bill, which at present has over 270 cosponsors, was passed unanimously out of the National Security Committee on September 17, 1996, 49–0!

We realize that there are numerous difficult choices being made in organizing this Omnibus Bill. However, it is critical that H.R. 4000 be included in the measure to reestablish the core of the Missing Service Personnel Act. Our nation's POW/MIA's and their families deserve no less.

Mr. BUYER. Mr. Speaker, when a young man or woman joins our military, they make a commitment to support and defend our Constitution. At that same time, our Government assumes a sacred commitment to care for those personnel throughout their service.

I am appalled by recent revelations, made in Chairman DORNAN's Military Forces and Personnel Subcommittee, that on two occasions, our Government knowingly left live POW's behind at the end of a conflict. This is outrageous and inexcusable.

This legislation restores provisions removed from the law by this year's Defense authorization bill that make it difficult for such a grave breach of confidence to happen again.

I urge my colleagues to support this bill.

Mr. ENSIGN. Mr. Speaker, in regard to rollcall No. 449, I would like to register my remarks in support of H.R. 4000, a bill to restore certain missing persons authorities applicable to the Department of Defense. I was unavoidably detained and was unable to vote on this measure. However, I am a cosponsor and strong supporter of H.R. 4000. It is the responsibility of the Federal Government to account for every U.S. service man and woman sent into combat to protect and defend the United States and its interests. If soldiers are taken as prisoners of war [POW] or are determined to be missing in action [MIA], the Department of Defense must investigate their

cases until it has exhausted all hope of locating these individuals. They should not be declared dead merely because of the passage of time. I support H.R. 4000 because it establishes strict guidelines to account for POW's and MIA's and to monitor their status. This legislation will ensure that there are specific procedures for meeting these guidelines. We owe this to missing soldiers and their families. I would have voted "yea" on H.R. 4000.

Mr. SOLOMON. Mr. Speaker, as a young marine in my youth, I was proud to have served in the U.S. Marine Corps during our Korean war, but never had the opportunity to serve in Korea. I still live by the fundamental lesson I learned from my beloved corps. This lesson is very simple—accomplish your mission and take care of your buddies.

A mission that has always guided me in my congressional career is an unwavering commitment to achieve the fullest possible accounting for those servicemen still missing in action. In accomplishing this mission we all take care of our buddies.

During my service, soldiers, sailors, airmen, and my fellow marines stood up and stopped communism dead in its tracks on the Korean Peninsula, making this country proud. And make no mistake about it—we won that war!

But tragically, all wars have a severe price, and many of my fellow warriors who will remain forever young in my minds were left behind. Remembering that mission—the fullest possible accounting of our buddies—recently in the 104th Congress, the tragic fate of POW's in Korea was revealed. Information has been made public that hundreds of Korean war veterans were indeed left behind.

The Korean war, called the "forgotten war", still reached out over 40 years later and beckons all of us to never have forgotten warriors.

I pledge that there will be unrelenting pressure from Congress on all individuals and organizations within our Government with any relevant information to come forward. We owe all family members an understanding as to what happened to their loved ones—silence is not an option.

We in Washington, in both political parties and on both ends of Pennsylvania Avenue, the Congress and the President, have a sacred and moral responsibility to resolve uncertainty of all cases of POW's and MIA's. That means not only those from the Korean war, but the unresolved cases from the Vietnam War as well.

Perhaps more than any war, Vietnam continues to illustrate the complexity of the POW/MIA issue, In 1973, 591 Americans were released by the North Vietnamese. And as of this date, the National League of Families of American Prisoners and Missing in Southeast Asia report that "2,140 Americans are still missing and unaccounted for from the Vietnam war."

Therefore, the fundamental lesson I learned from my experiences as an advocate in supporting POW/MIA's and their loved ones is to have unrelenting vigilance in always passing the strongest possible legislation. All Members of both parties are well aware, H.R. 4000 will restore the provisions that were removed from the Missing Service Personnel Act of 1996 by the McCain amendment to the 1997 Defense authorization conference report. It requires no additional funding or expenditures.

Under the language in the Defense Authorization Act:

Unit commanders are permitted to wait 10 full days before reporting that a service person is missing or unaccounted for.

Missing service persons can be declared dead by the Pentagon without credible proof. If a body were recovered that was not identifiable by visual means, forensic certification would no longer be required.

Criminal penalties were removed for Government officials who knowingly and willingly withhold information related to the disappearance, whereabouts, or status of a missing person.

H.R. 4000 would restore the original language of the Missing Service Personnel Act. The bill, which at present has over 270 cosponsors, was passed unanimously out of the National Security Committee on September 17, 1996.

It is critical that H.R. 4000 be passed and included in the omnibus appropriations bill for fiscal year 1997. Our Nation's POW/MIA's and their families deserve no less.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 4000, legislation to restore a number of key provisions relating to the Department of Defense missing persons policy that were modified or deleted in the fiscal year 1997 Defense Authorization Act—H.R. 3230—as the request of the Clinton Administration and the Senate. I was pleased to be an original cosponsor of this measure which was unanimously reported out of the National Security Committee 45 to 0.

Among the provisions included in H.R. 4000, this bill will reestablish the 48-hour time period that a field commander must report a missing person, restores the requirement that the theater commander must assess the adequacy of actions taken to resolve the missing person's status, restores the requirement that the status of persons last known to be alive be reviewed every 3 years for 30 years, and restores criminal penalties for the knowing and willful withholding of information from a missing person's file.

The restoration of these provisions are significant in that the United States must never again leave behind American prisoners of war or those declared "missing in action" without exhausting every means available to determine the fate of all U.S. servicemen.

One of the most important commitments this government can make to those patriots who are willing to fight and die for our freedom, is to ensure that the United States will never abandon them in the hardships of war. Equally important is to instill this commitment with the families of our uniformed personnel. They both must have full confidence that their support from the United States will always be strong, and never fade. This legislation certainly helps us keep this commitment and I urge its adoption.

Mr. PICKETT. 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 South Carolina [Mr. SPENCE] that the House suspend the rules and pass the bill, H.R. 4000, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. GOODLING. Mr. Speaker, pursuant to House Resolution 525, the following suspension is expected to be considered today, September 27: H.R. 4139.

OLDER AMERICANS ACT INDIAN TECHNICAL AMENDMENTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1972) to amend the Older Americans Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

S. 1972

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

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.

TITLE I—OLDER AMERICANS ACT OF 1965

Sec. 101. Indian employment; definition of Indian reservation.
Sec. 102. Population statistics development.
Sec. 103. Reporting requirements.
Sec. 104. Expenditure of funds for nutrition services.
Sec. 105. Coordination of services.

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

Sec. 201. Extension of National Literacy Act of 1991.
Sec. 202. Adult Education Act amendments.
Sec. 203. Extension of Carl D. Perkins Vocational and Applied Technology Education Act.

Subtitle B—Museums and Libraries

Sec. 211. Museum and library services.
Sec. 212. National Commission on Libraries and Information Science.
Sec. 213. Transfer of functions from Institute of Museum Services.
Sec. 214. Service of individuals serving on date of enactment.
Sec. 215. Consideration.
Sec. 216. Transition and transfer of funds.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

Sec. 301. Unsubsidized student loans.
Sec. 302. Study of loan fees.

Subtitle B—Financial Responsibility Standards

Sec. 311. Extension of public comment period.

TITLE I—OLDER AMERICANS ACT OF 1965

SEC. 101. INDIAN EMPLOYMENT; DEFINITION OF INDIAN RESERVATION.

Section 502(b)(1)(B) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(B)) is amended to read as follows:

"(B)(i) will provide employment for eligible individuals in the community in which

such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals who are Indians residing on or near an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));".

SEC. 102. POPULATION STATISTICS DEVELOPMENT.

Section 614(b) of the Older Americans Act of 1965 (42 U.S.C. 3057e(b)) is amended by striking "certification" and inserting "approval".

SEC. 103. REPORTING REQUIREMENTS.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.".

SEC. 104. EXPENDITURE OF FUNDS FOR NUTRITION SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 103, is further amended by adding at the end the following new paragraph:

"(3) In determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant who seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographical needs of the Indian populations to be served.".

SEC. 105. COORDINATION OF SERVICES.

Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)), as amended by section 104, is further amended by adding at the end the following new paragraph:

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographical area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.".

TITLE II—EXTENSION OF PROGRAMS; MUSEUMS AND LIBRARIES

Subtitle A—Extension of Programs

SEC. 201. EXTENSION OF NATIONAL LITERACY ACT OF 1991.

(a) NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.—Subsection (c) of section 201 of the National Literacy Act of 1991 (20 U.S.C. 1211–1(c)) is amended by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

(b) FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.—Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211–2(i)) is amended by striking "$10,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.".

SEC. 202. ADULT EDUCATION ACT AMENDMENTS.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 312—

(A) in each of subparagraphs (A) and (B) of paragraph (11), by moving the left margin two ems to the right;

(B) in each of paragraphs (11) through (15), by moving the left margin two ems to the right; and

(C) by adding at the end the following:

"(16) The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training.

"(D) An age-appropriate education program for children.";

(2) in section 313(a), by striking "the fiscal year 1991," and all that follows through "1995" and inserting "fiscal year 1997";

(3) in section 321, by inserting "and family literacy services" after "and activities";

(4) in the first sentence of section 322(a)(1), by inserting "and family literacy services" after "adult education programs";

(5) in section 341(a), by inserting "and for family literacy services" after "adult education";

(6) in section 356(k), by striking "$25,000,000" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 1997.";

(7) in section 371(e)(1), by striking "the fiscal year 1991," and all that follows through the period and inserting "fiscal year 1997.";

(8) in section 384, by striking subsections (c) through (n); and

(9) by adding at the end the following:

"SEC. 386. NATIONAL INSTITUTE FOR LITERACY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

"(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

"(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

"(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

"(b) DUTIES.—

"(1) IN GENERAL.—The Institute shall improve the quality and accountability of the adult basic skills and literacy delivery system by—

"(A) providing national leadership for the improvement and expansion of the system for delivery of literacy services;

"(B) coordinating the delivery of such services across Federal agencies;

"(C) identifying effective models of basic skills and literacy education for adults and families that are essential to success in job training, work, the family, and the community;

"(D) supporting the creation of new methods of offering improved literacy services;

"(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

"(i) encouraging the coordination of literacy services;

"(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

"(iii) enhancing the capacity of State and local organizations to provide literacy services; and

"(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

"(F) supporting the development of models at the State and local level of accountability systems that consist of goals, performance measures, benchmarks, and assessments that can be used to improve the quality of adult education and literacy activities;

"(G) providing information, and other program improvement activities to national, State, and local organizations, such as—

"(i) improving the capacity of national, State, and local public and private organizations that provide literacy and basic skills services, professional development, and technical assistance, such as the State or regional adult literacy resource centers referred to in subparagraph (E); and

"(ii) establishing a national literacy electronic database and communications network;

"(H) working with the Interagency Group, Federal agencies, and the Congress to ensure that such Group, agencies, and the Congress have the best information available on literacy and basic skills programs in formulating Federal policy with respect to the issues of literacy, basic skills, and workforce and career development; and

"(I) assisting with the development of policy with respect to literacy and basic skills.

"(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(c) LITERACY LEADERSHIP.—

"(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used,

under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

"(d) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals appointed by the President, with the advice and consent of the Senate, from individuals who—

"(i) are not otherwise officers or employees of the Federal Government; and

"(ii) are representative of entities or groups described in subparagraph (B).

"(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

"(i) literacy organizations and providers of literacy services, including—

"(I) nonprofit providers of literacy services;

"(II) providers of programs and services involving English language instruction; and

"(III) providers of services receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments; and

"(vi) representatives of employees.

"(2) DUTIES.—The Board—

"(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) shall provide independent advice on the operation of the Institute; and

"(C) shall receive reports from the Interagency Group and the Director.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) TERMS.—

"(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

"(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

"(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

"(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

"(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

"(e) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

"(f) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(g) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

"(h) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

"(i) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(j) REPORT.—The Institute shall submit a report biennially to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include—

"(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

"(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

"(3) any additional minority, or dissenting views submitted by members of the Board.

"(k) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.".

SEC. 203. EXTENSION OF CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Subsection (a) of section 3 of the Carl D. Perkins Vocational and Applied Technology Act is amended by striking "appropriated" and all that follows through "1995" and inserting "appropriated for fiscal year 1997 such sums as may be necessary".

Subtitle B—Museums and Libraries

SEC. 211. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:

"(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

"(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—The Director shall serve for a term of 4 years.

"(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of the enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Act entitled 'An Act to amend the Older Americans Act of 1965, and for other purposes', every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

"(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

"(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

"The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"SEC. 206. PERSONNEL.

"(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

"The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special interest-bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

"This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. PURPOSE.

"It is the purpose of this subtitle—

"(1) to consolidate Federal library service programs;

"(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

"(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

"(4) to provide linkages among and between libraries; and

"(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

"SEC. 213. DEFINITIONS.

"As used in this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY.—The term 'library' includes—

"(A) a public library;

"(B) a public elementary school or secondary school library;

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

"(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

"(ii) is not an integral part of an institution of higher education; and

"(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

"(3) LIBRARY CONSORTIUM.—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

"(4) STATE.—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

"(6) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) TRANSFER.—The Secretary of Education shall—

"(A) transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle; and

"(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

"(b) FORWARD FUNDING.—

"(1) IN GENERAL.—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

"(c) ADMINISTRATION.—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—

"(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

"(A) shall reserve 1½ percent to award grants in accordance with section 261; and

"(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

"(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION.

"(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

"(a) PAYMENTS.—Subject to appropriations provided pursuant to section 214, the Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 66 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(c) MAINTENANCE OF EFFORT.—

"(1) STATE EXPENDITURES.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

"(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

"(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

"(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

"(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

"(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

"(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

"(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"SEC. 231. GRANTS TO STATES.

"(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

"(1) establishing or enhancing electronic linkages among or between libraries and library consortia; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE ADVISORY COUNCILS.

"Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

"From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

"(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

"(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

"(4) model programs demonstrating cooperative efforts between libraries and museums.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

"Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved for the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education, and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

"As used in this subtitle:

"(1) MUSEUM.—The term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"(2) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

"(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

"(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

"(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

"(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

"(5) assisting museums in the conservation of their collections;

"(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

"(7) model programs demonstrating cooperative efforts between libraries and museums.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations acts.

"(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

"(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsections (a) and (b) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

"(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.

"SEC. 274. AWARD.

"The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

"SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

"(b) COMPOSITION AND QUALIFICATIONS.—

"(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

"(A) who are members of the general public;

"(B) who are or have been affiliated with—

"(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and

"(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

"(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

"(1) financial assistance awarded under this subtitle for museum services; and

"(2) projects described in section 262(a)(4).

"(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum Board shall meet—

"(A) not less than 3 times each year, including—

"(i) not less than 2 times each year separately; and

"(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

"(B) at the call of the Director.

"(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

"(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

"(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

"(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

"(c) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.".

SEC. 212. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

"(1) general policies with respect to—

"(A) financial assistance awarded under the Museum and Library Services Act for library services; and

"(B) projects described in section 262(a)(4) of such Act; and

"(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

"(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

"(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

"(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.".

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Librarian of Congress" and inserting "Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),";

(B) in the second sentence—

(i) by striking "special competence or interest in" and inserting "special competence in or knowledge of"; and

(ii) by inserting before the period the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(C) in the third sentence, by inserting "appointive" before "members"; and

(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including traveltime) during which the members are engaged in the business of the Commission. While".

SEC. 213. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds

employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. 214. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section 211 of this title), and shall serve at the pleasure of the President.

SEC. 215. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. 216. TRANSITION AND TRANSFER OF FUNDS.

(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this title. Such measures may include the transfer of appropriated funds.

(b) TRANSFER.—The Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than $200,000.

TITLE III—HIGHER EDUCATION

Subtitle A—Debt Reduction

SEC. 301. UNSUBSIDIZED STUDENT LOANS.

(a) AMENDMENT.—Paragraph (1) of section 428H(f) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(f)(1)) is amended to read as follows:

"(1) AMOUNT OF ORIGINATION FEE.—Except as provided in paragraph (5), an origination fee shall be paid to the Secretary with respect to each loan under this section in the amount of 3.0 percent of the principal amount of the loan. Each lender under this section is authorized to charge the borrower for such origination fee, provided that the lender assesses the same fee to all student borrowers. Any such fee charged to the borrower shall be deducted proportionately from each installment payment of the proceeds of the loan prior to payment to the borrower.".

(b) CONFORMING AMENDMENTS.—Section 428H(f) of such Act is further amended—

(1) in paragraph (3), by striking "the origination fee" and inserting "any origination fee that is charged to the borrower";

(2) in paragraph (4), by striking "origination fees authorized to be collected from borrowers" and inserting "origination fees required under paragraph (1)"; and

(3) by adding at the end the following new paragraph:

"(6) EXCEPTION.—Notwithstanding paragraph (1), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.".

(c) REPORT ON COMPETITIVE ALLOCATION.—Within 60 days after the date of enactment of this Act, the Secretary of Education shall submit to each House of the Congress a legislative proposal that would permit the Secretary to allocate the right to make subsidized and unsubsidized student loans on the basis of competitive bidding. Such proposal shall include provision to ensure that any payments received from such competitive bidding are equally allocated to deficit reduction and to pro rata reduction of origination fees in both guaranteed and direct student loans.

SEC. 302. STUDY OF LOAN FEES.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B of title IV of the Higher Education Act of 1965 to gather data on lenders' use of loan fees and to determine if there are any anomalies that would indicate any institutional, programmatic or socioeconomic discrimination in the assessing or waiving such fees.

(b) REPORT.—The Secretary of Education shall submit to each House of the Congress a report on the study required by subsection (a) within 2 years after the date of enactment of this Act.

(c) STATISTICAL CHARACTERISTICS TO BE STUDIED.—In conducting the study required by subsection (a), the Secretary of Education shall compare recipients of loans on the basis of income, residence location, type and location of higher education, program of instruction and type of lender.

Subtitle B—Financial Responsibility Standards

SEC. 311. EXTENSION OF PUBLIC COMMENT PERIOD.

The Secretary of Education shall extend until December 1, 1996, the period for public comment on rules published in the Federal Register on September 20, 1996 (61 Fed. Reg. 49552), relating to financial responsibility standards for institutions participating in higher education programs (34 C.F.R. part 668). The Secretary shall publish such rules in final form by February 1, 1997. Notwithstanding section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)), such rules shall, if so published by such date, be effective for award year 1997–98.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Montana [Mr. WILLIAMS] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

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

Mr. Speaker, today we are considering S. 1972, a bill which makes technical amendments to the Older Americans Act. In the waning days of this Congress, we have added a number of other legislative provisions that we believe are of great importance to parents, children, and families.

I want to also take this opportunity on the floor today to alert the other body that these provisions are important to the House and must be enacted into law prior to adjournment.

Briefly, let me describe the provisions contained in this bill. Let me begin with the Older Americans Act Technical Amendments which the other body has sent to the House and expects to be enacted into law during this session. This bill clarifies certain provisions of the Older Americans Act to provide more flexibility to Indian tribal applicants in meeting certain application and reporting requirements. In general, they would allow the Assistant Secretary for Aging to take into consideration the unique cultural and geographical circumstances facing American Indian and Alaska Native populations. As a result, tribes will be able to tailor supportive and nutrition services to better meet the diverse needs of American Indian and Alaska Native communities. Strict accountability standards would be also retained to ensure results.

The provisions that we have attached to S. 1972 have all previously passed this House and include the following:

H.R. 3863, the Student Debt Reduction Act which passed the House 2 weeks ago by a vote of 414 to 1. At a time when students and parents everywhere are worrying about paying for college, every extra dollar becomes more and more important. This bill is designed to make college more affordable for students, make no mistake about it. The first and most important thing this bill does is lower costs for students. This technical correction simply allows lenders or others to pay the origination fees on behalf of students who borrow unsubsidized Stafford loans. This benefit is already available to students borrowing subsidized Stafford loans. The correction has no cost to the Federal Government. It specifically prohibits any discrimination on the part of lenders when offering programs that reduce a student's origination fees. It increases competition in the student loan program among lenders and is clearly the right thing to do. Let me make it perfectly clear: The House will not consider this legislation if it comes back and does not include the Student Debt Reduction Act.

The House has also added a provision to strengthen and improve the Federal commitment to this Nation's libraries and museums. This provision will streamline and consolidate Federal library programs into a more efficient, more flexible, and easier-to-use singular Federal program. This newer, more modern library program will help bring our Nation's libraries into the next century by ensuring that all libraries have access to new technologies, are better able to share resources, and can better serve our citizens, including the disadvantaged and those with special needs.

This legislation will increase cooperation between libraries and museums by placing management of these programs in the Institute of Museums and Library Services, to be headed on an alternating basis by someone with expertise in museums or libraries. Today, libraries and museums are beginning to cooperate to improve the services that both provide. This bill will foster this cooperation, and our Nation's libraries and museums will be the better for it.

One-year extensions for the National Literacy Act, the Adult Education and Literacy Act, and the Carl D. Perkins Vocational and Applied Technology Act. Along with the extension of the Adult Education Act for 1 year we have included one important change to clarify that funds under the Adult Education Act may be used for family literacy programs.

This bill also authorizes the National Institute for Literacy and revises current law to allow the Institute to more effectively assist with national efforts to improve the literacy level of our country's citizens. If we are going to effectively reduce the number of adults who are illiterate, we must work with families. Children with parents who can help them with their school work have a greater likelihood of succeeding in school. Family literacy programs provide adults with the education and parenting skills necessary to help their children succeed in school. While some States do use their adult education funds for family literacy programs, it is important that we amend current law to clarify that this is an allowable use of funds.

All of these are important provisions which have bipartisan support but for some reason cannot get through the other body. It is my hope that in these waning days the other body will pass this legislation that we are sending them and enact all of these provisions into law. I urge my colleagues in the Senate to pass this bill and send it to the President to enact into law. I urge my colleagues to support this bill.

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

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

Mr. Speaker, I join the chairman of the full committee, the distinguished gentleman and my friend from Pennsylvania, in supporting S. 1972, the Older American Indian Technical Amendments Act. under the Older Americans Act, grants are provided to native Americans and Native Hawaiian organizations to provide a range of services that allow native American elders to live longer with dignity and independence in their communities and on their reservations, and this bill is Congress' continual effort to simply enhance that dignity and independence.

The bill modifies the definition of reservation to clarify that tribes in Oklahoma and California, as well as Alaska Native communities, represented by our friend Chairman YOUNG, are eligible to provide critically needed nutrition and support services to their native Americans. As the gentleman from Pennsylvania has mentioned, this bill tailors support services to better address the needs of Indian people living in very rural areas, and I have such native Americans in tribes in my State of Montana.

Additionally, the bill provides that the Assistant Secretary for Aging may waive or exempt certain reporting requirements for tribal applicants in these isolated areas. The flexibility provided under this bill will better allow native American elders to receive critically needed nutrition and social services. However, and this is important, the bill still maintains strict accountability standards for all program applicants, including native Americans.

This bill also contains provisions establishing the Library Services and Technology Act. This authority creates a new Institute for Museum and Library Services that will integrate our Federal library and museum programs, to consolidate funds, and hopefully promote increased cooperation between libraries and museums across America.

This new partnership, we are hopeful, will focus funds on assisting libraries in acquiring new technologies and increasing access to library services for individuals with special needs, including America's children.

This new merger, by the way, was developed in cooperation with and strongly supported by the American Library Association, of which I am a member, the U.S. Commission on Libraries and Information Sciences, and the Institute of Museum Services, of which this Congress is justifiably proud.

This bill contains an extension of a specific Department of Education comment period for regulations dealing with financial responsibility standards without delaying the implementation of those regulations. The House is hopeful that this will allow additional input from the higher education community and give the department additional time to consider their suggestions before issuing final regulations.

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This package also contains a 1-year extension of the Adult Education Act, the Carl Perkins Vocational Education Act, and the National Institute for Literacy.

I was hopeful, as were my colleagues on this side of the aisle, that it would also contain a reauthorization of the National Environmental Education Act. However, there was contention and disagreement, particularly from our Republican colleagues, to reauthorize the National Environmental Education Act, despite the good attempts of the sponsor of this reauthorization, the gentleman from Michigan [Mr. KILDEE].

The Democrats want to express our concern that the National Environmental Education Act will expire because of this action. We were hopeful to continue an appropriate, although small, but important Federal role in environmental education. Because it is not in this bill, the act will apparently expire, and I express on behalf of my Democratic colleagues our objection to that.

I want to thank the gentleman from Pennsylvania, Chairman GOODLING, and the others for their work on the American Indian Technical Amendments Act.

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

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise in strong support of this legislation. My special interest in it is the Older Americans Indian technical fix. The bill clarifies certain provisions of the Older Americans Act to provide more flexibility to Indian tribal applicants in meeting application reporting requirements.

It allows the Assistant Secretary for Aging to take into consideration the unique cultural and geographical circumstances facing the American Indians and the Alaskan Native populations, thus allowing the tribes to tailor supportive and nutrition services to better meet the diverse needs of the American Indian and Alaskan Native communities.

Strict accountability, though, will still be retained, and standards will be retained. I think it is a great provision for this legislation, and I want to compliment the gentleman for bringing it to the floor.

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

Mr. Speaker, I do want to say, in relationship to the Environmental Education Act, all of us 5 years ago had agreed, and I made a powerful closing speech at the end of those 5 years, we want to make sure that the private sector understands that they will pick it up.

Mr. Speaker, I want to take this closing time to honor one who decided to leave this body. The gentleman from Wyoming [Mr. WILLIAMS] has served for a long time in the Congress of the United States. An awful lot of young people, parents, colleges, universities, native Americans, owe him a great deal of thanks for all of his efforts.

I can remember many times and many hours that he spent trying to reauthorize a Higher Education Act that would be far better than the act that we had before.

And of course native Americans truly owe him a debt of gratitude because he and the gentleman from Michigan [Mr. KILDEE], a few others who were there, and the gentleman from Alaska [Mr. YOUNG], were the staunchest supporters to provide a better way of life for our native Americans.

So on this side of the aisle, we thank the gentleman from Wyoming [Mr. WILLIAMS] for all his efforts on behalf of children and parents.

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

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

I will close on this side by primarily thanking the chairman of the Committee on Economic and Educational Opportunities for his long and continuing service, and especially acknowledge what a pleasure it has been to serve with the gentleman from Pennsylvania, BILL GOODLING, particularly, and his remarks today are very generous, and I am appreciative of them.

I also want to thank the gentleman on behalf of the Members on this side for all his years of service, which are, most likely, continuing. It has been a specific enjoyment for me to work with him during the past nine terms that I have served on that committee.

Mr. Speaker, I encourage my colleagues to support this legislation with no objection.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the Senate bill, S. 1972, 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.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1972, a bill to amend the Older Americans Act of 1965 and for other purposes.

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

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1996

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to suspend the

rules and pass the bill (H.R. 4139) to reauthorize and amend the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.

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

There was no objection.

The Clerk read as follows:

H.R. 4139

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 "Atlantic Striped Bass Conservation Act Amendments of 1996".

SEC. 2. REAUTHORIZATION.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "For each of fiscal years 1986," and all that follows through "1994," and inserting "For fiscal year 1997,".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMISSION MONITORING OF IMPLEMENTATION OF INTERSTATE PLAN.—Section 4(a)(1) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended in the material preceding subparagraph (A) by striking "of fiscal year 1987, and of each fiscal year thereafter," and inserting "of each fiscal year,".

(b) REPEAL OF INOPERATIVE PROVISIONS.—Sections 8 and 10 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) are repealed.

SEC. 4. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

(a) IN GENERAL.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by section 3(b) of this Act, is further amended by adding after section 7 the following new section:

"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

"The Commission shall establish standards and procedures to ensure that the Commission provides an adequate opportunity for public participation in the preparation of any plan for the management of Atlantic Striped Bass and any amendment to such a plan (including any amendment to the Interstate Fisheries Management Plan for Striped Bass, dated October 1, 1981), including public hearings and procedures for the submission of written comments to the Commission.".

(b) DEADLINE.—Within 6 months after the date of the enactment of this Act, the Atlantic States Marine Fisheries Commission shall issue standards and procedures under section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by subsection (a) of this section.

SEC. 5. TRANSFER OF EXISTING PROVISION TO ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes" (approved November 3, 1988; Public Law 100–589; 102 Stat. 2986)—

(1) is amended by striking subsection (g);

(2) as so amended, is transferred from that Act to the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note);

(3) shall appear immediately after section 8 of the Atlantic Striped Bass Conservation Act, as amended by section 4 of this Act; and

(4) is redesignated as section 9 of the Atlantic Striped Bass Conservation Act.

SEC. 6. AMENDMENT AND EXTENSION OF AUTHORIZATION FOR ANADROMOUS FISH CONSERVATION ACT

(a) SCOPE OF STUDIES.—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended by striking "and" after the semicolon at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; and", and by adding at the end following new paragraph:

"(4) the effects of water quality and other habitat changes on the recruitment, spawning potential, mortality rates, and population abundance of the Delaware River striped bass population.".

(b) EXTENSION OF AUTHORIZATION.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking "each of the fiscal years 1991, 1992, 1993, and 1994" and inserting "fiscal year 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Jersey [Mr. PALLONE] 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, the Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. In fact, striped bass harvests dropped from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect the remaining stocks of Atlantic striped bass.

The resurgence of striped bass is a major fishery management success story. In fact, Maryland recently announced that a record-shattering number of young striped bass were found this year in the State's long-running annual striped bass survey. This survey is one of the most important barometers used to judge the health of the Atlantic coast striped bass stock. H.R. 4139 will ensure that this remarkable recovery continues.

This legislation will reauthorize both the Striped Bass Conservation Act and ongoing striped bass population studies. In addition, the bill focuses attention on stripers in the Delaware River and encourages greater public participation in the writing of management plans.

Mr. Speaker, let me just say also that we have done a lot of things on the Fisheries, Wildlife and Oceans Subcommittee, and, of course, previous to that we operated in the framework of the Merchant Marine Committee.

For the past 12 years, the years that I have been here, we have done a lot of things to try to conserve and protect and enhance fisheries populations, not only in the Atlantic Ocean, obviously, but in the Gulf and in the waters offshore of the west coast as well.

This effort, which, I must add, has been on a bipartisan basis, has been a real success story, and so early in 1995 we passed in this House a bill very similar to this to reauthorize the act for 1995 and 1996. The other body has failed to act.

This bill reauthorizes, therefore, the Atlantic Striped Bass Conservation Act with some very minor changes for the year 1997. We are hopeful that in the next 48 hours or so, the other body will see its way clear to take up this measure so that we can proceed to have an enhanced striped bass protection and enhancement effort ongoing in 1997.

Mr. Speaker, I urge all of my colleagues to support the continuation of this vital and highly successful conservation effort by voting in favor of what I consider to be very important legislation.

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

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

Mr. Speaker, I rise in support of the bill.

Twelve years ago striped bass stocks along the Atlantic coast had declined to very low levels as a result of overfishing and pollution. Fishermen and managers alike were concerned that this fishery would soon become an endangered species.

In an unprecedented move, Congress passed the Striped Bass Conservation Act designed to support State efforts to reverse this frightening trend. Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work.

The conservation management programs that have brought this fishery back from the crash of the 1980's must continue, and H.R. 4139 will ensure this is the case, and I enthusiastically urge Members to support it today.

I wanted to say I also am pleased that the gentleman from New Jersey [Mr. SAXTON], has included in the legislation public participation in preparation of plans and amendments to plans for Atlantic striped bass. This is something that the recreational fishermen along the Jersey coast have particularly been very concerned about, that there is sufficient public participation, and that provision is now in the bill.

In addition, if I could mention, I know today that since we need to move

this bill, and it is important we move it, we can certainly not bring up the issue of the game status of striped bass or the ban or moratorium on the sale of striped bass caught in the EEZ. But I want to mention that I know Mr. SAXTON and I would like to see a continued ban or moratorium on the sale in the EEZ. Both of us have legislation that will either accomplish that or make striped bass a game fish.

I am hopeful in the next Congress we can work toward these goals. But today I am pleased to see this legislation, this reauthorization, is coming to the floor. It is very important, and I would again urge support of the bill.

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

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

I am told by my diligent staff that during my statement I said that we were reauthorizing for 1987, which is obviously only 10 years off and it is really 1997. I would also like to thank Mr. PALLONE for his cooperation here today. This was kind of a last minute thing that we decided to do for the reasons that I stated before, primarily because of its importance to the continuation of this extremely successful effort.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 4139.

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

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 to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

The Clerk read as follows:

S. 1505

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 "Accountable Pipeline Safety and Partnership Act of 1996".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

"(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;"; and

(3) by adding at the end the following:

"(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

"(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

"(25) 'Secretary' means the Secretary of Transportation.".

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting ", if appropriate," after "Secretary" the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking "transporters of gas and hazardous liquid and to" in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

"(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities."; and

(3) by striking paragraph (2) and inserting the following:

"(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.".

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

"(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

"(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

"(A) practicable; and

"(B) designed to meet the need for—

"(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

"(ii) protecting the environment.

"(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

"(A) relevant available—

"(i) gas pipeline safety information;

"(ii) hazardous liquid pipeline safety information; and

"(iii) environmental information;

"(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

"(C) the reasonableness of the standard;

"(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

"(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

"(F) comments and information received from the public; and

"(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

"(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

"(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

"(B) identify the costs and benefits associated with the proposed standard;

"(C) include—

"(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

"(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

"(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

"(4) REVIEW.—

"(A) IN GENERAL.—The Secretary shall—

"(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

"(ii) make that risk assessment information available to the general public.

"(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

"(i) an evaluation of the merit of the data and methods used; and

"(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

"(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

"(i) shall review the report;

"(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

"(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

"(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

"(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

"(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

"(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

"(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

"(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

"(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

"(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.".

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting "as required by the standards prescribed under this chapter" after "operating the facility";

(2) by striking "to provide the information" and inserting "to make the information available"; and

(3) by inserting "as determined by the Secretary" after "to the Secretary and an appropriate State official".

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking "and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),"; and

(2) by striking "transmission" and inserting "transportation".

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

"(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

"(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

"(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.".

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking "(2) Not later than" and inserting the following:

"(2) PERIODIC INSPECTIONS.—Not later than"; and

(B) by inserting ", if necessary, additional" after "the Secretary shall prescribe".

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following:

"(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.".

(g) MAPPING.—Section 60102(c) is amended by adding at the end thereof the following:

"(4) PROMOTING PUBLIC AWARENESS.—

"(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

"(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

"(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.".

(h) REMOTE CONTROL.—Section 60102(j) is amended by adding at the end thereof the following:

"(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

"(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.".

SEC. 5. RISK MANAGEMENT.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60126. Risk management

"(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

"(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

"(B) to evaluate the safety and cost-effectiveness of the program.

"(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

"(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

"(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

"(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

"(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

"(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(3) provide for—

"(A) collaborative government and industry training;

"(B) methods to measure the safety performance of risk management plans;

"(C) the development and application of new technologies;

"(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

"(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

"(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

"(G) the development of project elements that are necessary to ensure that—

"(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

"(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

"(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

"(i) changed circumstances; or

"(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

"(J) an opportunity for public comment in the approval process; and

"(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

"(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

"(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

"(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

"(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

"(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.".

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

"60126. Risk management.".

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking "NAVIGABLE WATERS" in the heading for subsection (c) and inserting "OTHER WATERS"; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

"(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.".

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking "a navigable waterway (as the Secretary defines by regulation)" and inserting "waters where a substantial likelihood of commercial navigation exists".

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

"(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

"(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

"(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.".

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting ", if any," in the first sentence of subsection (b)(1) after "circumstances";

(2) by inserting ", operating, and maintaining" in subsection (b)(4) after "cost of installing";

(3) by inserting ", maintenance, and replacement" in subsection (c)(1)(C) after "installation"; and

(4) by inserting after the first sentence in subsection (e) the following: "The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.".

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: "The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.".

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting "or risk management principles" in paragraph (1) before the period at the end;

(2) by inserting "or risk management principles" in paragraph (2) before the period at the end;

(3) by striking "4" in paragraph (3)(B) and inserting "5";

(4) by striking "6" in paragraph (3)(C) and inserting "5";

(5) by adding at the end of paragraph (4)(B) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).."; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.".

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the semicolon in paragraph (1)(A);

(2) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the period in paragraph (1)(B);

(3) by inserting "and supporting analyses" before the first comma in the first sentence of paragraph (2);

(4) by inserting "and submit to the Secretary" in the first sentence of paragraph (2) after "prepare";

(5) by inserting "cost-effectiveness," in the first sentence of paragraph (2) after "reasonableness,";

(6) by inserting "and include in the report recommended actions" before the period at the end of the first sentence of paragraph (2); and

(7) by inserting "any recommended actions and" in the second sentence of paragraph (2) after "including".

(d) MEETINGS.—Section 60115(e) is amended by striking "twice" and inserting "up to 4 times".

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking "PAY AND" in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting "of a committee under this section" after "A member".

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking "person transporting gas" and inserting "owner or operator of a gas pipeline facility";

(2) by inserting "the use of a one-call notification system prior to excavation," after "educate the public on"; and

(3) by inserting a comma after "gas leaks".

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: "The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.";

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

"(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping."; and

(3) by striking "transporting gas or hazardous liquid" in subsection (b) and inserting "owning".

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a); and

(2) by striking paragraph (1) and inserting the following:

"(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;".

(b) Section 60118 (b) is amended to read as follows:

"(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.".

(c) Section 60118(c) is amended by striking "transporting gas or hazardous liquid" and inserting "owning".

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

"§ 60124. Biennial reports".

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: "Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

"60124. Biennial reports.".

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

"§ 60127. Population encroachment

"(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

"(b) EVALUATION.—The Secretary shall—

"(1) evaluate the recommendations in the report referred to in subsection (a);

"(2) determine to what extent the recommendations are being implemented;

"(3) consider ways to improve the implementation of the recommendations; and

"(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

"60127. Population encroachment.".

SEC. 17. USER FEES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

"§ 60128. Dumping within pipeline rights-of-way

"(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking "or 60118(a)" and inserting ", 60118(a), or 60128".

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

"60128. Dumping within pipeline rights-of-way.".

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting "**pipeline safety program**" after "**State**".

(b) SECTION 60106.—The heading for section 60106 is amended by inserting "**pipeline safety**" after "**State**".

(c) SECTION 60107.—The heading for section 60107 is amended by inserting "**pipeline safety**" after "**State**".

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking "60120, 60122, and 60123" in subsection (a)(9) and inserting "60120 and 60122";

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting "pipeline safety program" in the item relating to section 60105 after "State";

(2) by inserting "pipeline safety" in the item relating to section 60106 after "State"; and

(3) by inserting "pipeline safety" in the item relating to section 60107 after "State".

(f) SECTION 60101.—Section 60101(b) is amended by striking "define by regulation" each place it appears and inserting "prescribe standards defining".

(g) SECTION 60102.—Section 60102 is amended by striking "regulations" each place it appears in subsections (f)(2), (i), and (j)(2) and inserting "standards".

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking "regulations" in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting "standards"; and

(2) by striking "require by regulation" in subsection (c)(4)(A) and inserting "establish a standard".

(i) SECTION 60109.—Section 60109(a) is amended by striking "regulations" and inserting "standards".

(j) SECTION 60110.—Section 60110 is amended by striking "regulations" in subsections (b), (c)(1), and (c)(2) and inserting "standards".

(k) SECTION 60113.—Section 60113(a) is amended by striking "regulations" and inserting "standards".

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

"(1) $19,448,000 for fiscal year 1996;

"(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

"(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

"(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

"(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

"(D) $12,000,000 for fiscal year 1996.

"(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

"(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

"(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for

fiscal year 1999 collected under section 60301 of this title.

"(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be given to the gentleman from Colorado [Mr. SCHAEFER], and that he be permitted to control the time.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, my understanding, I could be wrong, is that those of us in opposition, which I am, are entitled to 20 minutes under the rules.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PALLONE. Mr. Speaker, unless there is some other Member in opposition, I would ask for the 20 minutes.

The SPEAKER pro tempore. Is the gentleman from West Virginia [Mr. RAHALL] opposed to the bill?

Mr. RAHALL. No, Mr. Speaker, I am in favor of the bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to vacate my unanimous-consent request and reclaim my time from the gentleman from Colorado [Mr. SCHAEFER].

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

There was no objection.

The SPEAKER pro tempore. If the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill, he can be recognized for 20 minutes.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that we extend the time here by an additional 10 minutes so that we are able to give 5 minutes to the gentleman from Colorado [Mr. SCHAEFER], 5 minutes to the gentleman from West Virginia [Mr. RAHALL], and 10 minutes to myself, which I will be liberal with for the first time in my life in order to share it with others who support this legislation.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will control 10 minutes, the gentleman from Colorado [Mr. SCHAEFER] will control 5 minutes, and the gentleman from West Virginia [Mr. RAHALL] will control 5 minutes, and the gentleman from New Jersey [Mr. PALLONE] will control 20 minutes in opposition.

Is there objection to the request of the gentleman from Pennsylvania [Mr. SHUSTER]?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

I rise in support of S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. The bill authorizes the pipeline safety program for 5 years. It ensures and oversees the safety of our Nation's gas and hazardous liquid pipelines. I certainly want to thank my colleagues for their support.

Pipelines remain the safest form of transportation in our country. Fatalities from pipeline accidents represent less than 0.003 percent of the total number of fatalities of all modes of transportation. The bill we are considering today is a new direction for pipeline safety. In the last decade, Congress has micromanaged the program. However, because of the outstanding safety record, we think it makes a lot of sense that the industry and the Department of Transportation now move away from a command and control approach to a risk-based approach and that is what the legislation does.

This has been bipartisan throughout. We have worked with colleagues on the other side of the aisle. Indeed we have worked with the Department of Transportation, with all parties who are interested. And we believe that this is a strong safety bill in the right direction and we would urge its support.

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

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

Mr. Speaker, I rise in strong opposition to S. 1505, legislation that would roll back in my opinion the gains made by the pipeline safety improvement act of 1992, which was largely written by the former chairman of the Energy and Power Subcommittee, Phil Sharp. That law, which was passed a mere 4 years ago, made positive, significant public safety and environmental changes to our pipeline laws.

That law and the protections already on the books are important to me. About 2 years ago the residents of Edison, NJ, which is in my district, and communities across the country got a very loud wake-up call when a natural gas pipeline exploded, sending a fireball hundreds of feet into the air and destroying the homes of more than 1,000 people in my district.

This bill, which was drafted primarily with far more input from the industry than from the House Democrats, allows pipeline operators to decide for themselves what safety precautions to take and which to ignore while, making it even more difficult for Federal regulators to pass new safety requirements. However, as evidenced with the Iroquois pipeline in New York, there is an inherent conflict of interest that prevents companies from regulating themselves in a manner that provides maximum protection to the public.

Unfortunately, despite some lone cries from both parties, this Congress is set to let the industry govern itself and at the same time weaken protections in existing law. Right now the law requires that all individuals responsible for operating and maintaining pipelines be tested for qualifications and certified to operate and maintain those pipelines. But the bill before us removes the testing and certification requirement.

The 1992 act, which I mentioned, required the Department of Transportation to issue several new safety and environmental protection regulations. This bill, however, creates risk management demonstration programs, I will repeat that, risk management demonstration programs that allow pipeline companies to write their own rules.

Furthermore, the general language is written to give industry maximum wiggle room. The bill allows DOT to exempt pipelines from current regulations and forces DOT to release them from future regulations, including those based upon the public law of 1992 and essentially the rules that are still pending right now.

The bill is so poorly drafted that it allows pipeline operators who fail to comply with the plans that they themselves wrote to continue to regulate themselves. Instead of mandating that companies that are in substantial noncompliance be automatically kicked out of the program, it opens the door to allowing those bad actors to remain exempt from the rules that every one else has to play by.

This bill also deletes a requirement in current law requiring that pipelines be inch inspected at least once every 2 years. If you think about the Edison accident, after that accident the DOT and everyone who was involved thought the inspection should be more frequent. This bill says they do not even have to do it every 2 years.

The bill would undermine a DOT regulation that allows DOT to require companies to replace old pipes with new pipelines that are able to be inspected by an internal inspection device, also known as a smart pig. During the Edison accident aftermath there was much suggestion that smart pigs be used wherever possible. This does not require that anymore. By changing the underlying basis for the DOT rule, pipeline companies would now be able to successfully overturn current regulation in court.

The bill also removes a requirement in current law that DOT, when issuing a standard, has to consider the extent to which the standard contributes to safety and environmental protection. The bill replaces this with risk assessment and cost-benefit analysis. This is the Contract With America risk assessment and cost-benefit analysis that I

thought that this Congress had rejected.

Furthermore, the bill would add more industry representation to the two committees that would serve to peer review the risk assessment/cost-benefits processes, while leaving in place weak conflict-of-interest provisions.

Finally, perhaps most egregiously, this bill completely changes environmental language in current law to benefit the oil industry. It undermines wetlands protection and removes the requirement to identify pipelines in earthquake zones. And, to add insult to injury, it removes a mandate for regular inspection of pipelines in environmentally sensitive areas.

I just have to say, Mr. Speaker, I am very happy that the New Jersey delegation has worked hard to improve this bill. On the Senate side, amendments were added by Senators LAUTENBERG and BRADLEY that would require DOT to study effectiveness of remote shutoff valves, and if the study finds them technically or economically feasible, would require DOT to publish standards for their use where they would reduce risk.

It also contains language requiring criminal penalties for dumping in pipeline rights-of-way. That is something that Mr. SCHAEFER put in at my request, and I appreciate that. And it retains a House Democratic amendment authorizing DOT to engage in public education to promote One-Call and pipeline damage prevention, again something that Mr. SCHAEFER put in the bill at my request, and I appreciate that.

These are poison-coated carrots, I think, meant to entice us into supporting a bill that will ultimately undermine the very protections we support. Even with these additions by the New Jersey delegation, this is a bad bill.

None of this bill's provisions have ever been the subject of legislative hearings in either the House or the Senate. Last year, as part of their Contract With America, the House Republicans rammed a dangerous industry-drafted bill through two committees without significant Democratic input. That bill has been sitting in limbo for well over a year.

But because the original bill contained risk assessment language that condemned it to a near certain Presidential veto, Republicans finally sat down with us and other Democrats to negotiate a new bipartisan bill. But Republicans broke off negotiations, for example, after only one session because they realized that they could get a better deal by forcing the Senate bill on the Democrats. That is what we are getting here today. That is wrong.

We went to the table in good faith. We were prepared to make a deal and help move it through the House and Senate on a truly bipartisan and inclusive basis, which is what should happen. Instead we have this: broken-off negotiations and a bill that we are being denied our right to amend. The process stinks. It is unnecessary process.

If it was brought under normal circumstances, this would be subject to a point of order because it has a $6 million pay-as-you-go violation. No amendments. It undermines safety and environmental protection. It is opposed by the Natural Resources Defense Council, the American Oceans Campaign, and the Center for Marine Conservation.

I urge my colleagues, before you vote, think about this. Do you really know what you are getting into in this Senate bill? I am here to tell you that this is not what you think. This is not something that is going to move forward on protections for pipelines. It is harmful. It deserves to be defeated. It is really backtracking on the issue of pipeline safety in this country. It deserves to be defeated.

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

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

I am astonished at the gentleman's comments when he says the House Democrats did not have an opportunity to participate. I recognize that his committee does not have primary jurisdiction and they may be very upset about that, but the facts are the Committee on Transportation and Infrastructure has primary jurisdiction over this, and the Democrats on our committee were full partners throughout the process when this legislation was crafted.

Further, there were hearings held on this legislation and, further, this legislation passed the Senate unanimously, passed our Committee on Transportation and Infrastructure, which has primary jurisdiction, unanimously.

Indeed, the distinguished Senator from New Jersey, Senator LAUTENBERG, said this on the floor of the Senate: "The bill before us enhances our existing pipeline safety program in a number of ways." He goes on to list those ways. He also goes on to say that the bill would also increase funding for pipeline safety programs and make other improvements.

It passed the Senate unanimously; passed our committee unanimously. Now at this 11th hour suddenly we find that the committee which does not have primary jurisdiction, but I guess would like to have jurisdiction, is on the floor opposing this legislation. I regret that.

□ 1630

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

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

Mr. Speaker, S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996 reauthorizes the Natural Gas and Hazardous Liquid Pipeline Safety Acts both of which expired in September of last year.

Natural gas and oil pipelines play a vital role in getting energy to market. In the United States there are approximately 280,000 miles of natural gas transmission lines and 1.5 million miles of gas distribution lines. Hazardous liquid pipelines consist of over 200,000 miles of pipeline. Even with this extensive pipeline network, oil and gas pipelines have maintained a remarkable safety record. However, because of the enormous potential for loss of life or harm to the environment from a pipeline rupture, it is important that we make sure our national pipeline system operates as safely as possible.

The bill we are considering today, S. 1505, is a compromise version of a bill passed last year by the Commerce Committee, Like the House bill, H.R. 1323, S. 1505 changes the way pipelines will be regulated in the future. In the past, Congress responded to specific accidents by creating inflexible, one-size fits all mandates which were applied to all pipelines. The result has been a layering of congressional mandates, which don't necessarily lead to improved safety, and in some instances may even divert limited resources away from more promising safety measures.

S. 1505, like its House predecessor, gets away from the old approach, by requiring the Department of Transportation to conduct a risk assessment for new pipeline safety regulations. In addition, S. 1505 establishes a voluntary, 4-year risk management demonstration project at DOT's Office of Pipeline Safety.

Under this demonstration program, pipeline operators would be allowed to assess the unique safety risks associated with their pipelines, create specific safety measures tailored to a pipeline or a segment of pipelines, and implement these measures subject to DOT approval and management. DOT would have the responsibility of ensuring that the risk management proposal contains provisions designed to provide an equal or greater level of safety than currently exists under the statute.

S. 1505 also makes a number of smaller and technical changes. Among other things, pipeline operators must now be qualified rather than certified to operate a pipeline, the definition of environmentally sensitive areas is clarified, and DOT is given authority to enter into agreements with States and other entities to promote pipeline safety.

S. 1505 lowers the user fees pipelines must collect to pay for the pipeline safety program. The improvements made to the pipeline safety program by this bill will result in less costly and more effective regulation of pipelines. Importantly, the user fees, while lower

than DOT's original request, are significantly higher than the amounts authorized in the House bill. Keeping pipeline safety user fees at a reasonable level will assure that consumers can afford to purchase clean burning, environmentally friendly natural gas and will help keep the cost of heating oil and gasoline at reasonable levels.

I believe DOT can run an efficient and effective Office of Pipeline Safety with the money authorized in S. 1505, given the fact that more emphasis will be placed on risk management and risk assessment as opposed to command and control regulation. S. 1505 is the kind of innovative solutions we need to ensure responsible regulation while controlling the cost of government.

Overall, I believe S. 1505 will improve an already high level of safety on our Nation's interstate pipelines. I urge its adoption.

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

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

Mr. Speaker, I come from an area of the country where, at times, terror springs forth from deep within the Earth. The ground shakes, fire and smoke belch forth, the siren wails, and then the process of counting the dead begins.

It is unfortunate, but true, that this is part of the legacy of underground coal mining in Appalachia. For deep within many of these mines stalks a silent killer: It is known as methane gas. As it accumulates, it takes just one spark to set off a disaster that leaves many families without a father, son, or daughter.

In many parts of the country, another potential silent killer lies beneath the ground. It is the natural gas that flows through the 1.6 million miles of pipelines which run through rural and urban areas alike. A natural gas pipeline, lying beneath the Earth, can explode, and it can cause the same terror, the same trauma, and the same consequences to life and property as occurs with mine disasters.

It is from this perspective that I approach the pending measure, and it is from this perspective why I am pleased to rise in support of the pending legislation, Mr. Speaker.

The basic purpose of this bill is to reauthorize the natural gas and hazardous liquid pipeline safety programs through the year 2000. In this regard, the pending legislation provides authorization levels that are consistent with the administration's budget request for the Office of Pipeline Safety.

The bottom line is that this legislation would not diminish pipeline safety whatsoever.

At the same time, it provides the necessary authorization for the Office of Pipeline Safety to continue with its very important work of ensuring the safety of the American public as their safety relates to potential hazards associated with gas and liquid pipeline.

I would note as the gentleman from Pennsylvania [Mr. SHUSTER] noted, that this bill passed the Senate in a bipartisan fashion, and it is generally supported by the Office of Pipeline Safety at the Department of Transportation.

In this body, the Committee on Transportation and Infrastructure reported a reauthorization, as has already been stated bill on May 1, 1995. We did so in a bipartisan fashion.

Under a sequential referral, the Commerce Committee reported its version on June 1, 1995. It did not do so in a bipartisan fashion, and that is where we find ourselves today.

The Transportation and Infrastructure Committee is bipartisan in its support of the pending measure. In fact, from my perspective, the Senate version is superior to what the Transportation Committee Democrats agreed to last year.

This is because the risk assessment provisions of the Senate bill are far more flexible than what was in the House bill, and basically comports with what the Office of Pipeline Safety is already undertaking. Further, the Senate bill has a higher authorization level than what is in the House measures.

I see my very good friend from Michigan, the ranking Democrat on the Committee on Commerce, on the floor at this moment, and I realize fully that my distinguished friend from Michigan and his Committee on Commerce views itself rather as being second to none. Indeed our friendship is probably second to none in this body.

It is a powerful committee, and it deserves our respect with all due respect to my friend. But in this case, in this particular piece of legislation, it is the Committee on Transportation and Infrastructure which has the primary jurisdiction in this body, and we are united in our support thereof, Democrat and Republican alike.

So I would urge my Democratic colleagues to support the pending measure and certainly realize that this came out of the bipartisan Committee on Transportation and Infrastructure.

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

Mr. PALLONE. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to express my affection and respect for the gentleman from West Virginia [Mr. RAHALL] and also the gentleman from Pennsylvania [Mr. SHUSTER], and I want to point out that we on the Committee on Commerce have no concerns about the jurisdiction or jurisdictional questions or the referrals of these matters. I want to talk a little about the history of how this bill came to be and what is in it and why, perhaps, it ought to be rejected.

First of all, the bill was only voted out of the Senate last night. No legislative hearings were held upon this bill either in the House or in the Senate. The bill, if my colleagues will read it, is poorly drafted and it is ambiguous. The Committee on Transportation and Infrastructure broke off discussions and negotiations with the other committees last week, so there have been no real discussions during that time.

The threat to communities from unsafe pipelines is real. In 1994, a gas pipeline explosion destroyed an apartment complex in Edison, NJ. In 1993, a leak in the Colonial Oil Pipeline in Fairfax County, VA, caused extensive property and environmental damage, and other events of this kind are waiting to happen.

The bill allows, in a rather curious provision, the Department of Transportation to substitute a voluntary demonstration project for real regulation. That is hardly protecting the public safety or public interest. It does not ensure public participation when the Department of Transportation considers whether or not a pipeline should be exempt from regulation. That is possible even for pipelines which go through heavily settled metropolitan areas where some fine, fine explosions could occur. The bill discontinues the existing requirement that pipelines be inspected every 2 years, even in high density communities or in environmentally sensitive areas.

Now, there are a lot of questions about this bill: Does the bill undermine rulemaking protections under the Administrative Procedure Act? The language of it indicates yes, that it does undermine the Administrative Procedure Act's requirements.

The bill also raises questions of whether the APA applies or not. I do not believe that any member of the Committee on Transportation and Infrastructure can tell us whether in fact it applies or not.

The question arises are the safety standards referred to in section 60102 required to be set by rulemaking? Are they going to be done publicly? Or will they be done in some curious, sneaky, dishonest, underhanded fashion in the dark of night without public participation?

Another question: What is going to happen to existing and pending pipeline safety standards? How will this requirement affect DOT's pending rule for replacing pipelines to facilitate better safety inspections? What kind of delay is this going to introduce in finalizing that rule?

Now, there is a question of demonstration projects in public participation. The bill permits DOT to set up demonstration projects for pipelines in lieu of existing regulation.

What does that mean?

Question: Does DOT consider an application under this type of exemption?

If it does, can local citizens participate? Are exemptions done through rulemaking where they can be challenged in court? Are citizens' comments to be a part of the public record, or will we hear only from pipeline executives? Will pipeline executives function in some kind of a curious darkened place where there is no public participation?

The bill significantly alters wetland protections. It sets up some new category of critical wetlands. These are not defined in the bill. Question: What are these curious types of wetlands? Are they better or worse? Are they entitled to different protections than other wetlands? And what does this all mean?

Now there is one other little item that is in this: peer review. The question here is, does the secretary have to put a peer review panel above the other rulemaking process? Does he bring into the peer review process ordinary citizens? Who is to be on this peer review panel? Are they going to be pipeline lobbyists or pipeline lawyers or pipeline executives or will ordinary citizens be permitted to participate in this? Is the mayor of a community that a major pipeline goes through going to be involved in this, or will there be representatives of cities and counties and local governments and safety authorities and fire insurance people and specialists in public safety of all kinds?

The hard fact here is this bill drips questions, this bill raises more questions than it answers. It puts in place loopholes which raise questions about public safety. It was done in a very curious fashion. There have been no hearings. Nobody of the Transportation Committee can tell us what is in the bill. The Transportation Committee endorses it with great enthusiasm, and perhaps that is because they do not really know what is in the bill.

The bill raises the fine question then of whether we should perhaps reject it because we are supposed to pass a bill on which there can be no amendments, without adequate discussion, in a period of 40 minutes which is going to raise fine questions later as to public safety.

I would remind my colleagues that in the 1940's there was a natural gas explosion in the City of Cleveland which cost the citizens of Cleveland better than $300 million. That was in 1940's dollars; that was a huge sum. Enormous numbers of buildings were destroyed, citizens were destituted, and the consequences were horrible to see.

The pipeline explosion which occurred in New Jersey was a spectacular event. It was reminiscent of an atom bomb going off.

I would say that in the addressing of questions of pipeline safety we should consider the need to be concerned about the well-being of the pipelines. We also should be aware of the need to be concerned about the safety of citizens and about the mechanisms that government has to assure the safety of citizens from risks of leaking or exploding pipelines or fires which are associated with leaks in these pipelines.

I urge the rejection of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I would urge my colleagues to follow the unanimous lead of the Senate and of the Committee on Transportation and Infrastructure in adopting the measure before us. I would like to be clear that the Senate bill we are currently considering is based on a House bill that was favorably reported last year by both the Transportation and Infrastructure Committee and the Committee on Commerce. The Committee on Transportation and Infrastructure approved the bill by a unanimous voice vote.

□ 1645

The only significant differences between the Senate bill that is before us and the bill approved by our committees are less prescriptive risk assessment provisions and increased authorization levels. The risk assessment provisions were developed with the United States Department of Transportation and reflect the current practices of the Office of Pipeline Safety, in accordance with President Clinton's executive order regarding cost-benefit analysis.

This risk assessment approach is particularly suited to the pipeline safety program, as facts clearly show that pipelines remain the safest form of transportation. Fatalities from pipeline accidents represent only three one-thousandths of 1 percent of the total number of annual transportation fatalities.

The second major new initiative in the bill before us, which was also included in the bill that our committees earlier adopted, is a pilot project to demonstrate the safety and cost-effectiveness of risk management.

This provision gives statutory authority to a program already under development by the department. The goal of risk management is to focus resources on the greatest risks and improve protection of the public, rather than proposing a one-size-fits-all regulatory straitjacket and wasting resources and endangering the public by not focusing on where we can do the most good.

A participant may submit a risk management safety plan for approval by the Secretary that would achieve a level of safety that is equal to or greater than that which would be achieved by following existing regulations. So we give them flexibility to improve safety, not to lower safety. I think it is something we should be encouraging.

In return, the pipeline owner or operator would be allowed to operate free of the regulations that may be proved unnecessary based on the safety plan submitted.

Mr. Speaker, I would note, as I said before, that the Senate passed this legislation by unanimous consent. We have worked for 18 months to reach the point we are today. Because this bill will improve pipeline safety by allowing the Department of Transportation and pipeline owners and operators to focus and allocate resources on the greatest risks to public safety and environment, I would urge the House to pass the bill before us.

In conclusion, I would like to thank our colleagues, the gentleman from West Virginia, NICK RAHALL, the ranking minority member of the Subcommittee on Surface Transportation, as well as the gentleman from Pennsylvania, Mr. SHUSTER, and the gentleman from Minnesota, JIM OBERSTAR, for their support in the past, and their hard work on this important legislation.

The gentleman from New Jersey, Mr. BOB FRANKS, a member of the Committee on Transportation, has worked diligently on this issue for a number of years, and so has the gentleman from Colorado, Mr. SCHAEFER, and the gentleman from Virginia, Mr. BLILEY, of the Committee on Commerce, which shares jurisdiction over the pipeline safety program.

Finally, I would like to recognize the many hours that the Department of Transportation has devoted to this legislation. I think it is a good, worthwhile product, and we should adopt it today.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, I ask that this bill be rejected. Let me just give the Members the very simple five-step program to understanding this bill.

Step No. 1: The Department of Transportation finds a very serious problem in pipelines across the United States. They might explode, for some reason or another, because of some defect which they have found in pipelines nationally, a very serious problem, a great public safety problem in community after community across the United States.

Step No. 2: The Department of Transportation decides to promulgate a rule in order to ensure that the public safety will be protected against the defects which have been created in pipelines in neighborhoods near where children play all across the United States.

Step No. 3: The bill, as constructed by the authors, then forces an extremely complex risk assessment cost-benefit analysis of whether or not these pipelines should in fact be repaired or the changes made in the methodology that in the future will ensure that all of the citizens, all of the

children that live in these neighborhoods, will be protected.

Step No. 4: An industry-dominated peer review panel reviews the rule and then dissents from it. It says to the Department of Transportation, as the peer review panel we really do not think that this rule is necessary.

The interesting thing is that under the bill, the peer review panel that has this right to dissent is packed with, guess what, pipeline company officials, who will have to change the way in which they make these pipes that are endangering the children in the neighborhoods. Now, with this peer review panel packed with pipeline officials that make their living off of these pipes, they say no, we dissent. We do not think the rule should go into place.

Then, step No. 5: The lawyers for the pipeline companies then use the dissent of the peer review panel at the Department of Transportation as the basis for their lawsuit, which keeps the rule from going on the books for years in this country. Meanwhile, the pipelines continue to exist or continue to be built that endanger the children in the neighborhoods of this country.

Mr. Speaker, how in the world can we in good conscience, with less than 1 day left to go in the Congress, with so little understanding of what this impact could be, cater to the special interests of pipeline companies and give them this opportunity of railroading through here this inoculation against the guarantee that the people of this country will be protected?

Mr. SCHAEFER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. HALL].

The SPEAKER pro tempore. The gentleman from Texas [Mr. HALL] is recognized for 3 minutes.

Mr. HALL of Texas. Mr. Speaker, I rise in strong support of S. 1505, the Pipeline Safety Reauthorization Act. This legislation is not really a stranger to this House. In fact, it is similar to the legislation that passed the Committee on Transportation and Infrastructure over a year ago.

Mr. Speaker, the bill reaches some important compromises on several issues that were contentious in the House. If I recollect, the gentleman from New Jersey had some problems with some of those. Frankly, I had thought the gentleman had done such a good job representing the people of New Jersey that he had had his problems solved over there. I am surprised to find out today that he has not. I admire his spunk in standing up and taking the positions he has taken.

I think we have reached out the hands to try to take care of the problems that were set forth. If not, had I known so 2 weeks ago, we would have done our best to have addressed them.

Really and truly, Mr. Speaker, the bill reaches all types of important compromises. I think first, the risk assessment cost-benefit analysis in the Senate bill is significantly less prescriptive than last year's regulatory reform legislation.

Senators JOHN GLENN and CARL LEVIN, the senior Democrats on the Senate Government Affairs Committee, agree. According to these two Senators, I understand that their position is that the risk assessment provision in S. 1505 is carefully tailored to the pipeline safety program at the Department of Transportation, and represents a fair and reasonable approach, so they said. This provision has the support of the Department of Transportation.

Second, S. 1505 contains a risk management demonstration project which is virtually identical to a provision in the House legislation. Some have suggested that this program will exempt pipeline operators from existing pipeline safety regulations. Of course that is not so. Under the voluntary demonstration program, pipeline operators would be given the opportunity to submit alternative safety plans to the Department of Transportation which address the unique safety concerns of that pipeline system.

The Department of Transportation would have to certify that the risk management plan provided an equal or greater level of safety than existing regulations before the plan could be approved. This is not a plan for thwarting regulations, it is a way of providing an even higher level of safety than simply sticking to minimum safety standards.

Last, this bill provides a more than adequate budget for DOT to carry out its pipeline safety program. The authorization figures in S. 1505 are significantly higher than those contained in last year's bill, and have the support of both DOT and the regulated industry.

Mr. Speaker, this legislation enjoyed unanimous bipartisan support in the other body just yesterday. It is not anything new. They passed it unanimously over there, Republicans and Democrats alike. I do not see any reason why, Mr. Speaker, it should not be approved today and receive the same overwhelming support in this Chamber today.

I am really a little surprised that there is even any opposition to it. The bill is going to continue to provide the Department of Transportation the necessary tools to continue to protect the public safety and the environment. I urge Members' support.

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

Mr. Speaker, I just wanted to mention, because I know different statements were made, that there is no administration position on this legislation. To characterize it and say that the President has said whether he will support this bill or not is simply not accurate. There is no position at this time.

In addition, I would like to point out again that we are talking about a bill that passed the Senate and that came over here today. There was no conference on this bill. In fact, the House versions of the bill, even though they passed the two committees, the Committee on Commerce and the Committee on Transportation and Infrastructure, never were reconciled and never came to the floor of the House. So there was no hearing on the Senate bill, and the Senate bill is very different in many respects from the House versions in both of the two committees.

Mr. Speaker, I am very concerned, because 2 years ago when the explosion occurred in my district, in Edison, NJ, there were officials who came in from the Office of Pipeline Safety. There was an investigation by the National Transportation Safety Board. They made a series of recommendations as to what should be done in the future with pipeline safety.

Unfortunately, Mr. Speaker, a lot of those recommendations have not been met. Essentially what came out of the Edison explosion, I feel, was a feeling nationally that was expressed by many organizations that more needed to be done to protect residents, to protect the average American from the dangers of pipelines that were not properly inspected or that were subject to risks for various reasons.

We have had many incidents since that time, and in fact, I was given a press article that was actually in the Associated Press just a couple of weeks ago, September 26, 1996: "U.S. orders Colonial to test entire pipeline, from Dallas. The Nation's biggest petroleum pipeline is hazardous, and its owners have been ordered to test the entire 1,500 mile line, from Texas through to the Carolinas to New Jersey," a Federal official said. I mentioned the Iroquois pipeline before.

The bottom line is that there is every reason to believe that there needs to be more protection because of problems with pipelines. Yes, what do we get instead? We have a Congress now that, instead of reacting to that in a progressive way, instead puts in place a regressive, if you will, method of essentially downgrading and turning the clock back, if you will, on the way we go about pipeline inspections right now.

The germ of all this is that risk assessment procedure. What we have essentially, and I listened to some of the comments made by my colleague on the other side of this issue, what we have essentially here is an effort to put into this bill the risk assessment ideology, if you will, that existed in the Contract With America, that says that industry knows best; that industry,

through demonstration programs, should be allowed to get out of existing rules or existing requirements and basically do what they want: set up their own safety standards, do their own testing, do their own investigation. That is not the way it should be. There is too much of a conflict of interest here.

Mr. Speaker, this is going to be a prime example of how the Gingrich Congress, the 104th Congress, basically lets industry write the laws. Those industry laws, those laws are written in a way that hurt the average American, do not provide protection, safety protections for the average American.

Mr. Speaker, I had hoped that this Congress had learned a lesson, that that was not the way to go. But this legislation if it passes today is going to be a prime example of exactly the type of legislation that we passed under that risk assessment procedure, under that procedure that says that we need to downgrade regulations, we do not need to protect the average American, we need to let industry do its own investigation, its own enforcement, as it sees fit.

□ 1700

I see a basic conflict of interest there. I think if you look at the explosions and you look at what has been happening with pipeline safety over the last few years, you can tell that that is not the way to go, and yet that is what we have in this instance.

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill. The fact of the matter is this legislation has been hanging around, dragging along, whatever, for a long, long time.

The natural gas industry, though, is an industry that is rapidly developing. That is one bright spot as we try to become energy dependent. Natural gas is the way that we achieve a lot of that, and so it is very important that we have some rules of the road. That is why this bill is so important.

It seems to have been worked out in a bipartisan compromise. That is the way that we ought to be doing that, and we ought to give those in the natural gas industry and those who also make their living from the natural gas industry and those who live in the gas fields, we ought to give them that predictability.

Mr. Speaker, I urge support for this legislation.

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

Mr. Speaker, I say to the gentleman from New Jersey [Mr. PALLONE] that I never said the President supported this bill. I said the Office of Pipeline Safety within DOT supports this legislation.

In regard to the risk assessment provisions, we did not and we have not in this bill taken the risk assessment language of the Contract With America word for word. We have made it more flexible. We have actually improved the risk assessment language, and the Senate bill went even further than our original House legislation.

We made it more flexible. We have increased the authorization levels for the Office of Pipeline Safety. So we have dramatically improved this bill over what it was originally, and it is not the prescriptive language that the gentleman from New Jersey would ascribe to it. I would say in addition to that, we have had hearings on this issue. It has gone on for well over 18 months as we have heard now. We have not had hearings on the Senate bill precisely but we have had hearings on this issue and it has been dealt with quite a bit.

We asked the gentleman from New Jersey early on in the process, throughout the process, what are his recommendations for improving the bill, what are his amendments, please present them in the process and we will talk further with you and negotiate further with you. We received no such process. So yes, I guess in that sense the process did break down.

Mr. Speaker, I urge support of the legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am proud to rise in support of this measure today, a measure that was supported by both U.S. Senators from my home State of New Jersey. I do so because the impact of this bill will be to focus additional resources on areas that present the greatest potential risk. For a highly developed, densely populated State like New Jersey, with hundreds of miles of pipeline and densely populated areas, this approach will have a positive impact, leading to more frequent inspections and greater use of safety enhancing technologies.

Instead of spreading out resources to provide for the same level of safety for every mile of pipeline, whether it is located in the wilderness or next to an apartment complex, the provisions of this bill will allow pipeline companies greater flexibility in defining a program to enhance safety, not less safety but equal and enhanced safety measures.

Mr. Speaker, let me finally point out that the existing command and control structure did not help the residents of Durham Woods. It is under the old system of command and control that that explosion took place. We need to invest greater resources in areas that present the greatest risk.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, frankly, I was quite surprised to hear this legislation attacked by my good friend from New Jersey when indeed both New Jersey Senators not only support this legislation, but Senator LAUTENBERG, who has dedicated his life to transportation safety, has been a vigorous supporter of this legislation and, indeed, has put an extensive statement in the CONGRESSIONAL RECORD in support of this legislation.

Further, I am surprised to hear attacks on risk assessment, because the risk assessment in this legislation starts with the position the administration has taken on risk assessment and in fact toughens it up.

We all know, nobody disputes, that pipeline is the safest form of transportation we have. Indeed, I think at bottom, what this really boils down to, this debate, is a debate between the old command and control, "Washington knows best" point of view and the point of view which says let's modernize, let's look to the future instead of the past, let's put our focus in those areas where we need the most emphasis and not try to micromanage an industry.

So for all of those reasons, I believe that this bipartisan legislation should be vigorously supported, and I would urge its passage.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 1505, the Accountable Pipeline Safety Act. This bill is a modified version of H.R. 1323 which was passed out of the Commerce Committee last year. It is a good bill and will protect the public and the environment from hazards posed by natural gas and hazardous liquid pipelines. And it will do so in a more cost-effective manner.

I have long been concerned with the safe operation of natural gas and hazardous liquid pipelines. Since 1980, there have been at least seven pipeline ruptures in the State of Virginia. The most recent occurred in Fairfax County, VA, when approximately 9,000 gallons of diesel was spilled due to third party damage to a pipeline. Another accident in 1989 forced the city of Fredericksburg to shut down its city water intake when 5,000 gallons of kerosene were spilled.

I believe it is vitally important that our natural gas and oil pipelines are operated in as safe a manner as possible. S. 1505, like H.R. 1323, takes a new and better approach to pipeline safety. In the past, the Congress approached pipeline safety by requiring the Department of Transportation to implement Federal minimum standards which all pipelines are required to meet. Both industry and DOT agree that this is not an efficient use of resources.

The risk assessment and risk management approach taken in S. 1505 will result in improved safety at lower costs. The Commerce Committee is committed to the concept of risk assessment and I believe it is appropriate to apply it to pipeline safety regulations. In this case, this modified risk approach will benefit

those living or working near pipelines by making them safer, as well as benefit consumers who pay for the cost of the pipeline safety program by lowering user fees.

I commend the subcommittee chairman and the chairmen from the Transportation and Infrastructure Committee for their hard work on this bill and I urge my colleagues to support it.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in support of S. 1505. the Accountable Pipeline Safety and Partnership Act of 1995.

Mr. Speaker, over 2 years ago a 36-inch interstate natural gas pipeline, operated by Texas Eastern Gas Pipeline Co., exploded in Edison, NJ. For the residents of the nearby Durham Woods Apartment Complex, March 23, 1994 was a night of sheer terrors. Men, women and children raced from their homes in the middle of the night to escape an approaching wall of fire. Miraculously only 1 person died and 29 persons were injured. The blast leveled eight apartment buildings and could be seen as far away as New York City.

This terrifying explosion alerted people throughout New Jersey to the potential hidden dangers of natural gas pipelines. This concern is certainly justified. New Jersey is the most densely populated State in the Nation and buried underground are 961 miles of interstate natural gas pipelines. In my congressional district alone, 14 out of the 34 communities I represent have natural gas transmission pipelines.

Although the pipeline industry has a good overall safety record, and the pipeline that exploded in Edison was in compliance with all Federal safety regulations, these facts are of little comfort to the victims of Durham Woods.

The accident in Edison last year demonstrate that the existing regulatory scheme governing pipelines is inadequate. It is frighteningly clear that not enough attention or resources are being dedicated to confronting the most significant dangers related to pipelines. While statistically one may be more likely to be struck by lightening than die in a pipeline accident, the potential for large-scale fatalities from a pipeline explosion are frightening and real.

After carefully analyzing this legislation and its new risk-management approach to regulating the pipeline industry, I am convinced that it will lead to enhanced safety for those living or working near pipelines.

The overall goal of this legislation is to move the pipeline safety program away from a command-and-control approach and toward risk assessment and risk management. This risk-based approach contained in the bill allows greater flexibility in developing individual safety programs for pipeline owners. But first and foremost, pipeline operators must prove that any new approach will result in the same level or an even greater level of safety provided under the current system. If the pipeline owner or operator cannot prove to the Department of Transportation that their plan meets this basic requirement to enhance safety, then the current system of regulatory controls governing pipeline safety would remain in full effect.

The impact of this bill would be to focus additional resources on areas, the present the greatest potential risk. For a highly developed State like New Jersey with hundreds of miles of pipeline in densely populated areas, this approach will have a positive impact. It will lead to more frequent inspections and greater use of safety-enhancing technologies.

Instead of spreading out resources to provide the same level of safety procedures for every mile of pipeline, whether it is located in the wilderness of Utah or next to an apartment complex in New Jersey, risk management will require pipeline operators and regulatory agencies to pay greater attention to densely populated areas.

Unfortunately, placing pipeline companies under the most stringent safety and inspection requirements is no guarantee against disaster. Two-thirds of pipeline accidents are beyond the control of pipeline companies—they are caused by third parties. These third parties are generally excavation crews that accidentally hit pipelines and never report the damage to the operator of the pipeline so that corrective action can be taken. That is the probable cause of what happened in Edison.

This bill contains a provision I drafted that is aimed at reducing accidental damage to pipelines by work crews and making sure that if such an accident does take place, it is promptly reported to the proper authorities. Under my provision for the first time it would be a Federal crime to damage a pipeline and not promptly report it to the appropriate authorities. Violators would face up to 5 years in jail and a $25,000 fine. Any fines collected under this section would be deposited in the Crime Victims Fund and spent the following year. This provision was originally part of a bipartisan pipeline safety bill I reintroduced on March 3, 1995, entitled the "Durham Woods Natural Gas Pipeline Safety Act of 1995" (H.R. 1126).

Public education on one-call systems is also vital. I am pleased that a provision I advocated encouraging pipeline operators to launch education programs was included in the bill. Although all States have some form of a one-call system requiring construction crews to call in when they will be working near a pipeline, the success of these programs is often hindered by a lack of knowledge about the existence of the program or how it works. This provision would increase the knowledge of the public on one-call systems.

This bill also includes a provision originally in H.R. 1126 that would remove the pay for the members of the Technical Safety Standards Committees. While this cut may be relatively small, I am committed to rooting out all unnecessary spending, be it for the space station or for the pay of the Technical Safety Standards Committees' members.

During the subcommittee markup of H.R. 1323, which is the companion House bill to S. 1505, I offered an amendment regarding population encroachment on pipeline right-of-ways. My amendment would direct the Secretary of Transportation to consider and develop new ways to increase the awareness of local planning and zoning boards regarding issues involved with population encroachment in proximity to interstate transmission pipeline right-of-ways.

The Research and Special Programs Administration [RSPA] estimates that of the 272,000 miles of natural high pressure pipelines in our Nation, only 7 percent of these pipelines are in urban areas. Despite the low percentage of pipelines located in urban areas, the potential hazard to public safety is increasing because of residential growth and development. In the case of the Durham Woods disaster, the character of the land had changed dramatically from when the pipeline that failed was constructed in the 1960's. Back then, the asphalt plant and its surrounding structures near the rupture point were isolated and surrounded by farmland and forests. By the time of the explosion, extensive urbanization had occurred within 1 mile of the rupture point.

After the Edison explosion, many of my constituents asked me why a pipeline was built so closely to a large apartment complex. In reality, the apartment complex was erected long after the pipeline was built. Zoning boards and local planning commissions need to be made aware of the risks and dangers of approving residential housing near pipelines. My amendment would increase the information available to local governments so they can make sensible, informed zoning decisions.

As a Member of Congress from the most densely populated State in the Nation, my amendment is especially important to New Jersey. As the urbanization of America continues, the problems associated with the siting of pipelines near population centers will grow. I was pleased that my amendment was adopted by the Subcommittee by voice vote.

This bill contains many other provisions that will benefit my home State of New Jersey. For example, the increased funding in the bill will be used to sustain the recently established New Jersey Pipeline Safety Office and for improvement to one-call systems.

The bill also includes a provision requiring the Office of Pipeline Safety [OPS] to gather information regarding the technical and economic feasibly of remote controlled valves for interstate natural gas pipelines, with special attention to high density population areas like New Jersey. OPS is further required to conduct a rulemaking on the issue of installation of these valves. This provision is important to New Jersey because the pipeline that exploded near Durham Woods had to be manually shut off following the explosion, which took a significant amount of time. If a remote controlled valve was in place during the time of the Durham Woods disaster, it could have lessened the property damage resulting from the blast.

Also included in the bill is a provision advocated by Mr. PALLONE and myself that makes it illegal to dump on a pipeline right of way. My colleagues may recall that near the rupture point of the Durham Woods explosion, investigators found exposed deep in the hole created by the blast vehicle parts, a drink vending machine, manhole covers and other various debris, including a stolen 1990 Ford Ranger pickup truck and other debris near the site of the Durham Woods disaster. This provision ensures that people who dump near pipelines, where the possibility of damaging the pipeline is great, will be prosecuted.

Mr. Speaker, I was heartened yesterday listening to the debate in the Senate on this bill when the junior Senator from New Jersey stated that S. 1505 "is an improvement on the status quo and should improve pipeline safety

significantly." Senator LAUTENBERG also states that "this bill represents a very good step forward." My colleague in the Senate has been a staunch advocate for improving pipeline safety, and his support for this legislation reassures me that this bill should become law.

Moreover, my constituents have been waiting 2½ years for Congress to improve pipeline safety. It is incredible to me that at this late date, some Members still want to delay enacting a comprehensive pipeline safety bill. I know my constituents do not care who gets the political credit for passing a pipeline safety bill—they want pipelines made safer now. Furthermore, considering that New Jersey's unique pipeline safety issues are effectively addressed in this bill, I especially urge all my New Jersey colleagues to put aside partisan differences and put the safety of our citizens first by supporting this legislation.

Mr. Speaker, I would oppose this bill if I thought for one second this legislation would decrease pipeline safety. My constituents in Edison lived under the old regulatory system, and on a cold night in March, 2 years ago, that system utterly failed them. This bill promises to do better. I urge my colleagues to vote "yes" on S. 1505.

Mr. SHUSTER. Mr. Speaker, I wish to address a concern that was raised at the last minute that this bill may somehow affect protection for wetlands. Under the current pipeline safety laws, in section 60109 of title 49, the Office of Pipeline Safety at the Department of Transportation is required to identify unusually sensitive environmental areas. Once these areas have been identified, DOT is to promulgate rules to minimize the chances of a liquid pipeline accident in those areas. DOT is currently in the process of implementing these laws.

Currently, subsection (b) of section 60109 does not specify which areas should be identified as unusually environmentally sensitive; rather, it identifies several types of areas that DOT should consider when making its determination. In fact, current law does not even identify wetlands as one of the areas DOT should look at when identifying areas that should be classified as unusually environmentally sensitive. That is why the Congress in S. 1505 directed DOT to include critical wetlands in the types of areas that it should consider when it determines areas that are unusually environmentally sensitive.

Apparently, at the last minute, the use of the term "critical" has raised a question as to whether the Congress is somehow attempting to create a new category of wetlands that might undermine other wetlands protection programs carried out by the Environmental Protection Agency or the Corps of Engineers. This is not true.

The language in S. 1505 that amends section 60109(b) of title 49 is simply intended to give direction to DOT as to what type of areas should be considered when it determines what areas are unusually environmentally sensitive. In no way is this provision intended to have any application or precedent with respect to any other statute or any other Federal agency. This provision is not intended to diminish the role of DOT to protect the environment and the public's safety in and around pipelines. Rather, this language is intended to strengthen the pipeline safety program's protection of people and the environment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken.

Mr. PALLONE. 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. SHUSTER. 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 S. 1505, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

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. 4000; and S. 1505.

The Chair will reduce to 5 minutes the time for the second vote in this series.

RESTORATION OF CERTAIN POW/MIA AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4000, 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 South Carolina [Mr. SPENCE] that the House suspend the rules and pass the bill, H.R. 4000, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 449]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
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
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
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
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
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
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
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
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Barrett (WI)
Boucher
Chapman
Chrysler
Collins (MI)
Dellums
Durbin
Ensign
Filner
Forbes
Fowler
Frost
Green (TX)
Hayes
Heineman
Hobson
Hoekstra
Hyde
Jackson-Lee (TX)
Kasich
Kennedy (MA)
King
Lewis (GA)
Peterson (FL)
Quillen
Riggs
Thompson
Torricelli
White

□ 1727

Mr. YATES 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. ENSIGN. Mr. Speaker, on rollcall No. 449, I was unavoidably detained. Had I been present I would have voted "yea" for this important legislation.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1505.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 1505, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 276, nays 125, not voting 32, as follows:

[Roll No. 450]

YEAS—276

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—125

Abercrombie
Ackerman
Andrews
Becerra
Beilenson
Bevill
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Cummings
Davis
DeFazio
DeLauro
Deutsch
Dingell
Engel
Eshoo
Evans
Fattah
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Gilman
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jacobs
Johnson (CT)
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Rangel
Reed
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wolf
Woolsey
Yates
Zimmer

NOT VOTING—32

Barrett (WI)
Berman
Boucher
Chapman
Chrysler
Collins (MI)
Dellums
Dixon
Durbin
Filner
Forbes
Fowler
Fox
Frost
Green (TX)
Hayes
Heineman
Herger
Hoekstra
Hyde
Jackson-Lee (TX)
Kasich
Kennedy (MA)
King
Lewis (GA)
Moorhead
Peterson (FL)
Quillen
Radanovich
Thompson
Torricelli
White

□ 1736

Mrs. MORELLA and Mr. SHAYS changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Speaker, on rollcall No. 450 I was called away from the House floor and therefore was not recorded on rollcall No. 450. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3937

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3937.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Vermont?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, this is the last vote of the evening. Following this discussion we will return to regular order. Pending a further unanimous-consent request, 9 a.m. tomorrow will be the point at which we will reconvene. I would expect no votes before 11 o'clock tomorrow.

We may be putting a few more suspension bills on the floor and, should that be the case, we certainly would notify the minority as soon as possible as to which bills those might be.

Mr. Speaker, as the Members know, there have been trilateral negotiations between the two bodies of Congress and the White House regarding the continuing resolution by which we would complete our spending program and the year's work and allow us to move on to sine die adjournment. These have been going very slow, as they tend to do. That is all very understandable.

If I may just take a moment, Mr. Speaker, I would certainly like to express my commendation for the long hours of work that have been devoted to this task by Members from both bodies and the White House. We have had people that worked here as late as 4:30 this morning and were back on the job early today and have been at it again, continuing to continue on continuing resolution. They have shown enormous resolve in this matter.

Nevertheless, we have just been informed that there are further complications in the process because the White House has indicated that they are not willing to accept an agreement reached last night by the gentleman from Texas, Congressman LAMAR SMITH, the gentleman from California, HOWARD BERMAN, the gentleman from Wyoming, Senator SIMPSON, and the gentleman from Massachusetts, Senator KENNEDY, on the immigration bill.

The White House has indicated that they are not willing to accept title V, even within the context of the negotiated revisions offered by that working group. This has been a very disappointing turn of events for all of us. Perhaps Senator SIMPSON has expressed his disappointment in the most sincere terms.

This, obviously, means that we will spend more time on that since the White House wishes to connect the immigration bill with the continuing resolution and is not prepared to agree on the continuing resolution until we reach some agreement on the immigration bill. All this, obviously, leaves things a bit more tenuous, but still I remain confident and hopeful that we will be able to pick up our work tomorrow morning as scheduled and move on with it, hopefully for a fairly early afternoon adjournment.

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

Mr. ARMEY. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I appreciate the majority leader yielding.

Those of us in California are aware of this issue. Would you explain what is in title V so this body realizes what the administration is opposing?

Mr. Leader, my question is this: Does the administration realize that the reimbursement for emergency health care that we have is in that package?

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. BILBRAY. Mr. Speaker, we are talking about $375 million for the people of California. I think there should be an answer.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. ARMEY. Mr. Speaker, reclaiming my time from the gentleman from California, I think it is fairly clearly known by all of us concerned that title V has to do with the question of welfare benefits for illegal aliens and the enforcement of the sponsorship provision on legal immigrants so that they too would be kept off the rolls. And that, obviously, has been a matter of concern and we will have to go back and work on that.

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

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding and for informing us what the schedule is for the remainder of the afternoon and for tomorrow.

I would just say to my friend from California that I have just been advised by my friend, the gentleman from California [Mr. BERMAN], that the administration is indeed in favor and supportive of reimbursements to hospitals in the situation that the gentleman has described.

And while I do not want to get into a full-fledged debate here tonight on the immigration piece, the gentleman should rest easy tonight that that will be taken care of.

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

Mr. ARMEY. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, there are millions of people, over 5 million people voted for an initiative that says we need to stop giving benefits. I just want to know, does that include the benefit packages that were all in this?

We cannot ask those of us in California to walk away.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. ARMEY. Reclaiming my time, Mr. Speaker, it has, in fact, been rather commonplace and, I think, quite frankly a good time has been had by all on many occasions when difficult questions have been put to me while announcing the schedule. The colloquies have lasted sometimes, it seemed, well into the night.

□ 1745

The gentleman from California wishes to express his concern and his anxiety related to his State, and it does not seem to me it would be fair, in the respect that has been given to me in the past as we have dealt with these fascinating discourses, that we let the gentleman from California proceed without the catcalls.

Mr. BILBRAY. Mr. Speaker, I am sorry if I ask questions on this. We disagreed on certain elements of the immigration bill across the aisle. There are those of us that tried to find a compromise and felt that this body went too far. I am sorry if I am saying now that those of us that went to the compromise and agreed now feel the goal post has been moved. I have got to go back to California and explain this to the people of San Diego County. I apologize for asking questions.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to point out, if we are going to debate this, let us do it. The provisions we are talking about do not just deal with illegal immigrants but the medical and other benefits that do to legal immigrants. If we are going to ask questions, we ought to have the accurate premises. Some of us have objected to restrictions on the ability of legal immigrants to get medical care. I think it ought to be accurately phrased.

Mr. ARMEY. Mr. Speaker, I just want to say to the gentleman from Massachusetts, his points are well taken, very fast and very rapidly, and some of us are still trying to understand them.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield for a simultaneous translation?

Mr. ARMEY. I would be happy to yield to the gentleman, my good friend from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no objection to the gentleman from California doing this, although he says he has to go back to California and he is, of course, delaying the moment when that will happen. But if we are going to debate the immigration bill, it should not be as part of this measure. Let us have more time to debate it tomorrow morning. I object to a one-sided discussion of the issues.

Mr. ARMEY. Mr. Speaker, if I may reclaim my time, I think the gentleman from Massachusetts has made the point. The House has, in fact, debated this bill, has, in fact, passed it by

over 390 votes. We are waiting to complete the conference work on it, and I think the gentleman from Massachusetts makes a good point that we ought to have the debate at the time we deal with the conference.

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

Mr. ARMEY. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I want to clarify two issues. No. 1, the administration wants the provision in title V that reimburses hospitals, public and private, nonprofit and proprietary, who treat illegal immigrants in emergency care. They want that reimbursement. They think that is the Federal obligation and they support it. Let there be no more fuzzing over that issue.

Second, before we all get too high and mighty about what is happening, remember the Republican conference committee, where no one was allowed to offer an amendment, where the bipartisan relationships in both the Senate and House to put together a bill that passed the House and Senate were totally violated, where months went by without a conference committee, where things were changed so far beyond the scope of either House's bill that the Committee on Rules had to grant a waiver of that and where no amendment was made.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his first point. I think it is helpful and encouraging.

I can only say that the Members of this body, as I pointed out, voted by a vote of over 390 votes for this, and we do need to work on that. I expect and feel somewhat encouraged by the gentleman from California that we must get back to these negotiations.

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

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, my question to the gentleman from Texas is this, we would like to have a list of the bills that you propose to put on suspension tonight so that the membership will have the opportunity, if we are going in at 9 a.m. and going to vote at 11 a.m., we need some notification of what we will be discussing. I hope you could accommodate us there.

I might also say, I understand the difficulty of putting these schedules together, but I would hope that we could have come in a little bit later. I suspect we are going to have more than just a few suspensions, and we would have time to debate that. It seems to me noon or 1 p.m. would be a more convenient time for us to debate fully these resolutions.

Mr. ARMEY. Mr. Speaker, if I may, I would ask my colleagues on this side of the aisle, please do not further provoke the gentleman from Massachusetts. I cannot listen that fast.

Mr. Speaker, I think the gentleman's point is well taken. We have delivered to the minority leader's office a list. While it may not be necessarily complete, the gentleman is absolutely right; we should get any further additions to you as quickly as possible this evening.

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

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, on the schedule, approximately how many do we have, 8 or 10 suspensions for in the morning?

Mr. ARMEY. Mr. Speaker, I thank the gentleman. We have, as the gentleman has indicated, 8 or 10. As the gentleman from Michigan expresses his concern about having time to debate them, and I can only express to the body it is my firm hope, and all consideration to those who may be disappointed, that we will wrap up our negotiations and come back with the continuing resolution in such a timely fashion that there will not be time to consider everything that is on the list.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, the gentleman has been here before. I have been here before. From what I understand is going on in the negotiations, very little was done today. There is a good likelihood that we are going to do these suspensions tomorrow and whatever few you have left over, and then we are not going to have anything to do, because I understand Puerto Rico has pretty much dropped by the wayside. We are going to sit, and we are going to sit, and we are going to sit, and we are going to sit, and we are going to sit, and we are going to sit.

Let us say we are here by tomorrow evening and that conference still is going on. Do we come in Sunday?

Mr. ARMEY. Mr. Speaker, reclaiming my time, again, I thank the gentleman from Missouri. We, in our offices, every now and then have in the past historically seen that blue screen, and it does bother us. It is not our intention to do that. We think these negotiators are approaching a conclusion of their work.

I frankly am anxious to go back and join them with it. Again, I think we need to appreciate how hard they have worked, how clearly they have shown their resolve to complete this work. And I do believe that, if the gentleman from Missouri will just bear with everybody who sits at that table, we will find ourselves tomorrow able to complete our work here.

I think we should entertain only the greatest expectations born out of appreciation for the effort already made. If, in fact, there are disappointments, I will certainly be the one to come back and share that information later. At this point I do believe that between 1:00 and 2:00, maybe 3:00 tomorrow, we will be able to complete that work.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, let us say, 3:00 or 4:00 tomorrow, perhaps we could know at that time whether there is a likelihood we will finish up tomorrow, or we will be back Sunday or be back Monday. Can I get that from the gentleman?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's point. I am sure that, if we are back in these circumstances conducting a colloquy at 3:00 or 4:00 or 5:00 tomorrow, the gentleman from Missouri will want me to yield time for the purpose of telling me he told me so. And I will be happy to yield time for that purpose at that time.

Mr. VOLKMER. Mr. Speaker, I am looking at Sunday and for all Members. There are a lot of Members here that have a lot of things scheduled Sunday. I do not have much scheduled Sunday. My big day is tomorrow. That is gone. There are Members here, and I think everybody would like to have some idea, if we can, whether we are going to be here Sunday.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I think we really need to go back to our work. We are working, and I have to say there are a good many of our Members that have been working and continue to work tirelessly. We want to go back and complete that work.

The fact of the matter is, we all know how difficult it is to finish up under these circumstances. It is not a new way. It always happens. We do have Members working, I believe, in good faith with one another. We need to encourage that work through our appreciation, and I think it will be done soon.

Finally, Mr. Speaker, if I may for one last final time—and then I will have to close this out—I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the majority leader for yielding. We are now getting down to a time when, of course, the fiscal year ends on Monday at 12 midnight. I would hope the majority party, along with the leadership in the minority party, is considering the contingency to ensure the operations of Government for Monday and Tuesday, maybe only 48 hours or 72 hours.

I know; I have been in some of these negotiations. They are tough. Everybody has an opinion. I think everybody is working honestly and hard to try to get to resolution. I would hope that we are providing for the contingency that for whatever reasons we do not get to closure prior to midnight on Monday.

Mr. ARMEY. Mr. Speaker, I thank the gentleman. I do feel obliged, and I think it is of due consideration that I fulfill that sense of obligation, to yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, on today's list of suspensions was House

Concurrent Resolution 218 dealing with instructions to the President concerning pardons. Will that be on the list for tomorrow?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. Let me say that is one of the items that is under consideration. I am sorry to say I have no announcement to make at this time.

Mr. BACHUS. Mr. Speaker, I would urge the gentleman to consider that we work on this very important matter.

Mr. BONIOR. Mr. Speaker, if the gentleman will continue to yield, would it be possible for the distinguished majority leader, on the CR vote itself, to provide us with two or three hours', preferably, notice so that Members could be here for that important vote?

Mr. ARMEY. Mr. Speaker, let me say to the gentleman, his point again is well taken. Once the work is completed on filing, we will try to give Members as much notice as possible. If I may ask the Members, if they will check the whip notice, perhaps even before they retire for the evening, we will certainly make every effort. Some folks will be driving and traveling. We want to be sure that everyone has an opportunity to make that vote. I do appreciate the gentleman's inquiry.

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

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

Mr. SOLOMON. Mr. Speaker, if I might remind the Members that we are going to have a Committee on Rules meeting right now to deal with some procedure resolutions so we can get out of here tomorrow, if possible, right away.

Mr. ARMEY. Mr. Speaker, I thank the Chair.

CONFERENCE REPORT ON S. 1004, COAST GUARD AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–854)

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to call up the conference report on the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, for a brief explanation of the item concerning tort reform. Is the final language what we had agreed upon subsequent to the conference?

Mr. SHUSTER. Mr. Speaker, that is my understanding. This is the conference report that we agreed upon.

Mr. OBERSTAR. Mr. Speaker, so I have that language. We are comfortable with it, and with the gentleman's assurance that that is the language.

Mr. SHUSTER. Mr. Speaker, that is correct.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

□ 1800

Mr. NADLER. Reserving the right to object, Mr. Speaker, could I ask is there any language in this bill regarding Governors Island?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. No, it is not in this conference report.

Mr. NADLER. Mr. Speaker, I thank the gentleman from Pennsylvania very much.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

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

There was no objection.

(For conference report and statement see today's proceedings of the House.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBERSTAR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of the conference report, Bipartisan Authorization Act of 1996. I want to thank all the conferees as well as the Senate conferees for their cooperation in reaching a fair compromise on this important legislation.

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

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

Mr. Speaker, this is a landmark day. It has been 5 years since the House has had a Coast Guard authorization bill ready to be sent to the President. This bill does that.

Mr. Speaker, this is a landmark day. It has been 5 years since the House has had a Coast Guard Authorization bill that is ready to be sent to the President.

S. 1004, the Coast Guard Authorization Act of 1996, authorizes funding for the Coast Guard for fiscal years 1996 and 1997 for their many missions: search and rescue; providing aids-to-navigation; drug interdiction; fisheries enforcement; icebreaking; marine pollution prevention and response; and commercial and recreational vessel safety.

The House first passed its version of this legislation, H.R. 1361, way back in May of 1995. The Senate passed S. 1004 in November 1995. The House requested a conference on the Senate bill in February 1996 and the Senate finally agreed to go to conference in July. Mr. Speaker, it has been a long and arduous process. Everyone has had to reach deeply to achieve a compromise that a consensus of the Members can support. On balance, this is a very good piece of legislation.

Not only does it provide funding for the Coast Guard, but it improves their personnel management system, improves our marine safety laws, provides clear authority for the Coast Guard Auxiliary, implements the administration's proposal for streamlining the Coast Guard's regulatory system for commercial vessels, provides for the safer operation of towing vessels, conveys many lighthouses whose grounds will no longer need to be maintained by the Coast Guard, decreases the cost of financing U.S.-flag ships which will benefit both our vessel owners and our shipyards, and many other programmatic improvements to our Coast Guard laws.

I would like to thank the leadership of our committee, our distinguished chairman, Mr. SHUSTER, as well as Mr. COBLE and Mr. CLEMENT for their outstanding work on this bill and for their dedication to improving the Coast Guard and all of our maritime programs.

Mr. Speaker, I strongly urge my colleagues to support passage of the conference report on S. 1004, the Coast Guard Authorization Act of 1996.

Ms. HARMAN. Mr. Speaker, included as a provision in the Coast Guard Authorization Conference Report is the California Cruise Ship Act, which I and other members of the California delegation re-introduced earlier this Congress to help our State's tourism industry.

Currently under the Johnson Act, a cruise ship that makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. Using this loophole and its authority to regulate gambling, States like California prohibit gambling aboard these ships.

The provision included in this conference report, and which passed both the House and Senate in our respective Coast Guard authorization bills, would allow gambling on internationally-bound cruises and cruises bound for another State. It does not result in the expansion of gambling on the mainland, which remains under State control. Instead, the provision simply amends the Johnson Act to allow Federal control over voyages that begin and end in the same State so long as part of the voyage is to another country or another State within 3 days of leaving State waters.

This issue is of great interest of the citizens of San Pedro and Catalina Islands whom I

represent. According to Catalina's Chamber of Commerce, the city of Avalon itself loses $1.5 million annually in canceled port visits because of the existing restriction.

Similarly, the city of San Diego, from which many cruises originate, is affected. That's why Lynn Schenk, my friend and colleague who was elected with me in 1992, introduced the original California Cruise Ship Act. Her measure passed the House in the 103d Congress, but was not considered in the other body.

Today's action, and the final enactment of the California Cruise Ship Act, is a tribute to her dedicated efforts and perseverance.

I strongly support this provision and thank the members of the Transportation Committee and the Coast Guard Subcommittee for their help in moving this important change forward toward enactment.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER THE CALL OF THE PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order at this time.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the unanimous-consent agreement, this is the day for the call of the Private Calendar.

The Clerk will call the first individual bill on the Private Calendar.

OSCAR SALAS-VELAZQUEZ

The Clerk called the bill (H.R. 1031) for the relief of Oscar Salas-Velazquez.

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

H.R. 1031

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

SECTION 1. WAIVER OF GROUNDS FOR DISAPPROVAL OF REQUESTS FOR CLASSIFICATION AND ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Immigration and Nationality Act, the Attorney General may not disapprove a petition for classification of Oscar Salas-Velazquez under section 201(b)(2)(A)(i) of such Act, or an application for adjustment of the status of Oscar Salas-Velazquez under section 245 of such Act, on any ground relating to a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws.

(b) WAIVER OF INADMISSIBILITY.—Notwithstanding subparagraphs (A), (B), and (C) of section 212(a)(6) of the Immigration and Nationality Act, Oscar Salas-Velazquez may not be considered to be within a class of excludable aliens at any time on or after the date of the enactment of this Act on any ground relating to—

(1) a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws; or

(2) the deportation of Oscar Salas-Velazquez on February 9, 1995.

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 GROUNDS FOR DISAPPROVAL OF REQUESTS FOR CLASSIFICATION AND ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Immigration and Nationality Act, the Attorney General may not disapprove a petition for classification of Oscar Salas-Velazquez under section 201(b)(2)(A)(i) of such Act, or an application for adjustment of the status of Oscar Salas-Velazquez under section 245 of such Act, on any ground relating to a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws.

(b) WAIVER OF INADMISSIBILITY.—Notwithstanding subparagraphs (A), (B), and (C) of section 212(a)(6) of the Immigration and Nationality Act, Oscar Salas-Velazquez may not be considered to be within a class of excludable aliens at any time on or after the date of the enactment of this Act on any ground relating to—

(1) a determination that the marriage of Oscar Salas-Velazquez and Jennifer Christine Brady was entered into for the purpose of evading the immigration laws; or

(2) the deportation of Oscar Salas-Velazquez on February 9, 1995.

(c) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Oscar Salas-Velazquez shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Oscar Salas-Velazquez, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

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

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

There was no objection.

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

Mr. RAMSTAD. Mr. Speaker, the purpose of this legislation, H.R. 1031, is to reunite a family that has been ripped apart.

This bill is not about policy or politics. It is about bringing back a father for two adorable little boys, ages 3 and 6, who have missed their dad so much that they have cried every day for almost 2 years.

It is about bringing together a loving husband and wife who have been devastated for almost 2 years.

Mr. Speaker, this bill deals with the human side of government—the side that directly impacts families, mothers, fathers, and children.

Mr. Speaker, my staff and I have worked to help the Oscar and Sharron Velazquez family of Plymouth, MN, for more than 3 years.

For the past 2 years, we have worked to reunite Sharron Velazquez and her two young sons, Rico, 6, and Nicolas, 3, who have been separated from their husband and father, Oscar Velazquez. Oscar was deported in early 1995 and has been forced to live far away from his family in Mexico.

Mr. Speaker, this is truly a case of undue hardship that justifies the return of Oscar Velazquez.

Because Sharron Velazquez has a special medical condition that predisposes her to Reiter's Syndrome, a crippling disease with no cure, doctors have forbidden her from joining or even visiting her husband in Mexico.

According to medical experts who have examined Sharron Velazquez extensively, she has the antigen for Reiter's Syndrome, which would be triggered by organisms in the food and water in Mexico.

The unique circumstances facing this family certainly merit passage of this bill. This has been a long and tortuous struggle for the Velazquez family and their extended family, Jim and Julie Libby, Karen and Ron LePage, Ted and Therese Salonek, Rich and Becky Farniok and Patricia Morrison, and their many wonderful friends who have never lost faith that justice and fairness would prevail.

Mr. Speaker, I want to express my gratitude, on behalf of the Velazquez and Libby families, to several people whose assistance was crucial in moving this bill.

Our colleagues from the Judiciary Committee, especially Chairman HYDE, Chairman LAMAR SMITH and Mr. SENSENBRENNER, were key in moving this bill through the Immigration and Claims Subcommittee and the full Judiciary Committee. On the other side, Ranking Member BRYANT was also very supportive.

Also, special thanks to Cindy Blackston of the Immigration and Claims Subcommittee and Karin Hope of my staff, who worked so hard on this bill and whose expertise and counsel have been invaluable.

Finally, I am grateful to Senator HATCH and his staff, who have also been very helpful.

Mr. Speaker, a loving family awaits Oscar Velazquez, his employer eagerly awaits his return, and the members of this church, who have been holding nightly vigils, are praying for Oscar's return.

Let us put politics totally aside here and do the right thing for the Velazquez family.

Let us right a wrong. Let us reunite the Velazquez family by passing H.R. 1031.

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.

NGUYEN QUY AN AND NGUYEN NGOC KIM QUY

The Clerk called the bill (H.R. 1087) for the relief of Nguyen Quy An and Nguyen Ngoc Kim Quy.

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

H.R. 1087

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

SECTION 1. PERMANENT RESIDENT STATUS FOR NGUYEN QUY AN AND NGUYEN NGOC KIM QUY.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nguyen Quy An and Nguyen Ngoe Kim Quy shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nguyen Quy An or Nguyen Ngoe Kim Quy enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nguyen Quy An and Nguyen Ngoe Kim Quy, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such 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 CERTAIN NATURALIZATION REQUIREMENTS FOR NGUYEN QUY AN.

(a) IN GENERAL.—Notwithstanding the inability of Nguyen Quy An to meet the requirements of section 316 of the Immigration and Nationality Act that relate to having the status of an alien lawfully admitted for permanent residence, and residence and physical presence in the United States, if otherwise qualified he shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEE.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 2 years after the date of the enactment of this Act.

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

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

There was no objection.

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

Ms. LOFGREN. Mr. Speaker, as Members of Congress we are often called upon to enact sweeping legislation that will have a substantial impact on millions of people. However, I think most of us realize that many times we can take smaller, more limited actions that will have an enormous effect on the lives of only a few. Often, it is these actions that are most fulfilling and most meaningful.

Today, I am hopeful that the House will pass legislation that exemplifies such an endeavor, and which also honors a man whose bravery saved the lives of American servicemen, and cost him dearly in his service to our country. This bill, H.R. 1087, will secure the immigration status of Major Nguyen Quy An by allowing him to apply for U.S. citizenship without waiting an additional 5 years. However, in actuality I believe it is we who would be honored by the naturalization of this courageous man.

Major An is a genuine hero who, as a pilot in South Vietnam's elite "King Bee" helicopter group, flew numerous combat missions in support of U.S. troops during the Vietnam war. In one particularly notable act of heroism, he risked his own life in order to save the lives of four American servicemen. On January 17, 1969, he led a combined American-South Vietnamese flight to insert American Special Forces troops deep into an enemy-held, sniper-infested jungle along the Ho Chi Minh Trail in Laos. After one of the U.S. Army helicopters in the flight was hit by enemy fire, Major An maneuvered his ship to a position next to his American comrades and led them to a clearing in the jungle. With complete disregard for his own safety, and under incessant, intense enemy fire, he landed his helicopter next to the crippled American ship and waited for the four crew members to make their way to him.

Major An was cited for the Silver Star and the U.S. Government awarded him the Distinguished Flying Cross for heroism in combat for his courage in this incident. He later lost his arms when he was severely burned after his helicopter was downed in a similar U.S. cobat rescue mission.

Our Government, recognizing the heroism and service that he has given to the United States, granted Major An "humanitarian parole" so that he and his daughter could come to the United States in 1994. They were granted a 1-year extension of their humanitarian visas last December, but H.R. 1087 would allow Major An to quickly become an American citizen, and to promptly file for his daughter to become a permanent U.S. resident. A similar bill has been introduced in the Senate by Senator BENNETT JOHNSTON and has been cosponsored by former Senator Dole, as well as Senators BENNETT, HATFIELD, NICKLES, SHELBY, SPECTER, BROWN, and INOUYE. It is my understanding that the Senate is prepared to pass our bill quickly once we send it to them.

Without passage of this bill, Major An will not be able to resolve his immigration status and could ultimately be forced to return to Vietnam where he would face an uncertain future. Even if he is allowed to remain here, the uncertainty of his status prevents him from obtaining employment, and creates terrible concern and anguish for him and his daughter.

Private bills are certainly an extreme measure, and should be given close scrutiny. However, in this case, I believe a private bill is clearly warranted. The Immigration and Naturalization Service has found that, other than enactment of this bill, Major An and his daughter have no other options. The House Judiciary Committee unanimously approved this measure by voice vote.

This country owes Major An a debt of gratitude. He is a decorated war veteran who risked his own life to save the lives of four American servicemen, and lost his arms during a U.S. combat mission. The least that our country can do to honor his service to America is to secure his place here in America, and to help him to quickly become a citizen of his adopted country.

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

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

The title was amended so as to read: "A bill for the relief of Nguyen Quy An."

A motion to reconsider was laid on the table.

GAIL E. DOBERT

The Clerk called the bill (H.R. 4025) for the relief of the estate of Gail E. Dobert.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

COMMENDING OPERATION SAIL

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 64) to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Ms. DELAURO. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN] for an explanation of the legislation.

Mr. GILMAN. Mr. Speaker, this resolution commends Operation Sail for its advancement of international cooperation among nations, for its continuing commemoration of the history of the United States and its contribution to the training of young cadets in the skills of seamanship.

The bill encourages all Americans and citizens of the world to join in the celebration of the 224th birthday of the United States.

Equally important, it encourages continued American participation in the international tall ship community and in tall ship events across the United States and the world.

Ms. DELAURO. Mr. Speaker, I rise in support of my Republican colleague's request to pass Senate Joint Resolution 64 by unanimous consent request. Senate Joint Resolution 64 is a bipartisan resolution honoring the Operation Sail Organization and OpSail 2000, an international gathering of tall ships that will take place in New York Harbor to celebrate the 224th birthday of the United States and to welcome the new millennium.

This glorious event follows the tradition of the previous OpSail events: OpSail '76 which celebrated the bicentennial of the Nation; OpSail '86 which celebrated the centennial of the Statue of Liberty; and, OpSail '92 which celebrated the 500th anniversary of Columbus' discovery of North America. Operation Sail has worked in cooperation with every President of the United States since John F. Kennedy, and all OpSail events have been endorsed by the President of the United States at that time.

OpSail 2000 is expected to be the largest gathering of tall ships in history, and it will foster international good will and the advancement of brotherhood among nations. In addition, OpSail 2000 will showcase the beautiful Connecticut coast of the Long Island Sound for all the world to see. We look forward to this exciting even of which all Americans can be proud.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, just to add my voice to this resolution, it is truly bipartisan, Mr. DODD and Mr. D'AMATO in the Senate and others, and just to say that this is an exciting opportunity for this country.

Operation Sail expects the largest gathering of tall sailing ships ever to be assembled, and I thank my colleague from New York for helping to bring this out.

Ms. DELAURO. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Whereas Operation Sail is a nonprofit corporation dedicated to building good will among nations and encouraging international camaraderie;

Whereas Operation Sail has represented and promoted the United States of America in the international tall ship community since 1964, organizing and participating in numerous tall ship events across the United States and around the world;

Whereas Operation Sail has worked in partnership with every American President since President John F. Kennedy;

Whereas Operation Sail has established a great tradition of celebrating major events and milestones in United States history with a gathering of the world's tall ships, and will continue this great tradition with a gathering of ships in New York Harbor, called OpSail 2000, to celebrate the 224th birthday of the United States of America and to welcome the new millennium;

Whereas President Clinton has endorsed OpSail 2000, as Presidents Kennedy, Carter, Reagan, and Bush have endorsed Operation Sail in previous endeavors;

Whereas OpSail 2000 promises to be the largest gathering in history of tall ships and other majestic vessels like those that have sailed the ocean for centuries;

Whereas in conjunction with OpSail 2000, the United States Navy will conduct an International Naval Review; and

Whereas the International Naval Review will include a naval aircraft carrier as a symbol of the international good will of the United States of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Operation Sail is commended for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship;

(2) all Americans and citizens of nations around the world are encouraged to join in the celebration of the 224th birthday of the United States of America and the international camaraderie that Operation Sail and the International Naval Review will foster; and

(3) Operation Sail is encouraged to continue into the next millennium to represent and promote the United States of America in the international tall ship community, and to continue organizing and participating in tall ship events across the United States and around the world.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Joint Resolution 64.

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

There was no objection.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

Mr. MICA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3841), to amend the civil service laws of the United States, and for other purposes.

The Clerk read the title of the bill.

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

Mr. MORAN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. MICA], the subcommittee chairman, to explain the changes in the bill.

Mr. MICA. Mr. Speaker, yesterday the House voted on this legislation. Although a majority of the House voted for the bill, we fell short of the two-thirds required to suspend the rules and pass this legislation. Unfortunately the controversy centered on section 201 of that legislation and that version which we have deleted in this amendment. Under that section, the current rules on reduction in force would have been changed to give greater weight to job performance in determining which employees are retained. It would have been easier for the agencies, in fact, to keep their best employees when they downsize. Taxpayers and talented, conscientious Federal employees, I believe, would have benefited from this change. However, yesterday, Mr. Speaker, on this floor we did not get the two-thirds necessary to pass that provision.

Mr. Speaker, yesterday on the floor, the distinguished gentlewoman from Maryland [Mrs. MORELLA], the distinguished gentleman from Virginia [Mr. MORAN], the gentleman from Virginia [Mr. WOLF], and the gentleman from Virginia [Mr. DAVIS] all spoke eloquently of the benefits to Federal employees contained in this legislation. They explained how its provisions, many of which they authored, would have softened the impact of Federal Government downsizing. I thank them for their support yesterday and for their honest efforts on behalf of our hardworking Federal employees.

Mr. Speaker, I have discussed this matter with these distinguished Members and others, and I know how hard they all work to provide these important protections to our Federal employees who are, in fact, caught up in downsizing. I am not willing to allow any special interests to frustrate their work or to prevent this House from providing those protections to all Federal employees on a bipartisan basis. That is why I brought this version of the bill forward to the floor today, and I hope that again in this fashion that we can pass this in unanimous consent. I thank the gentleman from Virginia [Mr. MORAN], the ranking member of our subcommittee, for his leadership, and others.

Mr. MORAN. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from Florida [Mr. MICA] for explaining the change that he has made from the bill that we brought

up yesterday and that failed to get the two-thirds majority necessary.

I also particularly want to thank them for bringing the bill back today without that controversial provision which prevented us from being able to move it on to the Senate yesterday.

We have an opportunity today to enact legislation that will have a very positive impact upon the lives of our Nation's civil servants. As I said yesterday, this legislation is the culmination of the work of the Subcommittee on Civil Service over the past 6 months. It contains important provisions that provide needed benefits for Federal Employees. For example, the bill contains provisions, originally offered by the administration, that improve the agencies' management flexibility through a demonstration projects program and individual agencies can choose to participate in and determine what types of flexibilities enhance program performance.

The bill provides a number of provisions designed to help employees undergoing reductions in force. These provisions allow an employee to continue to participate in the government life insurance programs provided that they pay both the employer and employee contribution. It would allow an employee who loses their job due to a reduction in force to continue to participate in the Federal employee health benefits program for 18 months with the Federal share being paid. It also establishes a priority placement program in education assistance grants to help displaced Federal employees improve their competitiveness in the job market through greater education.

The provision with which a majority of Democrats disagree has been deleted from this draft. With section 201 removed, this legislation is supported by the gentlewoman from Illinois [Mrs. COLLINS], the ranking member; by the gentlewoman from Florida [Mrs. MEEK] and all the Federal employee unions. That should get the Democratic support that we were looking for, and I hope we can quickly pass this legislation and send it over to the Senate for their immediate consideration.

Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, we are back today to reconsider a bill to improve our Civil Service system and help Federal employees cope with downsizing. This is the same bill that we considered yesterday, except without section 201, a controversial provision to enhance performance management. This provision should have been removed in the first place, but I appreciate the willingness of Civil Service Subcommittee Chairman MICA to take it out today. While I certainly believe that we should promote people based on merit and reward outstanding performers through enhanced performance management, we did not have time to work out a fair compromise to section 201. For that reason, it should not have been in the bill yesterday.

Throughout this Congress, I have pursued a legislative strategy to help Federal employees and agencies cope with downsizing. We have the responsibility to help our dedicated civil servants through this difficult time, and although I think we should go much further, this bill is a good start.

It provides important retraining provisions to equip Federal employees for private sector jobs, and it includes a soft-landings package to ease the pain of downsizing for Federal employees. When a long-time Federal employee faces a reduction-in-force, he or she needs help. Under this bill, separated Federal employees would be able to continue their health and life insurance benefits, receive job training and counseling geared toward the private sector, and receive money to return to school. Mr. Speaker, this is the least we can do.

I want to thank the other Members who have contributed so much to this legislation; JIM MORAN, TOM DAVIS, and FRANK WOLF, and I strongly urge its passage today.

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Mr. MORAN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Illinois, Mrs. CARDISS COLLINS, the ranking Democratic member of the committee, to give what may be her last speech before this body. It is fitting that it be on behalf of public servants.

Mrs. COLLINS of Illinois. Mr. Speaker, I certainly appreciate the hard work that has gone into creating this Omnibus Civil Service Reform Act. I want to thank the gentleman from Florida [Mr. MICA] for his willingness to help us get rid of section 201, which was very controversial, even though I know he wanted so badly to keep it in there. But he at least heard what we had to say. We talked with him on the floor, we talked with him on the telephone, we talked with him even in the picture-taking today. He assured me that he was going to work very hard at this.

I want to also thank the ranking member of the Subcommittee on Civil Service, Mr. MORAN, for the hard work that he has done. Since yesterday we have all been almost constantly in touch with each other. This is a fine piece of legislation. There are very good things here for civil service workers. I in the State of Illinois have a large number of civil service workers, as do all of us here.

I think this is a great piece of legislation. I commend everyone who worked on it, including all the staff members in our committees as well as other committees who have worked on this. I thank the gentleman very much for this wonderful legislation.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. MORAN. Further reserving the right to object, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I appreciate the gentleman yielding, albeit very briefly. I did want to follow up on one of the gentleman's comments regarding the gentlewoman from Illinois [Mrs. COLLINS] and her long service here in this institution and the tremendous contributions that she has made, not just on this legislation, but on important areas of airline safety, of sports equity, workers' rights, and humanitarian causes that have benefited people in our country and across the globe.

As the gentlewoman finishes her service here in the Congress, it is important for the record and for the history books to note that she is the longest serving woman of African-American descent to have served in this body, and done so in such a distinguished manner for so many years. I wanted to call our colleagues' special attention to her and to thank her on behalf of the people of this institution and our country. I thank you, Mrs. COLLINS. It has been an honor to serve with you.

Mrs. COLLINS of Illinois. Mr. Speaker, if the gentleman will continue to yield further, I must say how wonderful it has been to serve in this body since June 7, 1973. I have met so many wonderful people, all of you, in fact; and those here before, many of us got to know so very, very well. It has been a great experience.

I could not have done a better thing than to have the opportunity and the honor of serving the people of the 7th Congressional District of Illinois, and knowing all of you. Thank you very much.

Mr. MORAN. Mr. Speaker, further reserving the right to object, we certainly thank the ranking member, the distinguished gentlewoman from Illinois, for so many reasons, and for so much contribution to the work of this body. We thank the gentlewoman from Ohio [Ms. KAPTUR] for her very appropriate remarks.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK] who presented such a spirited attack on section 201 yesterday.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding to me. I am very pleased to say thank you to the ranking member of the subcommittee, and to say to the chairman of the subcommittee, I know am very pleased at the kind of negotiations that we were able to put together, that we could work together in a consensus type fashion and come up with a bill which all of us can support. I certainly support this bill as it is presently constituted. I think what we have here is perhaps a fairer approach to the reduction in force process.

Mr. Speaker, I want to compliment the committee for the soft landing kinds of initiatives which they have in the bill, and the many other strong things that will help Federal workers, particularly when we are reducing in force. Certainly we want to pay tribute to the many Federal workers to whom this may apply. We want everyone to be treated fairly, and that is what this Congress wants to do. I do not feel any pull for any special interest in this, but more or less the interests of the people involved. That has been my major interest all along, in all of my career work in public life.

Mr. Speaker, I want to say again, by removing this I give my full support, and I know that the 11,000 Federal workers in my district and the almost 2 million throughout the country will be grateful. I thank the gentleman very much.

Mr. MORAN. Mr. Speaker, we thank the gentlewoman from Florida.

Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Maryland [Mr. HOYER]. I want to thank him in advance of when this gets through for using his considerable influence in getting it through the Senate side, after this gets through the House.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his comments. I appreciate his continuing efforts. Mr. Speaker, I will use whatever little influence I might have to do just that.

I want to congratulate the gentleman from Florida [Mr. MICA], and the gentleman from Virginia [Mr. DAVIS]. The legislative process is a process in which we try to come together and reach agreement.

Yesterday, there were some who disagreed with section 201 and there were some who agreed with section 201. I want to say, as I said yesterday, I think there is merit in the premise underlying 201, and will look forward to working together with both gentlemen to come up with a provision which does in fact say that we are not going to close our eyes and slavishly follow last in-first out. That is not a rational system. Both gentlemen were speaking to that. I understand that. I made the point that I thought the disparities were greater than perhaps, or the benefits of the outstanding performance, were greater than were appropriate.

However, having said that, Mr. Speaker, this is in the best traditions of the legislative process, because all of us, I think to a person, I will be surprised if either this comes to a vote or there is any vote against it, because in point of fact, it was a consensus that the provisions in this bill were important provisions for us to extend to Federal employees, particularly at this time, where we are going to probably have involuntarily removed employees and where the soft landing and the other provisions provided in this bill are going to be important to them.

While I disagreed with that particular provision, Mr. Speaker, I made it clear I agreed with the overwhelming majority of the work product of the committee. I congratulate them for bringing it back. I think this is in the best traditions of bipartisan legislative process, and I look forward to having this legislation passed.

Yes, I would tell the gentleman from Virginia, I will work, starting tonight, to try to make that happen.

Mr. MORAN. Mr. Speaker, continuing to reserve my right to object, I thank the distinguished gentleman from Maryland, and I thank him for recognizing the merits of section 201, too. I do think that at some point we have to figure out an appropriate way to recognize a person's performance as an important criteria is determining who should get riffed in periods of downsizing. I do not believe that pure seniority should be the only governing factor in determining who gets riffed. The fact is that everyone is not equal. Everyone does not produce equal levels of effort. There ought to be some way to sufficiently recognize people's contribution to the performance of a program and their dedication to its mission.

Having said that, we have a bill that is of substantial benefit to Federal employees, particularly those who would be adversely affected by RIF's, by downsizing of the Federal Government, which we know is inevitable, and will inevitably continue for the next several years.

This provides important soft landing features, and enables them to get preference in being hired for other functions within the agencies, and extends their health and life insurance, gives them some educational assistance. It is the right thing to do. I urge all my colleagues to support it.

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

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

Mr. MICA. Mr. Speaker, before the gentleman withdraws his objections, I just want to take one moment and recognize the chairman, the gentleman from Pennsylvania [Mr. CLINGER], and our ranking member, the gentlewoman from Illinois [Mrs. COLLINS], both of whom are retiring and have done yeoman's service.

Chairing this subcommittee has been like a ride at Disney World; it has had it ups and downs. I want to also thank the staff. They had 54 staffers that handled civil service issues. We have done it with seven. We have held a record number of hearings.

To the gentleman from Virginia [Mr. MORAN] to serve alongside him has been an honor and privilege to me, for us working together. Sometimes people see the conflict of this place and the heated discussion, and heaven knows, I have added to some of that. But I think today, when we have finished our last committee meeting the gentlewoman from Maryland [Mrs. MORELLA] came over and kissed and hugged the gentlewoman from Illinois [Mrs. COLLINS] and they both said how much they were going to miss each other, people do not see that or appreciate the relationship and camaraderie that goes on here and blossoms here.

I thank the gentleman, and I thank him for also lifting his objections to this.

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

Mr. MORAN. Further reserving the right to object. I yield to the gentleman from Virginia.

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

I am glad we are here where we are today, Mr. Speaker. Section 201, despite its controversy, is out of the bill now. We can accomplish some of the things that I think everybody agrees need to happen for Federal employees as we experience this downsizing over the next few years, the fact that some parts of the life insurance, health insurance payably by the Federal Government, will be continued during those downsizing times. There will be some job preference for Federal employees and future openings at the Federal level, training. These are things that need to be done.

We have to be sensitive. Federal workers have undergone some very, very difficult times in the last few years, and I think this is one measure which will be some good news at a time that has otherwise sent the wrong message, if we are to try to continue to bring the best and brightest to Washington to work in the Civil Service.

We still have a great Civil Service. I think this is bringing some appropriate recognition to them, and some tangible results as we go through some difficult times in the years ahead.

I want to thank the chairman, the gentleman from Florida, Mr. MICA, the ranking member and my friend, the gentleman from northern Virginia, JIM MORAN, the gentleman from Virginia, FRANK WOLF, who helped introduce some of these soft landing provisions, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlewoman from the District of Columbia, Ms. NORTON, and others who have worked so hard.

I thank the gentlewoman from Illinois, Mrs. COLLINS, her for efforts in bringing this forward after yesterday's defeat under suspension. I think we are about at the time where we can move it through this body, send it to the other body, and I hope we can get a favorable result in the waning hours of this Congress. I thank the gentleman for yielding.

Mr. MORAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3841

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 "Omnibus Civil Service Reform Act of 1996".

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

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—SIMPLIFYING APPEALS

Sec. 201. Elimination of mixed-case procedures.
Sec. 202. Appeal to Merit Systems Protection Board as exclusive administrative remedy.
Sec. 203. Agency flexibility and encouraging the use of alternative dispute resolution techniques.
Sec. 204. Effective date.

TITLE III—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 301. Increased weight given to performance for order-of-retention purposes in a reduction in force.
Sec. 302. No appeal of denial of periodic step-increases.
Sec. 303. Performance appraisals.
Sec. 304. Amendments to incentive awards authority.
Sec. 305. Due process rights of managers under negotiated grievance procedures.
Sec. 306. Collection and reporting of training information.

TITLE IV—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

Sec. 401. Short title.
Sec. 402. Additional investment funds for the Thrift Savings Plan.
Sec. 403. Acknowledgement of investment risk.
Sec. 404. Effective date.

Subtitle B—Thrift Savings Account Liquidity

Sec. 411. Short title.
Sec. 412. Notice to spouses for in-service withdrawals; de minimus accounts; Civil Service Retirement System participants.
Sec. 413. In-service withdrawals; withdrawal elections, Federal Employees Retirement System participants.
Sec. 414. Survivor annuities for former spouses; notice to Federal Employees Retirement System spouses for in-service withdrawals.
Sec. 415. De minimus accounts relating to the judiciary.
Sec. 416. Definition of basic pay.
Sec. 417. Eligible rollover distributions.
Sec. 418. Effective date.

Subtitle C—Other Provisions Relating to the Thrift Savings Plan

Sec. 421. Percentage limitations on contributions.
Sec. 422. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 423. Immediate participation in the Thrift Savings Plan.

Subtitle D—Resumption of Certain Survivor Annuities That Terminated by Reason of Marriage

Sec. 431. Resumption of certain survivor annuities that terminated by reason of marriage.

Subtitle E—Life Insurance Benefits

Sec. 441. Domestic relations orders.
Sec. 442. Exception from provisions requiring reduction in additional optional life insurance.
Sec. 443. Temporary continuation of Federal employees' life insurance.

TITLE V—REORGANIZATION FLEXIBILITY

Sec. 501. Voluntary reductions in force.
Sec. 502. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE VI—SOFT-LANDING PROVISIONS

Sec. 601. Continued eligibility for life insurance.
Sec. 602. Continued eligibility for health insurance.
Sec. 603. Priority placement programs for Federal employees affected by a reduction in force.
Sec. 604. Job placement and counseling services.
Sec. 605. Education and retraining incentives.

TITLE VII—MISCELLANEOUS

Sec. 701. Reimbursements relating to professional liability insurance.
Sec. 702. Employment rights following conversion to contract.
Sec. 703. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 704. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.
Sec. 705. Conversion of certain excepted service positions in the United States Fire Administration to competitive service positions.
Sec. 706. Eligibility for certain survivor annuity benefits.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

"(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

"(1) shall develop or approve a plan for such project which identifies—

"(A) the purposes of the project;

"(B) the methodology;

"(C) the duration; and

"(D) the methodology and criteria for evaluation;

"(2) shall publish the plan in the Federal Register;

"(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

"(4) shall obtain approval from each agency involved of the final version of the plan; and

"(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

"(A) to employees who are likely to be affected by the project; and

"(B) to each House of the Congress.".

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) any provision of subchapter V of chapter 63 or subpart G of this title;"; and

(2) by striking paragraph (3) and inserting the following:

"(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;".

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

"(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

"(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

"(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.".

(e) CONDITION RELATING TO BARGAINING AGREEMENTS.—Paragraph (1) of section 4703(f) of title 5, United States Code, is amended by striking "(as defined in section 7103(8) of this title)" and inserting "(as defined in section 7103(8), excluding any agreements entered into or renewed after the date of the enactment of the Omnibus Civil Service Reform Act of 1996)".

(f) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: "The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.".

(g) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting "by the Office" after "undertaken"; and

(2) by adding at the end the following:

"(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

"(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.".

TITLE II—SIMPLIFYING APPEALS

SEC. 201. ELIMINATION OF MIXED-CASE PROCEDURES.

(a) IN GENERAL.—Section 7702, paragraph (2) of section 7703(b), and the last sentence of section 7121(d) of title 5, United States Code, are repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The item relating to section 7702 in the table of sections at the beginning of chapter 77 of title 5, United States Code, is repealed.

(2) Section 7701(e)(1) of title 5, United States Code, is amended—

(A) by striking "(e)(1) Except as provided in section 7702 of this title, any" and inserting "(e) Any";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking "subparagraph (A) of this paragraph." and inserting "paragraph (1).".

(3) Section 753(e)(1) of title 31, United States Code, is amended by striking "sections 7701 and 7702" and inserting "section 7701".

(4) Section 7703(c) of title 5, United States Code, is amended by striking the semicolon at the end of paragraph (3) and all that follows through "court." and inserting a period.

SEC. 202. APPEAL TO MERIT SYSTEMS PROTECTION BOARD AS EXCLUSIVE ADMINISTRATIVE REMEDY.

(a) IN GENERAL.—Section 7701(b)(1) of title 5, United States Code, is amended by striking "(b)(1)" and inserting "(b)(1)(A)" and by adding at the end the following:

"(B) Notwithstanding any other provision of law, rule, or regulation, an appeal under this section shall be the exclusive administrative remedy for any action by an employee or applicant who—

"(i) has been affected by an action which the employee or applicant may appeal to the Merit Systems Protection Board; and

"(ii) alleges that a basis for the action was discrimination prohibited by—

"(I) section 717 of the Civil Rights Act of 1964;

"(II) section 6(d) of the Fair Labor Standards Act of 1938;

"(III) section 501 of the Rehabilitation Act of 1973;

"(IV) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

"(V) any rule, regulation, or policy directive prescribed under any provision of law described in subclauses (I) through (IV).

"(C) In lieu of filing an appeal under this section, an employee or applicant described in paragraph (B) may file a civil action under—

"(i) section 717(c) of the Civil Rights Act of 1964 or section 15(c) of the Age Discrimination in Employment Act of 1967, as applicable, within 90 days after receipt of notice of final action taken by the agency on a complaint of discrimination under a provision of law described in subclause (I), (III), or (IV) of subparagraph (B)(ii) or any rule, regulation, or policy directive prescribed under any such provision of law; or

"(ii) section 16(b) of the Fair Labor Standards Act of 1938 within 2 years (or, if the violation is willful, within 3 years) after the date of an alleged violation of section 6(d) of the Fair Labor Standards Act of 1938 or any rule, regulation, or policy directive prescribed thereunder.".

(b) PETITION FOR BOARD REVIEW.—(1) Section 7701(e)(1)(A) of title 5, United States Code, is amended by striking "a party to the appeal or the Director" and inserting "a party to the appeal, the Director, or the Equal Employment Opportunity Commission".

(2) Subsection (e) of section 7701 of title 5, United States Code, is amended by adding at the end the following:

"(3) The Equal Employment Opportunity Commission may petition the Board for review under paragraph (1) only if the Commission is of the opinion that the decision is erroneous and will have a substantial impact on any equal employment opportunity law, rule, or regulation under the jurisdiction of the Commission.".

(3) Subsection (d) of section 7703 of title 5, United States Code, is amended to read as follows:

"(d)(1) The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive.

"(2) The Equal Employment Opportunity Commission may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Commission determines, in its discretion, that the Board erred in interpreting an equal employment opportunity law and that the Board's decision will have a substantial impact on an equal employment opportunity law, rule, regulation, or policy directive.

"(3) If the Director or the Commission did not intervene in a matter before the Board, the Director or the Commission may not petition for review of a Board decision under this section unless the Director or the Commission first petitions the Board for reconsideration of its decision, and such petition is denied.

"(4) In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for review shall be at the discretion of the Court of Appeals, except that it may not deny a petition for review solely because it disagrees with the determination of the Director or the Commission that the Board's decision will have a substantial impact on a law, rule, regulation, or policy directive within their jurisdiction. The Court of Appeals shall require payment by the Director or the Commission, as appropriate, of reasonable attorney fees incurred by the other parties if, after rendering a decision on the merits of the petition, the court determines that the Board's decision would not have had a substantial impact on a law, rule, regulation, or policy directive within their jurisdiction.".

SEC. 203. AGENCY FLEXIBILITY AND ENCOURAGING THE USE OF ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES.

(a) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by adding at the end the following:

"§ 7704. Alternative dispute resolution techniques

"Notwithstanding any other provision of law, each agency (including the United States Postal Service, the Postal Rate Commission, and the Tennessee Valley Authority) shall have the authority to develop an internal procedure under which its employees may file with the agency a complaint of discrimination by the agency under the laws described in subclauses (I) through (V) of section 7701(b)(1)(B)(ii), or any other matter appealable to the Merit Systems Protection Board or the Federal Labor Relations Authority. Agencies are encouraged to use alternative dispute resolution techniques in order to resolve such complaints. An agency may require its employees to exhaust such internal procedure for a period not to exceed 90 days before seeking external administrative or judicial review under this chapter. To the extent that a private entity may do so, an agency may require employees to submit to alternative dispute resolution techniques in lieu of other administrative or judicial review.".

(b) TASK FORCE.—In order to encourage the use of alternative dispute resolution techniques in resolving personnel-related disputes within the Federal Government, the Chairman of the Merit Systems Protection Board shall, in consultation with the Chairman of the Equal Employment Opportunity Commission, the Chairman of the Federal Labor Relations Authority, the Director of the Office of Personnel Management, the Special Counsel, and the Director of the Federal Mediation and Conciliation Service, organize and chair a task force—

(1) to study and evaluate the use of alternative dispute resolution techniques in resolving Federal personnel disputes;

(2) to facilitate the exchange of information between agencies;

(3) to examine and evaluate alternative dispute resolution techniques used in the private sector for possible application to Federal personnel disputes; and

(4) to issue a report to Congress no later than 18 months after the date of enactment of this Act on the use of alternative dispute resolution techniques in personnel disputes by Federal agencies, including Federal adjudicatory agencies.

The Merit Systems Protection Board shall provide administrative support to the task force.

SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect 6 months after the date of the enactment of this Act.

(b) TASK FORCE.—Subsection (b) of section 203 shall take effect on the date of the enactment of this Act.

(c) SAVINGS PROVISION.—Matters or proceedings pending as of, and continuing after, the effective date of this title shall continue as if this title had not been enacted.

TITLE III—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 301. INCREASED WEIGHT GIVEN TO PERFORMANCE FOR ORDER-OF-RETENTION PURPOSES IN A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, is amended—

(1) in subsection (a)(4) by striking "ratings." and inserting "ratings, in conformance with the requirements of subsection (g).''; and

(2) by adding at the end the following:

"(g)(1) The regulations prescribed to carry out subsection (a)(4) shall be the regulations in effect, as of January 1, 1996, under section 351.504 of title 5 of the Code of Federal Regulations, except as otherwise provided in this subsection.

"(2) For purposes of this subsection—

"(A) subsections (b)(4) and (e) of such section 351.504 shall be disregarded;

"(B) subsection (d) of such section 351.504 shall be considered to read as follows:

"'(d)(1) The additional service credit an employee receives for performance under this subpart shall be expressed in additional years of service and shall consist of the sum of the employee's 3 most recent (actual and/or assumed) annual performance ratings received during the 4-year period prior to the date of issuance of reduction-in-force notices or the 4-year period prior to the agency-established cutoff date (as appropriate), computed in accordance with paragraph (2) or (3) (as appropriate).

"'(2) Except as provided in paragraph (3), an employee shall receive—

"'(A) 5 additional years of service for each performance rating of fully successful (Level 3) or equivalent;

"'(B) 7 additional years of service for each performance rating of exceeds fully successful (Level 4) or equivalent; and

"'(C) 10 additional years of service for each performance rating of outstanding (Level 5) or equivalent.

"'(3)(A) If the employing agency uses a rating system having only 1 rating to denote performance which is fully successful or better, then an employee under such system shall receive 5 additional years of service for each such rating.

"'(B) If the employing agency uses a rating system having only 2 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

"'(i) 5 additional years of service for each performance rating at the lower of those 2 ratings; and

"'(ii) 7 additional years of service for each performance rating at the higher of those 2 ratings.

"'(C) If the employing agency uses a rating system having 3 or more ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

"'(i) 5 additional years of service for each performance rating at the lowest of those 3 or more ratings;

"'(ii) 7 additional years of service for each performance rating at the next rating above the rating referred to in clause (i); and

"'(iii) 10 additional years of service for each performance rating above the rating referred to in clause (ii).

"'(D) For purposes of this paragraph, a rating shall not be considered to denote performance which is fully successful or better unless, in order to receive such rating, such performance must satisfy all requirements for a fully successful rating (Level 3) or equivalent, as established under part 430 of this chapter (as in effect as of January 1, 1996).'; and

"(C) subsection (c) of such section shall be considered to read as follows:

"'(c)(1) Service credit for employees who do not have 3 actual annual performance ratings of record received during the 4-year period prior to the date of issuance of reduction-in-force notices, or the 4-year period prior to the agency-established cutoff date for ratings permitted in subsection (b)(2) of this section, shall be determined in accordance with paragraph (2).

"'(2) An employee who has not received 1 or more of the 3 annual performance ratings of record required under this section shall—

"'(A) receive credit for performance on the basis of the rating or ratings actually received (if any); and

"'(B) for each performance rating not actually received, be given credit for 5 additional years of service.'.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reductions in force taking effect on or after October 1, 1999.

SEC. 302. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking "or appeal"; and

(3) in the last sentence by striking "and the entitlement of the employee to appeal to the Board do not apply" and inserting "does not apply".

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsections (a)(B) and (c) by striking "of an acceptable level of competence" and inserting "at least fully successful";

(2) in the last sentence of subsection (c) by striking "acceptable level of competence" and inserting "fully successful work performance"; and

(3) by adding at the end the following:

"(g) For purposes of this section, the term 'fully successful' has a meaning similar to that given under section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 301(a)(2) of the Omnibus Civil Service Reform Act of 1996).".

SEC. 303. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

"(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

"(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable."; and

(2) by adding at the end the following:

"(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 304. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

"§ 4501. Definitions

"For the purpose of this subchapter—

"(1) the term 'agency' means—

"(A) an Executive agency;

"(B) the Library of Congress;

"(C) the Office of the Architect of the Capitol;

"(D) the Botanic Garden;

"(E) the Government Printing Office; and

"(F) the United States Sentencing Commission;

but does not include—

"(i) the Tennessee Valley Authority; or

"(ii) the Central Bank for Cooperatives;

"(2) the term 'employee' means an employee as defined by section 2105; and

"(3) the term 'Government' means the Government of the United States."; and

(2) by amending section 4503 to read as follows:

"§ 4503. Agency awards

"(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

"(1) by his suggestion, invention, superior accomplishment, sustained superior performance, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

"(2) performs a special act or service in the public interest in connection with or related to his official employment.

"(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

"(A) based on the collective efforts of the group; and

"(B) with respect to each member of such group.

"(2) The amount awarded to each member of a group under this subsection—

"(A) shall be the same for all members of such group; and

"(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable.".

SEC. 305. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

"(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 306. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE IV—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 402. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4).";

and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 403. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 404. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act, and the Funds established under this subtitle shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

Subtitle B—Thrift Savings Account Liquidity

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 412. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 413. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 407, shall be invalid.

SEC. 414. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lien thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lien thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 415. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 416. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 417. ELIGIBLE ROLLOVER DISTRIBUTIONS.

Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

"(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

"(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from a qualified trust. A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

"(3) The Executive Director shall prescribe regulations to carry out this subsection.".

SEC. 418. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this subtitle shall be made at the earliest practicable date as determined by the Executive Director in regulations.

Subtitle C—Other Provisions Relating to the Thrift Savings Plan

SEC. 421. PERCENTAGE LIMITATIONS ON CONTRIBUTIONS.

(a) AMENDMENTS RELATING TO FERS.—

(1) IN GENERAL.—Subsection (a) of section 8432 of title 5, United States Code, is amended by striking "10 percent of".

(2) JUSTICES AND JUDGES.—Subsection (b) of section 8440a of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively; and

(B) in paragraph (6) (as so redesignated by subparagraph (A)) by striking "paragraphs (4) and (5)" and inserting "paragraphs (3) and (4)".

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Subsection (b) of section 8440b of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking "paragraph (4)(A), (B), or (C)" and inserting "paragraph (3)(A), (B), or (C)"; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking "Notwithstanding paragraph (4)," and inserting "Notwithstanding paragraph (3),".

(4) COURT OF FEDERAL CLAIMS JUDGES.—Subsection (b) of section 8440c of title 5, United States Code, is amended—

(A) by striking paragraph (2) and by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(B) in paragraph (4) (as so redesignated by subparagraph (A)) by striking "paragraph (4)(A) or (B)" and inserting "paragraph (3)(A) or (B)"; and

(C) in paragraph (7) (as so redesignated by subparagraph (A)) by striking "Notwithstanding paragraph (4)," and inserting "Notwithstanding paragraph (3),".

(5) JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.—Paragraph (2) of section 8440d(b) of title 5, United States Code, is amended to read as follows:

"(2) For purposes of contributions made to the Thrift Savings Fund, basic pay does not include any retired pay paid pursuant to section 7296 of title 38.".

(b) AMENDMENTS RELATING TO CSRS.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by striking "5 percent of".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 6 months after the date of the enactment of this Act or such earlier date as the Executive Director may by regulation prescribe.

(2) COORDINATION WITH ELECTION PERIODS.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term "election period" means a period afforded under section 8432(b) of title 5, United States Code; and

(B) the term "Executive Director" has the meaning given such term by section 8401(13) of title 5, United States Code.

SEC. 422. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

"(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.".

SEC. 423. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) ELIMINATION OF CERTAIN WAITING PERIODS FOR PURPOSES OF EMPLOYEE CONTRIBUTIONS.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

"(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

"(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

"(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

"(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

"(E) Nothing in this paragraph shall affect paragraph (3).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking "(b)(1)" and inserting "(b)"; and

(B) by amending the second sentence to read as follows: "Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.".

(2) Section 8432(b)(1)(B) of such title is amended by inserting "(or any election allowable by virtue of paragraph (4))" after "subparagraph (A)".

(3) Section 8432(b)(3) of such title is amended by striking "Notwithstanding paragraph (2)(A), an" and inserting "An".

(4) Section 8432(i)(1)(B)(ii) of such title is amended by striking "either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or".

(5) Section 8439(a)(1) of such title is amended by inserting "who makes contributions or" after "for each individual" and by striking "section 8432(c)(1)" and inserting "section 8432".

(6) Section 8439(c)(2) of such title is amended by adding at the end the following: "Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.".

(7) Sections 8440a(a)(2) and 8440d(a)(2) of such title are amended by striking all after "subject to" and inserting "subject to this chapter.".

(c) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act or such earlier date as the Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may by regulation prescribe.

Subtitle D—Resumption of Certain Survivor Annuities That Terminated by Reason of Marriage

SEC. 431. RESUMPTION OF CERTAIN SURVIVOR ANNUITIES THAT TERMINATED BY REASON OF MARRIAGE.

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

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

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

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

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

(c) HEALTH BENEFITS PROGRAM.—Section 8908 of title 5, United States Code, is amended by adding at the end the following:

"(d) An individual—

"(1) whose survivor annuity under section 8341(e) is terminated, and then later restored under paragraph (4) thereof, or

"(2) whose survivor annuity under section 8443(b) is terminated, and then later restored under the last sentence thereof,

may, under regulations prescribed by the Office, enroll in a health benefits plan described by section 8903 or 8903a if such individual was covered by any such plan immediately before such annuity so terminated.".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to any termination of marriage taking effect before, on, or after the date of the enactment of this Act, except that no amount shall be payable by reason of the amendments made by subsections (a) and (b), respectively, except to the extent of any amounts accruing for periods beginning on or after the first day of the first month beginning on or after the later of—

(1) the date of the enactment of this Act; or

(2) the date as of which termination of marriage takes effect.

Subtitle E—Life Insurance Benefits

SEC. 441. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking "(a) The" and inserting "(a) Except as provided in subsection (e), the"; and

(2) by adding at the end the following:

"(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

"(3) A designation under this subsection with respect to any person may not be changed except—

"(A) with the written consent of such person, if received as described in paragraph (2); or

"(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

"(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.".

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by adding at the end the following:

"(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.".

SEC. 442. EXCEPTION FROM PROVISIONS REQUIRING REDUCTION IN ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Subsection (c) of section 8714b of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) The amount of additional optional insurance continued under paragraph (2) shall be continued, without any reduction under the last two sentences thereof, if—

"(i) at the time of retirement, there is in effect a designation under section 8705 under which the entire amount of such insurance would be paid to an individual who is permanently disabled; and

"(ii) an election under subsection (d)(3) on behalf of such individual is made in timely fashion.

"(B) Notwithstanding subparagraph (A), any reduction required under paragraph (2) shall be made if—

"(i) the additional optional insurance is not in fact paid in accordance with the designation under section 8705, as in effect at the time of retirement;

"(ii) the Office finds that adequate arrangements have not been made to ensure that the insurance provided under this section will be used only for the care and support of the individual so designated; or

"(iii) the election referred to in subparagraph (A)(ii) terminates at any time before the death of the individual who made such election.

"(C) For purposes of this paragraph, the term 'permanently disabled' shall have the meaning given such term under regulations which the Office shall prescribe based on subparagraphs (A) and (C) of section 1614(a)(3) of the Social Security Act, except that, in applying subparagraph (A) of such section for purposes of this subparagraph, 'which can be expected to last permanently' shall be substituted for 'which has lasted or can be expected to last for a continuous period of not less than twelve months'.".

(b) CONTINUED WITHHOLDINGS.—Subsection (d) of such section 8714b is amended by adding at the end the following:

"(3)(A) To be eligible for unreduced additional optional insurance under subsection (c)(3), the insured individual shall be required to elect, at such time and in such manner as the Office by regulation requires (including procedures for demonstrating compliance with the requirements of subsection (c)(3)), to have the full cost thereof continue to be withheld from the former employee's annuity or compensation, as the case may be, beginning as of when such withholdings would otherwise cease under the second sentence of paragraph (1).

"(B) An election made by an insured individual under subparagraph (A) (and withholdings pursuant thereto) shall terminate in the event that—

"(i) the insured individual—

"(I) revokes such election; or

"(II) makes any redesignation or other change in the designation under section 8705 (as in effect at the time of retirement); or

"(ii) the Office finds, upon the application of the insured individual or on its own initiative, that any of the requirements or conditions for unreduced additional optional insurance under subsection (c)(3) are, at any time, no longer met.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ELECTION FOR CERTAIN INDIVIDUALS NOT OTHERWISE ELIGIBLE.—The Office of Personnel Management shall prescribe regulations under which an election under section 8714b(d)(3)(A) of title 5, United States Code (as amended by this section) may be made, within 1 year after the date of the enactment of this Act, by any individual not otherwise eligible to make such an election, but only if such individual—

(A) separated from service on or after the first day of the 50-month period ending on the date of enactment of this Act; and

(B) would have been so eligible had the amendments made by this section (and implementing regulations) been in effect as of the individual's separation date (or, if earlier, the last day for making such an election based on that separation).

(3) WITHHOLDINGS.—

(A) PROSPECTIVE EFFECT.—If an individual makes an election under paragraph (2), withholdings under section 8714b(d)(3)(A) of such title 5 shall thereafter be made from such individual's annuity or compensation, as the case may be.

(B) EARLIER AMOUNTS.—If, pursuant to such election, benefits are in fact paid in accordance with section 8714b(c)(3) of such title 5 upon the death of the insured individual, an appropriate reduction (computed under regulations prescribed by the Office) shall be made in such benefits to reflect the withholdings that—

(i) were not made (before the commencement of withholdings under subparagraph (A)) by reason of the cessation of withholdings under the second sentence of section 8714b(d)(1) of such title; but

(ii) would have been made had the amendments made by this section (and implementing regulations) been in effect as of the time described in paragraph (2)(B).

(4) NOTICE.—The Office shall, by publication in the Federal Register and such other methods as it considers appropriate, notify current and former Federal employees as to the enactment of this section and any benefits for which they might be eligible pursuant thereto. Included as part of such notification shall be a brief description of the procedures for making an election under paragraph (2) and any other information that the Office considers appropriate.

SEC. 403. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

"(A) both employee and agency contributions which would be payable if separation had not occurred; plus

"(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

"(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

"(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

"(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

"(ii) is insured for basic insurance under this chapter on the date of separation.

"(B) The applicable date under this subparagraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this subparagraph is February 1, 2000.".

TITLE V—REORGANIZATION FLEXIBILITY

SEC. 501. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

"(f)(1) The head of an Executive agency or military department may—

"(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

"(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

"(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

"(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) No authority under paragraph (1) may be exercised after September 30, 2001.".

SEC. 502. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

"§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

"(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

"(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

"(c)(1) Details under subsection (a)—

"(A) may not be for periods exceeding 120 days; and

"(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

"(2) Details under subsection (b)—

"(A) may not be for periods exceeding 90 days; and

"(B) may not be renewed.

"(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed

forces or the civilian workforce of the Department; and

"(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(e) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

"(C) the Defense Base Closure and Realignment Act of 1990; and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

"3341. Details; within Executive agencies and military departments; employees affected by reduction in force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE VI—SOFT-LANDING PROVISIONS

SEC. 601. CONTINUED ELIGIBILITY FOR LIFE INSURANCE.

(a) IN GENERAL.—Section 8706 of title 5, United States Code, is amended by redesignating subsections (d) through (f) as subsections (e) through (g), respectively, and by inserting after subsection (c) the following:

"(d)(1) Notwithstanding subsection (b), any employee who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, but does not satisfy the requirements of subsection (b)(1), and

"(C) is insured on the date of separation,

may, within 60 days after the date of separation, elect to continue such employee's insurance and arrange to pay currently into the Employees' Life Insurance Fund both the employee and agency contributions therefor, in accordance with procedures prescribed by the Office. If the employee does not so elect, such employee's insurance will terminate as provided by subsection (a).

"(2) The applicable date under this paragraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this paragraph is February 1, 2000.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) CONFORMING AMENDMENT.—Section 8706(g) of title 5, United States Code, as so redesignated by subsection (a), is amended by striking "subsection (e)" and inserting "subsection (f)".

SEC. 602. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking "An" and inserting "Subject to subsection (g), an"; and

(2) by adding at the end the following:

"(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

"(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

"(2) The applicable date under this paragraph is October 1, 1999, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 1999, the applicable date under this paragraph is February 1, 2000.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "the Department of Defense" and inserting "an Executive agency"; and

(2) by amending subparagraph (C) to read as follows:

"(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.".

SEC. 603. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3330a. Priority placement programs for employees affected by a reduction in force

"(a) Not later than 3 months after the date of the enactment of this section, each Executive agency shall establish an agencywide priority placement program, to facilitate employment placement for employees who—

"(1) are scheduled to be separated from service due to a reduction in force under—

"(A) regulations prescribed under section 3502; or

"(B) procedures established under section 3595;

"(2) are separated from service due to such a reduction in force; or

"(3) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes (except for employees in positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management).

"(b)(1) Each agencywide priority placement program under this section shall include provisions under which a vacant position shall not (except as provided in this subsection) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in paragraph (2)) if—

"(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

"(B) the position—

"(i) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

"(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence; and

"(iii) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

"(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual is—

"(A) an employee of such agency who is scheduled to be separated, as described in subsection (a)(1); or

"(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (a)(2).

"(c)(1) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this section, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this section. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

"(2) At its option, an agency may administratively extend reemployment rights under this section to include other local commuting areas.

"(d)(1) In selecting employees for positions under this section, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

"(2) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

"(3) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

"(e) An individual is eligible for reemployment priority under this section for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under section 3502.

"(f) An individual qualified present or former employee loses eligibility for reemployment priority under this section when the individual—

"(1) requests removal in writing;

"(2) accepts or declines a bona fide offer under this section or fails to accept such an offer within the period of time allowed for such acceptance, or

"(3) separates from the agency before being separated under section 3502.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under section 3502 retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

"(g) Whenever more than one individual is qualified for a position under this section, the agency shall select the most highly qualified individual, subject to subsection (d).

"(h) The Office of Personnel Management shall issue regulations to implement this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to the section 3330 the following:

"3330a. Priority placement programs for employees affected by a reduction in force.".

SEC. 604. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 605. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term "non-Federal employer" means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term "surplus position" has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2000.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Under regulations prescribed by the Office of Personnel Management, all or any part of the amount described in subsection (c) may be afforded to any employee described in paragraph (2) in the form of educational assistance.

(2) ELIGIBLE EMPLOYEE.—An individual shall not be eligible for educational assistance under this subsection unless such individual—

(A) is an eligible employee, within the meaning of subsection (a); and

(B) has completed at least 3 years of current continuous service in any Executive agency or agencies.

(c) AGGREGATE LIMITATION.—No incentive payment or other amount may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

TITLE VII—MISCELLANEOUS

SEC. 701. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

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

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

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

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

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

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

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

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

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

SEC. 702. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code, is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully

with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 703. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "may" and inserting "shall" in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

"(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"(4) Any provider that the Office determines has committed acts described in subsection (d).";

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

"(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

"(A) an item or service not provided as claimed;

"(B) charges in violation of applicable charge limitations under section 8904(b); or

"(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);";

(5) in subsection (f), as so redesignated by paragraph (3), by inserting "(where such debarment is not mandatory)," after "under this section" the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

"(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).";

(B) in paragraph (3)—

(i) by inserting "of debarment" after "notice"; and

(ii) by adding at the end the following: "In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii)."; and

(C) in paragraph (4)(B)(i)(I) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(7) in subsection (h)—

(A) by striking "(h)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

"(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion."; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking "subsection (c)" and inserting "subsection (d)"; and

(B) by adding at the end the following: "The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 704. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

SEC. 705. CONVERSION OF CERTAIN EXCEPTED SERVICE POSITIONS IN THE UNITED STATES FIRE ADMINISTRATION TO COMPETITIVE SERVICE POSITIONS.

(a) IN GENERAL.—No later than the date described under subsection (d)(1), the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as necessary to convert each excepted service position established before the date of the enactment of this Act under section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) to a competitive service position.

(b) EFFECT ON EMPLOYEES.—Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a)—

(1) shall remain employed in the competitive service position so converted without a break in service;

(2) by reason of such conversion, shall have no—

(A) diminution of seniority;

(B) reduction of cumulative years of service; and

(C) requirement to serve an additional probationary period applied; and

(3) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.

(c) PROSPECTIVE COMPETITIVE SERVICE POSITIONS.—Section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) is amended to read as follows:

"(4) appoint faculty members to competitive service positions and with respect to temporary and intermittent services, to make appointments of consultants to the same extent as is authorized by section 3109 of title 5, United States Code;".

(d) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), this section shall take effect on the first day of the first pay period, applicable to the positions described under subsection (a), beginning after the date of the enactment of this Act.

(2)(A) The Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as directed under subsection (a) on and after the date of the enactment of this Act.

(B) Subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 706. ELIGIBILITY FOR CERTAIN SURVIVOR ANNUITY BENEFITS.

For the purpose of determining eligibility for survivor annuity benefits for a former spouse under section 8341 of title 5, United States Code, an application of any former spouse shall be approved if—

(1) the annuitant is deceased;

(2) the former spouse was living as of January 1, 1992;

(3) the former spouse has not received Social Security benefits based on eligibility as the spouse of the annuitant;

(4) such application was filed on or after January 1, 1989;

(5) the annuitant rendered at least 25 years of creditable service to the Federal Government;

(6) at the time of the annuitant's retirement, the annuitant and the former spouse had been married at least 25 years;

(7) at the time of the annuitant's retirement, the annuitant designated the former spouse to receive survivor annuity benefits;

(8) the annuitant and the former spouse were divorced prior to September 14, 1978, and after the annuitant retired;

(9) neither at the time of the divorce nor at any time thereafter was a joint waiver of survivor annuity benefits executed between the annuitant and the former spouse;

(10) the divorce decree was silent as to survivor annuity benefits or designated the former spouse to receive survivor annuity benefits;

(11) subsequent to the divorce of the annuitant and the former spouse, the annuitant advised the Office of Personnel Management of the divorce;

(12) neither the annuitant nor the former spouse married any other individual after their divorce from each other;

(13) no direct notice outlining or defining the former spouse's survivor annuity benefits election rights was delivered to the former spouse by the Office of Personnel Management; and

(14) the former spouse has exhausted all judicial remedies up to and including remedies available through the United States Court of Appeals.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MICA

Mr. MICA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows.

Amendment in the nature of a substitute offered by Mr. MICA: Strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Civil Service Reform Act of 1996".

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

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 201. No appeal of denial of periodic step-increases.

Sec. 202. Performance appraisals.

Sec. 203. Amendments to incentive awards authority.

Sec. 204. Due process rights of managers under negotiated grievance procedures.

Sec. 205. Collection and reporting of training information.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Sec. 301. Loans under the Thrift Savings Plan for furloughed employees.

Sec. 302. Domestic relations orders.

Sec. 303. Unreduced additional optional life insurance.

TITLE IV—REORGANIZATION FLEXIBILITY

Sec. 401. Voluntary reductions in force.

Sec. 402. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE V—SOFT-LANDING PROVISIONS

Sec. 501. Temporary continuation of Federal employees' life insurance.

Sec. 502. Continued eligibility for health insurance.

Sec. 503. Job placement and counseling services.

Sec. 504. Education and retraining incentives.

TITLE VI—MISCELLANEOUS

Sec. 601. Reimbursements relating to professional liability insurance.

Sec. 602. Employment rights following conversion to contract.

Sec. 603. Debarment of health care providers found to have engaged in fraudulent practices.

Sec. 604. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.

Sec. 605. Amendment to Public Law 104–134.

Sec. 606. Miscellaneous amendments relating to the health benefits program for Federal employees.

Sec. 607. Pay for certain positions formerly classified at GS–18.

Sec. 608. Repeal of section 1307 of title 5 of the United States Code.

Sec. 609. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

"(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

"(1) shall develop or approve a plan for such project which identifies—

"(A) the purposes of the project;

"(B) the methodology;

"(C) the duration; and

"(D) the methodology and criteria for evaluation;

"(2) shall publish the plan in the Federal Register;

"(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

"(4) shall obtain approval from each agency involved of the final version of the plan; and

"(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

"(A) to employees who are likely to be affected by the project; and

"(B) to each House of the Congress.".

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) any provision of subchapter V of chapter 63 or subpart G of part III of this title;"; and

(2) by striking paragraph (3) and inserting the following:

"(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;".

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

"(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

"(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

"(B) Individuals in a control group necessary to validate the results of a project

shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.".

(e) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: "The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.".

(f) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting "by the Office" after "undertaken"; and

(2) by adding at the end the following:

"(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

"(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.".

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 201. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking "or appeal"; and

(3) in the last sentence by striking "and the entitlement of the employee to appeal to the Board do not apply" and inserting "does not apply".

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsection (a)(B) by striking "work of the employee is of an acceptable level of competence" and inserting "performance of the employee is at least fully successful";

(2) in subsection (c)—

(A) in the first sentence by striking "work of an employee is not of an acceptable level of competence," and inserting "performance of an employee is not at least fully successful,"; and

(B) in the last sentence by striking "acceptable level of competence" and inserting "fully successful work performance"; and

(3) by adding at the end the following:

"(g) For purposes of this section, the term 'fully successful' denotes work performance that satisfies the requirements of section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B)).".

SEC. 202. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

"(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

"(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable."; and

(2) by adding at the end the following:

"(c) Upon notification of unacceptable performance, an employee shall be afforded an opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 203. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

"§ 4501. Definitions

"For the purpose of this subchapter—

"(1) the term 'agency' means—

"(A) an Executive agency;

"(B) the Library of Congress;

"(C) the Office of the Architect of the Capitol;

"(D) the Botanic Garden;

"(E) the Government Printing Office; and

"(F) the United States Sentencing Commission;

but does not include—

"(i) the Tennessee Valley Authority; or

"(ii) the Central Bank for Cooperatives;

"(2) the term 'employee' means an employee as defined by section 2105; and

"(3) the term 'Government' means the Government of the United States.";

(2) by amending section 4503 to read as follows:

"§ 4503. Agency awards

"(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

"(1) by his suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

"(2) performs a special act or service in the public interest in connection with or related to his official employment.

"(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

"(A) based on the collective efforts of the group; and

"(B) with respect to each member of such group.

"(2) The amount awarded to each member of a group under this subsection—

"(A) shall be the same for all members of such group, except that such amount may be prorated to reflect differences in the period of time during which an individual was a member of the group; and

"(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable."; and

(3) in subsection (a)(1) of section 4505a by striking "at the fully successful level or higher" and inserting "higher than the fully successful level".

SEC. 204. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

"(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 205. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

SEC. 301. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

"(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.".

SEC. 302. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking "(a) The" and inserting "(a) Except as provided in subsection (e), the"; and

(2) by adding at the end the following:

"(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

"(3) A designation under this subsection with respect to any person may not be changed except—

"(A) with the written consent of such person, if received as described in paragraph (2); or

"(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

"(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.".

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by adding at the end the following:

"(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.".

SEC. 303. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

"(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

"(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

"(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

"(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

"(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

"(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

"(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A)."; and

(2) in the second sentence of subsection (d)(1) by inserting "if insurance is continued as provided in subparagraph (A) of paragraph (3)," after "except that,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of the enactment of this Act and shall apply to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

TITLE IV—REORGANIZATION FLEXIBILITY

SEC. 401. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

"(f)(1) The head of an Executive agency or military department may, in accordance with regulations prescribed by the Office of Personnel Management—

"(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

"(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

"(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

"(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) No authority under paragraph (1) may be exercised after September 30, 2001.".

SEC. 402. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

"§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

"(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

"(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

"(c)(1) Details under subsection (a)—

"(A) may not be for periods exceeding 120 days; and

"(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

"(2) Details under subsection (b)—

"(A) may not be for periods exceeding 90 days; and

"(B) may not be renewed.

"(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(e) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

"(C) the Defense Base Closure and Realignment Act of 1990; and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

"3341. Details; within Executive agencies and military departments; employees affected by reduction in force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE V—SOFT-LANDING PROVISIONS

SEC. 501. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

"(A) both employee and agency contributions which would be payable if separation had not occurred; plus

"(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

"(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

"(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

"(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

"(ii) is insured for basic insurance under this chapter on the date of separation.

"(B) The applicable date under this subparagraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this subparagraph is February 1, 2002.".

SEC. 502. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking "An" and inserting "Subject to subsection (g), an"; and

(2) by adding at the end the following:

"(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

"(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

"(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

"(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

"(2) The applicable date under this paragraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this paragraph is February 1, 2002.

"(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.".

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "the Department of Defense" and inserting "an Executive agency"; and

(2) by amending subparagraph (C) to read as follows:

"(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.".

SEC. 503. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 504. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term "non-Federal employer" means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term "surplus position" has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2002.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "eligible employee" means an eligible employee, within the meaning of subsection (a), who —

(i) is employed full-time on a permanent basis;

(ii) has completed at least 3 years of current continuous service in any Executive agency or agencies; and

(iii) is admitted to an institution of higher education within 1 year after separation;

(B) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code;

(C) the term "educational assistance" means payments for educational assistance as provided in section 127(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 127(c)(1)); and

(D) the term "institution of higher education" has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(2) AUTHORITY.—Under regulations prescribed by the Office of Personnel Management, and subject to the limitations under subsection (c), the head of an Executive agency may, in his or her discretion, provide educational assistance under this subsection to an eligible employee for a program of education at an institution of higher education after the separation of the employee.

(3) DURATION.—No educational assistance under this subsection may be paid later than 10 years after the separation of the eligible employee.

(4) SOURCE.—Educational assistance payments shall be payable from appropriations or other funds which would have been used to pay the salary of the eligible employee if the employee had not separated.

(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations for the administration of this subsection. Such regulations shall provide that educational assistance payments shall be limited to amounts necessary for current tuition and fees only.

(c) LIMITATIONS.—

(1) AGGREGATE LIMITATION.—No incentive payment or educational assistance payment

may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

(2) LIMITATION RELATING TO EDUCATIONAL ASSISTANCE.—The total amount paid under subsection (b) to any individual—

(A) may not exceed $6,000 if the individual has at least 3 but less than 4 years of qualifying service; and

(B) may not exceed $8,000 if the individual has at least 4 but less than 5 years of qualifying service.

(3) QUALIFYING SERVICE.—For purposes of paragraph (2), the term "qualifying service" means service performed as an employee, within the meaning of section 2105 of title 5, United States Code, on a permanent full-time or permanent part-time basis (counting part-time service on a prorated basis).

TITLE VI—MISCELLANEOUS

SEC. 601. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

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

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

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

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

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

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

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

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

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

(d) POLICY LIMITS.—

(1) IN GENERAL.—Reimbursement under this section shall not be available except in the case of any professional liability insurance policy providing for—

(A) not to exceed $1,000,000 of coverage for legal liability (as described in subsection (c)(4)(A)) per occurrence per year; and

(B) not to exceed $100,000 of coverage for the cost of legal representation (as described in subsection (c)(4)(B)) per occurrence per year.

(2) ADJUSTMENTS.—The head of an agency may from time to time adjust the respective dollar amount limitations applicable under this subsection to the extent that the head of such agency considers appropriate to reflect inflation.

SEC. 602. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code) is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 603. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "may" and inserting "shall" in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

"(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"(4) Any provider that the Office determines has committed acts described in subsection (d).";

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

"(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

"(A) an item or service not provided as claimed;

"(B) charges in violation of applicable charge limitations under section 8904(b); or

"(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);";

(5) in subsection (f), as so redesignated by paragraph (3), by inserting "(where such debarment is not mandatory)" after "under this section" the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

"(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).";

(B) in paragraph (3)—

(i) by inserting "of debarment" after "notice"; and

(ii) by adding at the end the following: "In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii).."; and

(C) in paragraph (4)(B)(i)(I) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(7) in subsection (h), as so redesignated by paragraph (3), by striking "(h)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

"(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion."; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking "subsection (c)" and inserting "subsection (d)"; and

(B) by adding at the end the following: "The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 604. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

Section 5 of the FEGLI Living Benefits Act (Public Law 103–409; 108 Stat. 4232) is amended—

(1) by inserting "and the Board of Governors of the Federal Reserve System" after "Office of the Comptroller of the Currency and the Office of Thrift Supervision" each place it appears;

(2) in subsection (a), by inserting "or under a health benefits plan not governed by chapter 89 of such title in which employees and retirees of the Board of Governors of the Federal Reserve System participated before January 4, 1997," after "January 7, 1995,";

(3) in subsection (b)—

(A) by inserting "(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or on January 4, 1997 (in the case of the Board of Governors of the Federal Reserve System)" after "on January 7, 1995" each place it appears;

(B) by inserting ", or in which employees and retirees of the Board of Governors of the Federal Reserve System participate," after "Office of the Comptroller of the Currency or the Office of Thrift Supervision" each place it appears; and

(C) by inserting "(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or after January 5, 1997 (in the case of the Board of Governors of the Federal Reserve System)" after "January 8, 1995" each place it appears;

(4) in subsection (b)(1)(A), by striking "title;" and inserting "title or a retiree (as defined in subsection (e);"; and

(5) by adding at the end the following:

"(e) DEFINITION.—For purposes of this section, the term 'retiree' shall mean an individual who is receiving benefits under the Retirement Plan for Employees of the Federal Reserve System.".

SEC. 605. AMENDMENT TO PUBLIC LAW 104–134.

Paragraph (3) of section 3110(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–343) is amended to read as follows:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by sections 8432 and 8351 of title 5, United States Code, for those employees who elect to retain their coverage under the Civil Service Retirement System or the Federal Employees' Retirement System pursuant to paragraph (1).".

SEC. 606. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking "organization;" and inserting "organization and the Government-wide service benefit plan sponsored by an association of organizations described in this paragraph;".

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking "plan," and inserting "plan, underwritten by participating affiliates licensed in any number of States,".

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking "(m)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.".

SEC. 607. PAY FOR CERTAIN POSITIONS FORMERLY CLASSIFIED AT GS–18.

Notwithstanding any other provision of law, the rate of basic pay for positions that were classified at GS–18 of the General Schedule on the date of the enactment of the Federal Employees Pay Comparability Act of 1990 shall be set and maintained at the rate equal to the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

SEC. 608. REPEAL OF SECTION 1307 OF TITLE 5 OF THE UNITED STATES CODE.

(a) IN GENERAL.—Section 1307 of title 5, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 5, United States Code, is amended by repealing the item relating to section 1307.

SEC. 609. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. MICA].

The 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.

GENERAL LEAVE

Mr. MICA. 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. 3841.

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

There was no objection.

L. CLURE MORTON UNITED STATES POST OFFICE AND COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 1931) to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, TN, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse."

The Clerk read the title of the Senate bill.

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

Mr. TRAFICANT. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST] to explain the bill.

□ 1830

Mr. GILCHREST. I thank the gentleman for yielding.

Mr. Speaker, S. 1931 is a bill which would designate the United States Post Office and Courthouse in Cookeville, TN as the L. Clure Morton United States Post Office and Courthouse.

Judge Morton was appointed to the U.S. District Court by President Richard M. Nixon, on July 15, 1977.

He was elevated to Chief Judge and took Senior status on July 31, 1984. As a District Judge, Judge Morton was known as exacting but fair, delivering decisions based upon the letter of the law rather than strong public sentiment.

In 1971, Judge Morton rendered a decision ordering the massive crosstown busing of students in Nashville in order to desegregate the public school system. Among Judge Morton's other notable decisions were those that led to sweeping reforms in Tennessee's prison, welfare and mental health systems.

Judge Morton retired from the bench this past August. He has been a dutiful public servant for over 25 years; this bill is a fitting tribute to an accomplished jurist.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member on our committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation to designate the U.S. Post Office and Courthouse in Cookeville, TN in honor of Judge Morton.

Mr. Speaker, S. 1931 would designate the U.S. Post Office and Courthouse in Cookeville. TN in honor of Judge L. Clure Morton. This bill has full bipartisan support in the House of Representatives.

Judge L. Clure Morton graduated from the University of Tennessee Law School and practiced law in the private sector for 33 years. His judicial career began in 1970 when he was appointed to the Federal bench as District Court Judge in Nashville. In 1977 he was elevated to Senior Judge, and in 1984 Judge Morton took senior status.

Judge Morton has decided to retire after 26 years of exemplary public service. He will be fondly remembered as a man of fairness, insight, and scholarly reasoning.

It is fitting and proper to honor the outstanding career and civic contributions of Judge L. Clure Morton by designating the Federal buildings in Cookeville, TN as the "L. Clure Morton Post Office and Courthouse."

I support S. 1931 and urge its passage.

Mr. TRAFICANT. Mr. Speaker, Judge Morton has served the citizens of Tennessee for 26 years, beginning his career in 1970 with an appointment to the Federal bench.

Judge Morton is known for his fairness, judicial innovation and courtroom demeanor. He has tackled such controversial issues as school integration, welfare, mental health, and prison reform. He is honored and respected by not only the Tennessee community at large but also his judicial peers and colleagues. This designation is a fitting tribute to Judge L. Clure Morton. I support the legislation and urge its passage.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1931

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

SECTION 1. DESIGNATION OF L. CLURE MORTON UNITED STATES POST OFFICE AND COURTHOUSE.

The United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office and Courthouse building referred to in section 1 shall be deemed to be a reference to the "L. Clure Morton United States Post Office and Courthouse".

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

GENERAL LEAVE

Mr. GILCHREST. 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 S. 1931.

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

There was no objection.

TED WEISS UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4042) to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse."

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman from Maryland [Mr. GILCHREST] for an explanation of the legislation.

Mr. GILCHREST. I thank the gentleman from Ohio for yielding.

Mr. Speaker, H.R. 4042 is a bill which would designate the United States Courthouse in New York City as the Ted Weiss United States Courthouse. Ted Weiss was born in Gava, Hungary in September 1927. He and his family fled Eastern Europe to escape Nazi persecution on the last passenger ship to leave Hamburg, Germany during the course of World War II, arriving in the United States in 1938.

In 1961, Ted Weiss was elected to the New York City Council where he was influential in writing the city's gun control laws and environmental measures. After 15 years of service as a councilman, he was elected to the United States House of Representatives in 1976.

As a colleague of so many in this body, Ted Weiss is remembered as a thoughtful advocate of all that he believed. Though one may not have always agreed with his position, one could always respect the force of his convictions. Unfortunately, Ted passed away on September 4, 1992.

The naming of this courthouse in his honor is a fitting tribute to a distinguished colleague.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I consider it a great privilege to be a cosponsor of this legislation to name the new courthouse in Foley Square, NY, for our former colleague, Ted Weiss. It was a great privilege to serve with Ted Weiss, who escaped with his family just at the leading edge of the Nazi persecutions in Hungary.

He grew up as a young lad in New York City and fulfilled the immigrant

dream of being elected to the highest office in the land, the United States Congress, the U.S. House of Representatives, where here his wisdom, his understanding, his memories brought justice to this body, brought justice to the issues of human rights, of civil rights, and to support for the oppressed at home and the oppressed abroad, a person who was always filled with justice and peace, of understanding and honor for others.

His legacy will be one of deep sensitivity to the broadest of all human needs, and his name on this courthouse, I hope, will serve as an inspiration to all who enter it, to honor his name by deliberating in that place with the same spirit of fairness, justice, wisdom, understanding, and love of others that Ted Weiss demonstrated in this body.

Mr. Speaker, I rise in support of H.R. 4042, a bill to designate the new courthouse in Foley Square, New York as the Ted Weiss United States Courthouse.

Ted Weiss was an active, vibrant, thoughtful member of the House of Representatives. He brought to our attention, indeed to the attention of our Nation, the need for an increase in funding for AIDS research long before the word epidemic was used.

He was a leader in addressing the needs of the homeless and in devising an appropriate role for the Federal Government in solving this problem.

Ted Weiss created a legacy of devotion and commitment to issues such as social and economic justice, environmental protection, and peacetime conversion of defense industries.

Ted Weiss will be remembered as a brilliant, caring, conscientious public servant who cared deeply for people and worked tirelessly to bring society closer together. I urge support for H.R. 4042.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. NADLER], the dynamic young sponsor of this legislation.

Mr. NADLER. Mr. Speaker, as the sponsor of this bill, I would like to begin by thanking Chairman GILCHREST and the gentleman from Ohio, Mr. TRAFICANT, the ranking member, as well as Chairman SHUSTER and ranking member JIM OBERSTAR for their support of this legislation which names the new Federal courthouse in New York City after our late colleague, Ted Weiss.

Mr. Speaker, I knew Ted Weiss for almost 30 years. I knew him to be a compassionate, dedicated, hardworking, and loving man. Ted was born in Hungary in September 1927. At the age of 10, he and his family fled the Nazi tyranny and left for the United States on the last passenger ship out of Hamburg, Germany, before World War II, arriving here in March 1938.

Ted went on to earn his undergraduate and law degrees, both in 4½ years, at Syracuse University. After serving in the United States Army, he served as an assistant district attorney in Manhattan for 4 years.

In 1961, Ted was elected to the New York City Council, where he was instrumental in supporting gun control legislation, the first environmental laws in New York City, and the first noise control laws in New York City. He was known as the conscience of the city council. He began there a lifetime of public service that was marked by compassion and principle.

As a constituent and a friend of Ted's, I knew firsthand how tirelessly he worked to bring issues important to the people whom he served to the forefront of public debate.

Ted Weiss was one of the first elected officials in the Nation to focus attention on the need to increase funding for AIDS research before the epidemic dominated discussion nationwide and worldwide. He was a strong supporter of human rights throughout the world and here at home. He received the Vietnam Veterans of America's highest award 2 years in a row for his work on behalf of America's veterans.

Ted was not afraid to stand up for his convictions and make sure we understood why he held them so dear to his heart. We will be honoring Ted by naming this courthouse after him. I believe this suits the man who fought so hard to create a more just world. By adopting this legislation, this House will honor the memory of a friend and colleague who was respected by all who knew him, who was loved by many of us, and who brought prestige and honor to this institution.

Mr. Speaker, I rise in strong support of this bill. I again thank the chairman, the ranking members and the other Members of this body for supporting it.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the ranking member for yielding.

Mr. Speaker, I consider it a great privilege to rise in support of this resolution and commend the chairman of the committee and the ranking member as well as the author of the resolution for bringing it to the floor tonight, because in honoring Ted Weiss by naming this courthouse in his honor, we bring honor to the House of Representatives.

Anyone who served in this House with Ted Weiss knows that on a daily basis he brought dignity to his service here and as he challenged the conscience of our country. Many of us were close friends of Ted's and had a regular dinner group, and so we miss him not only as a colleague but as a precious and dear friend.

I had the special privilege of speaking at Ted's service. It was a shock to us when Ted passed away. So it was remarkable to see that in 2 days, it was actually the day after the primary election in New York, and all of the New York politicos were out in full force to see this funeral, the cross section, the rich, the poor, in a synagogue in midtown Manhattan.

Harry Belafonte spoke and sang. Have you ever been in a temple where they sing "Amazing Grace"? This was Ted Weiss, he was ecumenical, and he had a sense of humor. His beautiful sons spoke so lovingly of their father, and his loving wife, Sonny Weiss, helped us all through our grief.

But why I mention his service was, I remember the lasting impression on me was that, there was Ted Weiss, this champion of the First Amendment, this super-patriot of defending our Constitution every single day of his public service, and especially in the Congress of the United States, there he was, wrapped in the flag, and I thought, how appropriate. I cannot think of anyone who deserves more to be wrapped in the flag for his defense of the Constitution and his great patriotism.

The gentleman from New York [Mr. NADLER] mentioned that the Weiss family came here March 5, 1938. Many of us were in service here in the House on March 5, 1988, and will never forget how he rose that day to speak with great pride of his family coming to America 50 years before, that was obviously the 50-year anniversary, and how lovingly and how proudly he spoke of what America meant to the Weiss family and to this little boy fleeing tyranny and coming to America. Maybe perhaps more than some of us who have never had to flee tyranny, he appreciated what America means to the world and to its citizens and, as I say, deserved as much as anyone I can think of to be draped in the American flag.

And so in that spirit, I again, with the greatest appreciation, commend all of those who have taken part in bringing this resolution to the floor. As I said before, in honoring Ted Weiss, we honor this House of Representatives.

Mr. TRAFICANT. Mr. Speaker, Ted Weiss was a friend and colleague of mine as well. It was an honor just to have known him and to have served with him, and everybody who did remembers him and appreciates his presence, what he stood for. He was an acknowledged champion of human rights. His commitment to fairness and justice and peace set a standard for anybody who rubbed shoulders with him here in the House of Representatives and during his service on the city council of New York. Ted Weiss is fondly remembered as a man of gentleness and grace who represented the best in public service that was there to be offered. It is absolutely fitting and proper to honor Ted Weiss's civic contributions by designating the new courthouse in New York City as the Ted Weiss United States Courthouse.

Mr. Speaker, I want to join with the gentleman from New York [Mr. NADLER] and all of those who have spoken on behalf of this legislation.

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

Mr. TRAFICANT. Further reserving the right to object, I yield to the gentleman from New York.

Mr. ENGEL. I thank my friend from Ohio for yielding.

Mr. Speaker, I just would not feel right if I did not add my words of praise to our late colleague, Ted Weiss, and just to state how happy I am that we are naming this courthouse in New York City in Foley Square after Ted Weiss.

I had the honor and privilege of knowing Ted for about 25 years, when he was a member of the New York City Council and I was a member of the New York State Assembly and we worked together many, many times on many, many projects.

Of course with his colleagues here in the U.S. House of Representatives, I worked very closely with Ted on the Committee on Foreign Affairs and on many different pieces of legislation.

When you look and you think back on a career, and I know it has been stated by my colleagues, there is no one who was more decent, more caring, than Ted Weiss. He was not afraid to take unpopular stands. He did not care if there was a bill which 434 colleagues voted for. If he felt strongly against it, he got up and said so and voted his conscience each and every time. I think that all of us always respected him both on this side of the aisle and the other side of the aisle even when they disagreed with him.

He was a very gentle person, he was a person who really cared about the district he represented. With reapportionment, I represent a portion of the Bronx called Riverdale which Ted had represented under the old lines, and I know the people in my district, in Riverdale, felt very, very close to Ted Weiss and felt that he had provided them with excellent representation throughout the years. I remember at his funeral, which was in Manhattan, hundreds and hundreds and hundreds of people were there. It was so packed that you could not even get into the funeral.

□ 1845

Person after person eulogized him and all said the same thing. The word "decent" kept coming up. The words "really caring about people" kept coming up.

The is how I will always remember Ted, as a good friend, someone who truly served his constitutes, someone who loved this country, and someone who cared about people.

So I want to commend my colleagues for this bill. It is fitting tribute to Ted Weiss. When I go to Manhattan and to the courthouse, as I know I will on occasion, I will always think of, at Foley Square, my good friend Ted Weiss. I am just delighted to be a part of this and to pay tribute to a wonderful, wonderful guy.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4042

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

SECTION 1. DESIGNATION.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the "Ted Weiss United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 2 shall be deemed to be a reference to the "Ted Weiss United States Courthouse".

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.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the House Intelligence Committee effective today.

I appreciate the opportunity to serve on the committee beyond my allotted time. Your efforts to accommodate my many international assignments have been most helpful.

I look forward to serving on the committee in the future.

Sincerely,

BILL RICHARDSON,
Chief Deputy Whip.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentlewoman from California [Ms. HARMAN] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentlewoman from California [Ms. PELOSI].

There was no objection.

GENERAL LEAVE

Mr. GILCHREST. 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. 4042.

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

There was no objection.

WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4119) to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the "William Augustus Bootle Federal Building and U.S. Courthouse."

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST] for an explanation of the legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 4119 is a bill which would designate the U.S. courthouse in Macon, GA as the William Augustus Bootle Federal Building and U.S. Courthouse.

He was appointed to the U.S. district court by President Dwight D. Eisenhower on May 20, 1954. Judge Bootle presided as district judge and acted as chief judge handling all six divisions of the court in six different courthouses, in 71 counties of Georgia.

In his time on the bench, Judge Bootle was highly regarded by lawyers throughout the district for his keen intellect and warm sense of humor, he is, perhaps, most widely recognized for his decision in 1961 ordering the admittance of two African-American students to the University of Georgia. This decision led to the desegregation of Georgia's public school system.

The naming of a courthouse in Judge Bootle's honor is a fitting tribute to a distinguished jurist. I support this bill and urge my colleagues' support.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I rise in support for H.R. 4119, a bill to designate the Federal building and United States Courthouse in Macon, GA, as the William Augustus Bootle Federal Building and United States Courthouse.

Judge Bootle has been serving the citizens of Georgia since 1928 when he was appointed Assistant U.S. Attorney for the Middle District of Georgia.

He has been very active in the community, serving for many years as a Trustee for Mercer University. Judge Bootle is known for his fairness and judicial scholarship. This bill deserves our support and I urge its adoption.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the distinguished author of the bill, the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I appreciate both my colleagues from Ohio and Maryland for moving this bill along as quickly as they did.

Mr. Speaker, I rise in strong support of H.R. 4119. Judge William Augustus Bootle was born in Walterboro, SC, on August 19, 1902. He is a graduate of Mercer University undergraduate school, as well as Mercer University Law School. Mercer University is located in Macon, GA, and happens to be the university where my son, Bo, is currently in his second year of undergraduate work.

Judge Bootle is married to the former Virginia Childs. They have three children, Dr. William Augustus Bootle, Jr., Dr. James C. Bootle, and Mrs. Ann B. Hall.

Judge Bootle was admitted to the bar of the State of Georgia in 1925. He was appointed Assistant U.S. Attorney to the Middle District of Georgia and served from 1928 to 1929. He was appointed U.S. Attorney for the Middle District of Georgia and served from 1929 until 1933. He then entered the active practice of law in Macon, GA.

As the gentleman from Maryland [Mr. GILCHREST] said, in 1954, which happened to be 16 days after the U.S. Supreme Court ruling regarding the desegregation of public schools in this country, Judge Bootle was appointed to the bench as the Judge for the Middle District of Georgia.

I asked a couple of Judge Bootle's friends to tell me a little bit about him and make a couple of comments regarding the naming of this courthouse after Judge Bootle, and the Honorable Duross Fitzpatrick, who is currently United States District Judge for the Middle District of Georgia, and Mr. Manley Brown, who is a mutual friend practicing law in Macon, GA, sent me these comments.

They said when Judge Bootle was appointed to the court in 1954, the chief Judge was ill and remained so for an extended period of time, and therefore, until 1962, when another Judge was subsequently appointed, Judge Bootle handled all six divisions of the Middle District of Georgia. That included the Athens Division, the Macon Division, the Columbus Division, the Americus Division, the Albany Division, and the Valdosta Division. Those six courthouses covered 71 counties in Georgia.

They say he is a very modest man, who has always shunned publicity and who always said "I didn't do anything but what I was paid to do."

Judge Fitzpatrick and Manley Brown refer to Judge Bootle as a lawyer's lawyer and a judge's judge. He was highly respected by lawyers throughout the district for his keen intellect, wonderful sense of humor, and utter fairness. He had no favorites at the bar.

In 1935 he argued and won a case before the U.S. Supreme Court. He is a great story teller, who naturally attracts all those around him. He is a very optimistic person and an avid skeet shooter for most of his life.

He developed a cataract in his right eye in the late eighties, and he had an operation on that eye, so it forced him to learn to shoot left handed. On this 90th birthday, Judge Bootle went out and shot skeet, and hit 25 out of 25 clay pigeons.

Two very important decisions that Judge Bootle made that made his mark in history occurred in Athens, GA. He presided at a trial in Athens in 1964 of several members of the Ku Klux Klan who were convicted of following a black Army colonel through town and shooting him point blank as he crossed over the Broad River Bridge in a rural area. This was a high profile case and Judge Bootle was given high marks for the manner in which he handled it.

I quote from a book titled "Atlanta Rising" which deals with a lot of history that took place in the Atlanta area during the years of the civil rights era.

There were two black applicants to the University of Georgia, Charlayne Hunter and Hamilton Holmes, who were denied admittance. They filed suit in the Middle District of Georgia, and, quoting from this book, I read as follows:

> Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in 6 months or a year, but bright and early the next Monday morning.

I also called my good friend and former law partner, Lamar Moore, a very distinguished lawyer in Moultrie, GA, and told him we were doing this, and I said, "Give me a comment about Judge Bootle,"

Lamar said:

> Judge Gus Bootle refereed a lot of battles between my clients and the government, mainly the Treasury and the Labor Departments, and I found his calls to be good and all penalties just, particularly those against the Government. Trying a case before Judge Bootle was always a pleasure, and I had been amazed how he recalls the details of amusing incidents after so many years. Put him back on the bench.

Judge Bootle loved the law and legal profession. I would like to quote from a speech which Judge Bootle gave in April of 1995, which I think sums up his philosophy very well.

> As I see it, everything that is well organized is beautiful. Everything that functions well is beautiful. All harmony and proportion are beautiful, and so is every success and pursuit of a noble objective. By these exacting standards, law qualifies.

Judge Bootle, I commend you on the many years of public service you gave to this country, and Mr. Speaker, it is very appropriate that we honor Judge Bootle in this way. I ask my colleagues to support the passage of this bill.

Mr. TRAFICANT. Mr. Speaker, Judge Bootle has served as a mentor for many junior colleagues and associates. He is well-known for his scholarly approach and courtly demeanor. It is fitting and proper to honor the career and contributions of Judge Bootle by this designation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4119

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, shall be known and designated as the "William Augustus Bootle Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document paper, or the record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William Augustus Bootle Federal Building and United States Courthouse".

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.

GENERAL LEAVE

Mr. GILCHREST. 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. 4119.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR SINE DIE ADJOURNMENT OF 104TH CONGRESS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report

(Rept. No. 104–855) on the resolution (H. Res. 546) providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die, which was referred to the House Calendar and ordered to be printed.

CARL B. STOKES UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4133) to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse."

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST], the distinguished chairman of the subcommittee, to explain the bill.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 4133 is a bill which would designate the United States Courthouse in Cleveland, Ohio as the Carl B. Stokes United States Courthouse.

In 1962, Carl Stokes began a life devoted to public service upon his election to the Ohio General Assembly. Five years later, Carl Stokes broke new ground when he won Cleveland's mayoral race becoming the first African-American to be elected the mayor of a major city.

Deciding not to seek reelection in 1971, Carl Stokes entered the field of journalism with WNBC–TV in New York City. For his work at WNBC, he received an Emmy Award.

In 1983, Carl Stokes returned to Cleveland where he won election to Cleveland's municipal court. Within weeks, he was elected both presiding and administrative judge.

After serving on the bench for 10 years, Carl Stokes assumed the position of chief statesman when in 1994 President Clinton appointed him the Ambassador to the African Island Republic of Seychelles. In this position, he advised emerging African nations on the establishment of a democratic form of government and lobbied the administration in support of the African Continent.

Carl Stokes passed away on April 3, 1996. This is a fitting tribute to a man who dedicate so much of his life to public service. I support this bill and urge my colleague's support.

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman of the subcommittee for considering this legislation and bringing it so expeditiously to the floor, and to the gentleman from Ohio for supporting the legislation for a fellow Ohioan.

Carl Stokes is more than a fellow Ohioan. He is more than an American citizen. He was a pioneer in his time, one of the very first handful of African-Americans to be elected mayor, and mayor of a large city. At the time I think there were only four.

As I recall, Mayor Hatcher was elected the same day, received somewhat greater public attention than did Carl Stokes, but Mayor Stokes came in at a time when Cleveland was experiencing severe economic difficulties, racial strife, social unrest, and he brought calm and restored economic progress and focus in the community, brought a great leadership quality to his service as mayor.

Following his leadership, more than 350 African-Americans are now mayors of American cities. He led the way. He showed them that it could be done.

He was a journalist, a political commentator, a television anchorman and Emmy Award winner, a devoted family man. I had the privilege of meeting him but once. That once, the hour I spent with him and a group of other mayors, was enough to make a lasting impression of a person really dedicated to community service, to his fellow human beings, and to the vision of a greater city, the city being the crossroads of civilization, and he made his City of Cleveland that very crossroads and launched the city on a great comeback.

□ 1900

It is very fitting that we designate the Carl B. Stokes United States Courthouse. We do his memory great justice and honor, and we expect that those who enter that courthouse will live up to that memory.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE], an outstanding new Member.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Ohio, Mr. TRAFICANT, for yielding me this time, and I want to also thank the gentleman from Maryland, Chairman GILCHREST, for moving this legislation so that we can complete it before we complete our work here in this session of Congress.

Mr. Speaker, in April of this year Ambassador Carl B. Stokes died of cancer. Those of us in Washington may know Carl Stokes because he was the younger brother of one of our colleagues, U.S. Representative Louis R. Stokes. For many other Americans, however, Carl B. Stokes was a trailblazer who became the first black mayor of a major metropolitan U.S. city and paved the way for so many other African-Americans to seek public office.

Carl B. Stokes grew up in the ghetto in Cleveland, but never let his surroundings hold him back. In fact,he made it his life's devotion to make a difference in the lives of others and to help others aspire to the greatness lurking within them. In 1962, Carl B. Stokes became the first black Democrat to be elected to the Ohio House of Representatives, winning a seat in Cuyahoga County, which at that time was only 14 percent black. Three years later, he made a bid for mayor of his hometown, Cleveland. He ran as an independent in the 1965 race and narrowly lost to the Democratic incumbent. The loss would have deterred many, but it served as motivation to Carl B. Stokes.

In 1967, Carl B. Stokes returned to the fray and beat the city's mayor in the Democratic primary by 20,000 votes. Carl B. Stokes, who was raised by a single, widowed mother in one of the country's first public housing complexes for the poor, then faced a member of one of Ohio's and this country's most notable political families—the Tafts. That November, Carl B. Stokes, the great-grandson of a slave, defeated Seth Taft, the grandson of President William Howard Taft.

At that time, less than 40 percent of Cleveland's population was black. Dr. Martin Luther King, Jr., said of this historic election, "Once again American voters have successfully hurdled the barrier of race." Meanwhile, at his election-night victory party, Carl B. Stokes said until that very moment he had never known the full meaning of the words "God Bless America."

Carl B. Stokes served two terms as mayor of Cleveland, and became the first black to head the National League of Cities in his second term. He left Cleveland to face other challenges, and wound up in New York City, where he became that city's first black television anchorman.

Carl B. Stokes returned to his hometown in the 1980's, and later was elected a Cleveland Municipal Court Judge, serving from 1983 to 1994. In 1994, President Clinton appointed Carl B. Stokes as ambassador of the Seychelles Islands in the Indian Ocean. He served in that post until a year ago June when he was diagnosed with cancer of the esophagus.

At his funeral, Carl B. Stokes was remembered with great fondness and admiration. The Reverend Jesse Jackson delivered the eulogy, calling Carl B. Stokes a "dream maker, an odds buster," and noting that he never internalized "ghetto limitations." President Clinton, meanwhile, praised Carl B. Stokes' "legacy of public service that continues to inspire us all."

Of course, few were able to capture the essence of magic of Carl B. Stokes more than his brother, LOU, who described his brother's life this way:

A life that has been a series of firsts for African-Americans. A life that opened up doors and opportunities and raised the aspirations of African-Americans everywhere. He wrote a different American story. He wrote the poor American black boy's story. He didn't rise from rags to riches. He went from poverty to power. And he used that power to help people.

In Cleveland, OH, Carl B. Stokes is revered. Cleveland will never forget his contributions as Mayor Stokes, Judge Stokes, and Ambassador Stokes. He served his city and his country with dignity and purpose. It is now left up to his very capable brother, LOU, to continue the Stokes' family legacy of service to others.

It is only fitting that an important piece of the Cleveland architectural and political landscape be memorialized in his name. It is for that reason that I have proposed naming the new Federal courthouse at Huron and Superior roads in Cleveland the "Carl B. Stokes United States Courthouse."

Carl B. Stokes was a true visionary and one of Cleveland's most remarkable sons. He forever changed the face of urban governing, and left an indelible mark on his hometown and his country. Carl B. Stokes honored his city, and it is appropriate that his city honor him in return, making permanent his legacy in the "Carl B. Stokes United States Courthouse."

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentlewoman from Ohio [Ms. KAPTUR], one of Ohio's brightest stars.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to join my colleagues in strong support of this measure designating the Carl B. Stokes Courthouse in the great city of Cleveland.

As a young girl growing up in Ohio, it was rather interesting to me to first learn of Carl Stokes through television from a city 2½ hours east of Toledo, and to frame a lot of my own views of America through what we learned from him.

Without a doubt, his successes as an elected official helped shape the views not just of the Buckeyes of Ohio but, in fact, of all of America because what he did was, in fact, so precedent setting.

Looking back, for this generation of Americans now growing up, on his life, it may seem all so simple and it may seem as if all the pieces just fit into place. But having watched those times and lived through those times, his ability to retain composure under enormous pressures from those who probably did not understand what he was trying to accomplish, and trying to maintain a demeanor that would continue to build bridges across differences and points of view, and then looking at where he went with what he had makes him such a renaissance man to me.

It is interesting to me not just where he went but where he came from. I know in this Chamber joining us tonight is his very distinguished brother, also of Cleveland, Congressman LOU STOKES. I remember once going on a trip with LOU through Cleveland where he showed us where they grew up. To see that and then to understand the family, two brothers, a very devoted mother, understanding where they came form and how far they have gone and how they have influenced the mindset of a Nation is truly, truly profound.

So in helping to honor the mother and the family and certainly Carl Stokes in the naming of this courthouse, I lend my support to this measure to a man who was not just a mayor and not just a judge and not just an attorney's attorney, and not just an ambassador, but a true leader for us all.

Those of us from the Buckeye State are very, very proud of Carl B. Stokes, very proud of the Stokes family and how they helped lead America into a new day.

I thank the gentleman very much for yielding me the time and again lend my strong support to this very necessary measure.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Ohio [Mr. BROWN], another fine young legislator.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio and add my support for naming the Cleveland courthouse after my friend Carl Stokes.

When I was, I believe, a teenager either in high school or perhaps college, I read "Promises of Power," the story of Carl Stokes and how he overcame adversity and made so much of himself. He was elected to the State legislature and then moved on to become mayor of one of the great cities of this country.

I never had the honor of knowing Carl Stokes when he was mayor. I got to know Carl Stokes after he became a judge and knew him obviously as Judge Stokes and saw the great kind of public service that he gave to northeast Ohio, to his city of Cleveland.

Carl was elected mayor before his older brother, LOU, I believe, ever ran for anything. One of the highlights of this year for me was actually going to Carl Stokes' funeral, which was not a mournful time; it was a time of celebration in a lot of ways.

I remember that LOU, and older brother, stood up at Carl's funeral and he said, and for those who knew Carl Stokes and those who know LOU, they know that Carl was very outgoing and very colorful and very outspoken and sometimes got a little carried away, and LOU is much more reserved. LOU is every bit as smart, but much more reserved and much quieter and lends his leadership in a different sort of way. I remember the highlight of the funeral probably was when LOU stood at the podium, and he looked up and he said Carl never really understood what it was like to be a younger brother.

Again, one had to know both LOU and Carl to understand that. But while Carl was great in his way, of the kind of charismatic leadership that the time demanded, it was Carl, the younger brother, who always looked to LOU, the older brother, I think in quieter times. I do not think Carl would ever have admitted that in public, but the leadership they have both shown and given to this country is remarkable.

I am pleased to lend my name and support to this resolution and to honor Carl Stokes for the work he did for Cleveland and the work he did nationally for this country and for our communities.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Ohio [Mr. SAWYER], a distinguished leader from our State.

Mr. SAWYER. Mr. Speaker, I rise with enormous gratitude to all of our colleagues who have made it possible for this resolution to come before us this evening.

There are certain people that a person comes across in their life who not only effect change in the era in which they live and work but have touched other people's lives in such a way that their work lives on long after them. Carl Stokes is precisely such a man.

In the middle of the 1960's, during a time of tension and some discord in America's cities, Carl Stokes came to a kind of leadership that not only was a matter of managing a city, of helping to give direction at a time of disruption but, more than that, gave hope to an entire generation of young emerging adults.

Nearly 30 years ago I was teaching in a school not far from where LOU and Carl Stokes grew up. My 7th, 8th, and 9th graders came to school prepared to learn. Central Junior High School at that time was a place known as the Harvard of the east side. It was a place where kids had parental support or grandparental support. But whatever they did, they knew their parents expected them to learn.

As difficult as the situation may have been, it was an extraordinary opportunity both to teach, for me, and for them to learn, and perhaps for me to learn as well. The fact is that Carl Stokes stood as a model to an entire generation whose example gave them hope, inspiration and expectation that they could succeed in ways that their predecessors never had.

That kind of ability to effect leadership stretches far beyond the business of balancing budgets or producing a police force or making sure the fire is

kept put out or paving the streets and the sidewalks. It really is a matter of leadership. Carl Stokes was precisely such a man.

And 25, perhaps not 25, 15 years later, when I was running for mayor of my city, Carl Stokes appeared at a dinner at which he was a guest, not a speaker at all. He noticed me from the audience and asked me to stand and held out a standard of what it means to be a mayor that can only be offered by someone who has walked the walk and lived the challenge that that entails.

That is what Carl Stokes was at every point in his life, a man who confronted the difficult and provided real opportunity and hope for others.

Far more than those several thousand kids that I taught during the time when I was at Central, he moved an entire generation. The work they do not only today in Cleveland, OH, but as they have moved throughout the Nation, is in some way affected by the quality of leadership that he gave. That is the kind of life that lives on in those who he has touched, far more in number than he ever knew but far more lasting than most of us can ever hope for.

In that sense what we do here today in recognizing him through the naming of this courthouse really represents an opportunity to have that story told over and over again to people for whom it will continue to have meaning for generations to come.

I thank the gentleman for this opportunity.

□ 1915

Mr. TRAFICANT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio, Mr. LOU STOKES, one of America's great legislators and leaders, the dean of the Ohio delegation we are so proud of and the brother of Carl Stokes.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio [Mr. TRAFICANT], for yielding to me. I will just take a moment or two.

First, I want to thank Mr. GILCHREST, the chairman of the committee, for bringing this resolution to the floor naming the new Federal building in Cleveland after my late brother Ambassador Carl B. Stokes. Second, I want to thank Mr. TRAFICANT, the ranking member of the committee, for his actions in making this resolution possible today and for the actions that he has taken to bring it forth to the floor.

I also want to thank my good friend and colleague from Cleveland, OH, Mr. LATOURETTE, the sponsor of this legislation, and all of those who joined as cosponsors of the legislation, along with all of my colleagues who have taken time out of their busy schedules to eulogize my brother in the very elegant and eloquent manner in which he has been eulogized from this floor today.

I shall not endeavor in any respect to add to those eulogies. I think that the individuals who have spoken here today have certainly been far more eloquent than I. Suffice it to say that I want to express to each and every one of you my personal and heartfelt appreciation and for the honor that you have given not only the memory and legacy of my brother Carl but also the honor you pay the Stokes family and what we have tried to represent in terms of our careers.

Carl and I were both fortunate enough to have a mother who believed fervently in this country, and though she was a woman who was relegated to poverty and who herself only had an 8th grade education, she had great faith in this country and she had great faith that given an education, her two boys could become whoever they wanted to be in this country. Of course, in her wildest dreams she never anticipated that either one of us would do more than acquire the dream she had, and that dream was that we would both acquire high school diplomas.

That was her dream. She knew she could never send these two boys to college because of her poverty-stricken condition, a mother who was a domestic worker, one who was also on welfare. But she thought if she could just get that diploma, that these two boys could be somebody. Those were the words she preached to us all the time: Be somebody, get an education, get something in your head so you do not have to work with your hands the way I worked with my hands all of my life.

Carl, who was a dropout from high school, later came out of the service and saw that I had gone to college and he, too, followed me then to take advantage of the GI bill. Of course the rest is history. Carl loved this country. He loved the opportunity that he was given in this country, in spite of circumstances of birth, to become the outstanding person that he was in his lifetime. So I thank you for recognizing his contributions during the course of his life and express my heartfelt appreciation to all of you for the honors you have paid the Stokes family.

Mr. TRAFICANT. Mr. Speaker, continuing my reservation of objection, being from Youngstown, OH, some 65 miles away, I remember that race for mayor. I believe that mayor's race is one of the most significant political events in our Nation's history.

People in Youngstown, OH went to Cleveland and helped to campaign, not just black people, white people as well. The Stokes family has been known for fairness. Color has never had anything to do with it. I once was on trail for my life, literally, and I was acquitted. I got a little note in the mail from Carl Stokes. He said, "Congratulations. Go to law school." That is all he said.

It was evident that he was not only a good politician but he followed current events and he became one of the strongest political forces in Ohio history, perhaps only surpassed by his very humble brother here. But I would just like to say that when he was elected, he was not just elected. He defeated, as Mr. LATOURETTE has said, the grandson of a U.S. President, Seth Taft, and that let all minorities in America know that the system can work, that you have to work at it. There was history made in Cleveland, great history that we are all proud of.

As a result, we are all here tonight because we are proud of the designation of this courthouse being named after our great former Mayor Carl B. Stokes.

Mr. TRAFICANT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I would like to say to the gentleman from Ohio [Mr. STOKES], his eloquence is evident as a result of the love and friendship he has for his brother and his mother.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4133

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

SECTION 1. DESIGNATION.

The United States courthouse to be constructed at the corner of superior and Huron Roads, in Cleveland, Ohio, shall be known and designated as the "Carl B. Stokes United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Carl B. Stokes United States Courthouse".

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.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4133.

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

There was no objection.

VACATING THIRD READING AND PASSAGE OF H.R. 3576, ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the proceedings of Thursday, September 26, 1996, whereby the bill (H.R. 3576) to designate the United States courthouse located at 401 South Michigan Street in South Bend, IN, as the "Robert Kurtz Rodibaugh United States Courthouse," was read a third time and passed, be vacated and I ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Without objection, the third reading and passage of H.R. 3576 of yesterday are vacated.

There was no objection.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, there were some technical changes. We have no objection. We hope that everyone supports the bill.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

The Clerk read as follows:

The Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

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

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

There was no objection.

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.

The title was amended so as to read: "A bill to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the 'Robert K. Rodibaugh United States Bankruptcy Courthouse',".

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JR. MEMORIAL

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the joint resolution (H.J. Res. 70) authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentlewoman from Maryland [Mrs. MORELLA] to explain the bill.

Mrs. MORELLA. Mr. Speaker, I appreciate the opportunity to bring House Joint Resolution 70 to the House floor. This legislation would authorize the Alpha Phi Alpha Fraternity to establish a memorial to Dr. Martin Luther King, Jr. in the District of Columbia.

I particularly want to thank Subcommittee Chairman JIM HANSEN, Resources Committee Chairman DON YOUNG, and Ranking Minority Member GEORGE MILLER for their support and their assistance in moving this bill through the House.

As the sponsor of the resolution, I am enthusiastic about the memorial, and I am committed to seeing it built. I would like to recognize the other chief sponsor of this resolution, Congressman JULIAN DIXON, and the men of Alpha Phi Alpha Fraternity, in particularly George Sealy and Al Bailey, for their vision to create a memorial to one of our truly great Americans. This memorial will stand as a testament to the tireless efforts of these men of distinction and serve as an inspiration to residents of the area and visitors to our Nation's Capital.

No American has addressed the social and economic problems of our Nation as effectively as Dr. King. His principles of nonviolence are known throughout the world and have had a profound impact on our country. This doctrine earned him the Nobel Prize for Peace in 1964.

Alpha Phi Alpha, which Dr. King joined in 1952, is one of the oldest predominantly African-American fraternities in the Nation. Alpha Phi Alpha has 700 chapters in 42 States, and its members include some of the most prominent leaders and distinguished public officials within the United States. The fraternity wishes to honor Dr. King's remarkable role with a memorial in the Nation's Capital. The memorial will provide a tangible recognition that will assist in passing Dr. King's message from generation to generation.

The building of the memorial will be supported entirely through private contributions. House Joint Resolution 70 provides that no U.S. funds be used to pay for costs incurred for design, installation, construction or maintenance of the memorial. Rather, Alpha Phi Alpha will organize a nationwide design competition and lead private fundraising efforts to pay for all phases of the monument's establishment.

Mr. Speaker, a King memorial is long overdue. A King memorial would be a place of hope where all Americans ever after can contemplate King's words and deeds and act upon them.

My thanks also to Sandy Zimmet of my staff and all those who helped shepherd this bill to passage.

Mr. HINCHEY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I join with the distinguished gentlewoman from Maryland in this resolution. I particularly want to congratulate her for diligently pursuing what I think is a very, very important and historic resolution.

As she pointed out, this will not cost the Federal Government money. It is a program of the oldest African American fraternity in the country, the Alpha Phi Alpha Fraternity, of which Dr. King was a distinguished member, and I am proud to also be a member of.

It seems fitting that this fraternity now make the effort and a contribution to the Federal enclave by raising funds for a memorial to remind people of his nonviolent positions and the contributions he has made to the history of the United States.

Mr. Speaker, I rise today in support of House Joint Resolution 70, which authorizes the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. on Federal land in the District of Columbia.

No figure in American history has embodied more genuinely the spirit of unity and cooperation which is so desperately needed to address the social and economic problems faced by our Nation. Dr. King challenged us to envision a country, indeed a world, in which justice and peace prevail among all people.

Under the measure, Alpha Phi Alpha would be authorized to establish this memorial as a tangible recognition of Dr. King's remarkable role in the history of this country. The fraternity will be solely responsible for the financing of the King Memorial, with no Federal funds involved in its construction.

The monument would demonstrate our renewed commitment to ensuring equal justice for all Americans and improving the social and

economic conditions which have spawned hopelessness among millions of disenfranchised citizens.

It is time we have a memorial that will encourage visitors to our Nation's Capital to reflect upon Dr. King's contributions and I urge passage of this bill.

Mr. HINCHEY. Mr. Speaker, continuing my reservation of objection, I just want to express my appreciation on behalf of all those who will have the benefit of seeing this memorial once it is in place. I express my appreciation to the gentlewoman from Maryland for her initiation of this very worthy piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is thee objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 70

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) IN GENERAL.—The Alpha Phi Alpha Fraternity is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor Martin Luther King, Jr.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2. PAYMENT OF EXENSES.

The Alpha Phi Alpha Fraternity shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the estabishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The joint resolution 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.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the joint resolution just passed.

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

There was no objection.

TRIBUTE TO THE HON. WILLIAM CLINGER

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

Mr. HOUGHTON. Mr. Speaker, we are winding down the 104th Congress. Whether it is tonight or tomorrow or the night after tomorrow, we will be finished. But a very distinguished person will be leaving this Chamber.

I just wanted to say a word about him, a man called WILLIAM CLINGER from Warren, PA. He is the type of person that represents the finest this Chamber has to offer.

□ 1930

He is a thought-full man; not a thoughtful man, but a thought-full man, a man with a precise concept of the significant, somebody who is always there, always decent. You know we have got a lot of discordant sounds around here. People are unhappy with the lack of comity. It is not just words we say about bringing people together, it is example, and if there is one thing that will be left in our memory, my memory certainly, it is the example of WILLIAM CLINGER in terms of representing the decency and the concept and the verve of this place the way it should be played under any circumstance.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES ON SATURDAY, SEPTEMBER 28, 1996

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered on Saturday, September 28, 1996:

H.R. , concerning metric conversion (identical version reintroduced);

S. 1918, concerning normal trade relations;

H.R. 3219, concerning native American housing; and

H.R. 4088, concerning land conveyance.

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.

THIRTEEN INDICATORS THAT IT'S TIME TO LEAVE THE U.S. CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HANCOCK] is recognized for 5 minutes.

Mr. HANCOCK. Mr. Speaker, this probably is the last opportunity that I will ever have to speak on the House floor of the United States Congress. You know that is restricted to only Members of Congress, and we are going to be adjourning shortly, and I am not coming back next year. After 8 years of representing the voters in the seventh district in the U.S. Congress, I am voluntarily leaving.

I would like to take this opportunity specifically to thank the staff of the House floor that have extended me outstanding courtesy and also for their dedication to this great institution called the United States Congress.

I said 8 years ago I would only ask the voters to elect me for four terms, if they decided to do so, and even though the Republicans are now in the majority and I have had the opportunity to serve on what I think is the greatest committee in the United States Congress, the Committee on Ways and Means, I am still going to keep my word and go back to the private sector and my home in southwest Missouri.

Fewer than 12,000 people have ever served in the United States House of Representatives, and I am honored that the people of southwest Missouri trusted their vote to me over the past 8 years.

A few days ago, I sat down and made a list of 13 indicators that it is time to leave the United States Congress. Possibly some of my colleagues and some of the Members of Congress in the future might take note of the indicators of when it is time to leave the United States Congress:

No. 1, when the news media slants a story making you look good.

No. 2, when you start attending more funerals than weddings.

No. 3, when campaign contributors start asking you for money for their favorite charity.

No. 4, when Washington cab drivers seem to be speaking English.

No. 5, when airport attendants start offering you a wheelchair.

No. 6, when the debate on the House floor starts making sense.

No. 7, when handling a bill means something other than paying it.

No. 8, when you cannot remember whether it costs millions or billions.

No. 9, when your next-door neighbor back home asks your wife what you do for a living.

No. 10, when you start believing you can balance a budget by only spending 5 percent more of your income instead of 10 percent more.

No. 11, when the National Rifle Association notifies you it is time to renew your lifetime membership.

No. 12, when you ask your wife for unanimous consent to revise and extend your remarks and she objects.

No. 13, and this one is actually more serious than a lot of people realize, when your grandchildren start calling you Congressman instead of Grandpa.

It has been a great privilege to serve in the United States Congress, and I am going to go home and be grandpa to my nine grandchildren.

HONORING DR. JACK LEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. McDERMOTT] is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise to acknowledge the exceptional career of Dr. Jack Lein of the University of Washington. Dr. Lein will retire at the end of the year, concluding a record of service at the University that is without equal.

Over the course of more than 30 years, he has worked to enhance the University's medical and health sciences education and administration.

Although a professor of obstetrics and gynecology, Dr. Lein is perhaps best known for his singular success in bringing Federal attention, and Federal dollars to the University of Washington.

In so doing, he has helped to shape and to strengthen the university so significantly that it is nearly impossible to imagine that institution without his forceful presence.

A Spokane native, Jack Lein received a medical degree from the University of Washington in 1955. Nine years later, he joined the University as both a faculty member and an administrator, and began the work which would elevate the school's medical research and training programs to national renown.

Working with Senators Warren Magnuson and Henry Jackson and House Speaker Tom Foley, Jack guided a steady flow of Federal monies to the UW.

Thanks to his skill and tireless effort, the University of Washington today ranks first among all State universities in the country in receipt of Federal funds. Much of this support came through research grants from the National Institutes of Health.

Today, the University is widely known for its groundbreaking medical work in areas ranging from cancer research and treatment to fetal alcohol syndrome to burn treatment. None of these achievements would have been possible without Jack Lein.

His service to the citizens of Washington State is immeasurable, covering a spectrum of contributions that defies description.

Dr. Lein has served the university in a dizzying number of key positions. In addition to his faculty appointment, he was an assistant and then associate dean of the School of Medicine. He founded the School's Continuing Medical Education program and directed it for nearly 20 years.

He also was instrumental in developing regional medical education systems that have become national models. Under his aegis, the University's Schools of Medicine, Dentistry, Nursing, Pharmacy, Public Health, and Community Medicine have flourished, and today, University of Washington Health Sciences students enjoy an educational experience unique in the country.

In addition to these achievements, Jack also served as both State legislative liaison for Health Sciences and coordinator of Federal relations for the entire University.

My own relationship with Jack Lein spans many years and many endeavors. Among his multiple roles, Jack was a sort of concierge of the medical establishment.

He knows nearly every politician in Washington State, and whenever a legislator or other officeholder needed a medical referral, Jack was the oracle. And since he put this role to productive use, as he did all others, he really knew how to get you when you were down.

Jack will be long-remembered throughout the University community as a consummate tactician with an absolutely unrelenting sense of humor.

No matter how dire the situation, and many have been, Jack finds the humor in it. He is a delightful companion and a wonderful friend. I wish him a long and rewarding retirement, and hope that he will slow down enough to savor it.

The University of Washington is losing one its lions, but I know of no one who has contributed more to it than Jack Lein.

IF REELECTED, WILL THE PRESIDENT GRANT PARDONS TO THREE CONVICTED CRIMINALS: HIS FORMER BUSINESS PARTNERS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, this May, a Little Rock jury returned guilty verdicts on a total of 24 felony counts against President and Mrs. Clinton's business partners, James and Susan McDougal, and against his successor as Governor, Jim Guy Tucker.

Earlier this week, many of us watched with great surprise as the President, on the news hour with Jim Lehrer, in a televised national broadcast, refused to rule out the possibility of pardons for these three Whitewater convicted criminals if he is reelected.

□ 1945

Accordingly, Mr. Speaker, earlier this week I introduced a resolution that would declare that it is the sense of this House that President Clinton should specifically, categorically, and immediately disavow any intention to grant Presidential pardons for his former Whitewater business partners, or to former Governor Tucker.

By passing this resolution before we leave this House, we send the right signal to the country that in this country no one is above the law and that convicted criminals do not walk free by virtue of having friends in high places.

Mr. Speaker, the President's statement raising this issue on national TV was not the first time the President has held open the possibility of presidential pardons for Susan and James McDougal and for former Governor Tucker.

About a month ago, in a televised interview on CNN, the President offered to use his considerable fund-raising abilities to raise money for these Whitewater defendants and for other individuals who had incurred legal expenses in connection with the Whitewater probe.

He said that once he leaves office, whether that be in 1997 or 2001, he will dedicate himself to raising money on behalf of those whose activities are being investigated by the Whitewater independent counsel.

Not surprisingly, the President's comments have been interpreted by many as a veiled promise to those implicated, convicted or otherwise, that if they will stand with the President, if they will stand tough this fall, that they will receive a pardon.

The American people need to know, what is the President doing with promises of raising funds to pay their attorney's fees, and with indications that a pardon may be forthcoming. We are talking about an investigation that was started by the Whitewater independent counsel, who was appointed pursuant to the President's own Attorney General, Janet Reno.

Ms. Reno charged the independent counsel to investigate violations of criminal law relating in any way to James McDougal, President William Jefferson Clinton, or Mrs. Hillary Rodham Clinton's relationship with Madison Guaranty Savings, or Whitewater Development, or Capital Management.

The investigation has resulted in convictions. The investigation has shown that over $300,000 in taxpayers' money was stolen from the American people. This investigation has been at taxpayers' expense. For the President now to become directly involved and to hint that he may pardon those who directly benefit is nothing short of outrageous.

In conclusion, Mr. Speaker, the American people are entitled to an answer before this election occurs. All we are asking for is an answer. Bill Clinton should not, nor should anyone, dance around and waffle on this important question. We need an answer directly from Bill Clinton; not from Mike McCurry, but from Bill Clinton.

Mr. Speaker, I will read a statement of President Clinton, made when he was the Democratic candidate for Congress in Arkansas's Third District back in 1974, when President Ford pardoned Richard Nixon.

Back in 1974, when President Ford pardoned Richard Nixon, the Democratic candidate for Congress in Arkansas' 3rd District bitterly criticized the pardon, stating that it had "undermined respect for law and order, prejudiced pending trials, and dealt another blow to that vast body of law-abiding Americans, whose faith in equal justice under the law has been shaken." In the intervening 22 years since he issued that stern pronouncement condemning the Nixon pardon, Bill Clinton's view of presidential pardons has apparently "evolved." The President's refusal to rule out pardons for his personal friends and business associates found guilty on 24 felony counts by a jury of 12 Arkansas citizens is another example of the hypocrisy and "situational ethics" that we have come to expect from this administration. It is absolutely incumbent upon this President to assure the American people—before the November 5 election—that he will not abuse the presidential pardon authority to let the guilty go free.

Democratic Theme: All President Clinton has said is that pardon applications submitted by the McDougals or former Governor Tucker will be treated like any others would be, pursuant to procedures established by the Department of Justice for processing such applications. To categorically rule out pardons for the McDougals and Jim Guy Tucker at this time would be an injustice to them, denying them a right that other Americans have to petition the President for executive clemency.

One need look no further than the lead editorial in this morning's Washington Post for a rebuttal to the specious suggestion that the President should feel free to treat pardon requests by his convicted Whitewater business partners as he would any other request for clemency. The Post writes as follows:

These Whitewater cases are not like any other, because those seeking pardons may have information bearing on Mr Clinton himself or his wife. Before the election, Mr. Clinton should make clear that, if reelected, he will not subvert the judicial process through attacks on the special prosecutor or by abusing the president's pardon power. That much should be obvious.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Florida [Mr. GIBBONS] and speak in his stead for 5 minutes.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

THE UPCOMING CONTINUING RESOLUTION MAY CONTAIN SPECIAL INTEREST PROVISIONS, INCLUDING ONE TO AVOID "BUY AMERICAN" LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I recall Speaker GINGRICH's initiative this evening called Correction Days. The idea was to do away with congressional business as usual and make government more responsive to our people.

Mr. Speaker, I fear today and tomorrow may be the opposite of Corrections Day. They could be renamed Special Interest Days. Maybe we will need another Corrections Day to undo the damage we think is being done as the House completes its regular business, passes its respective appropriations bills, and finally recesses.

I am speaking in particular of the continuing resolution about to emerge from behind closed doors and being worked on by the leaders of one side of this Chamber.

Mr. Speaker, the special interests know full well that Members of Congress are eager to wrap up and get back home and prepare for the upcoming election. So they have lined up, it appears, so they can speak their special provisions into law at the last minute in the continuing resolution, because they know we have to pass that in order to keep the Government running.

We used to have Howard Metzenbaum as the watchdog over on the other side, but we have heard rumors, in fact, that patent law protections might be undermined by some provisions being inserted by one of the Members in the other body.

This afternoon, and I am going to insert this in the RECORD for our colleagues, the Associated Press reported that certain companies are trying to skirt "Made in the U.S.A." laws by sneaking special provisions into the continuing resolution. Let me read the first sentence, the lead sentence, in fact, to a story written by AP congressional writer Jim Drinkard.

He writes:

Lobbyists for one of America's largest toolmakers are seeking a last-minute congressional deal that would allow them to continue marketing wrenches and other tools forged in foreign countries as made in the U.S.A.

Let me repeat. This is from the Associated Press. It says that this particular toolmaker is seeking to put language in this bill that would allow them to continue marketing wrenches and other tools made in other countries under the "Made in the U.S.A." label.

That is not what is supposed to be in this bill. Not only is it nongermane to the continuing resolution, it is also false advertising. It is not only an abuse of the legislative process, sneaking through special interest provisions in the closing hours of the session, it is unfair to American workers, because skirting "Made in America" laws kills American jobs.

Mr. Speaker, we have many skilled workers in our country whose future depends on strong and competitive machine tool industries. We do not want to be undercutting them just to cut a special deal for a special interest. But according to the AP, Stanley Works, headquartered in New Britain, CT, sells tools that were cast or forged in foreign plants.

Federal courts have required that tools made in foreign countries had to bear markings showing where they came from, so someone from Toledo, or any other community who wants to buy some tools, will know whether those tools were made in our country by American workers or whether they were made in a foreign country.

That was not good enough for Stanley Works, it appears. They want to sell their tools to the consumer without revealing the true origin of those tools. That is misleading to the American consumer, it is unfair to American workers, and special interests appear to be lined up to do an end run around our "Made in America" laws right in the continuing resolution.

Mr. Speaker, "Made in America" laws help keep American workers employed. They help keep the orders coming in and jobs alive. They should not be eviscerated in a last-minute congressional deal to placate a special interest.

Mr. Speaker, I include for the RECORD the article by Mr. Drinkard.

The article referred to is as follows:

ENDGAME OF A CONGRESS: TIGHTENING THE SCREWS ON FEDERAL REGULATORS

(By Jim Drinkard)

WASHINGTON (AP) Lobbyists for one of America's largest toolmakers are seeking a last-minute congressional deal that would allow them to continue marketing wrenches and other tools forged in foreign countries as "Made in the U.S.A."

It's an example of how in the frenzied endgame of a congressional session, special-interest provisions that have lain dormant for months suddenly take on new life as their backers seek to attach them to any bill that moves.

In this case, there is "only one train leaving the station," in congressional parlance the omnibus money bill needed to keep the government running once the new fiscal year begins Tuesday. That bill has become a magnet for pet amendments ranging from gun control to banking regulatory changes.

The Stanley Works, based in New Britain, Conn., sells tools that in many cases were cast or forged in overseas plants. Customs rules for years have allowed them to be imported and finished in the U.S., then sold without markings showing the country where the parts originated.

But a Federal court ruling four years ago upset that arrangement. It required that some foreign-origin tools had to bear markings showing where they came from, because

the final product was substantially the same as the imported items. That triggered the current lobbying scramble.

Lobbyists for Stanley began angling to attach their provision to the money measure, and lobbyists for their competitors laid trip wires around Capitol Hill to head them off.

"This reflects an intra-industry war," said Rep. Nancy Johnson, R-Conn, who has gone to bat for Stanley, a large home-state employer.

A lawyer for the company, Stave Weddle, said Customs is "particularly unwise to be making a change when the whole area of country-of-origin labeling is being addressed by the World Trade Association," which may reach a different conclusion.

The saga began several years ago, when National Hand Tool Corp., a Stanley division, sought to import socket wrenches made in Taiwan without stamping them with the name of the country. The company argued that the tools were heat-tempered and further machined in the United States, so they were primarily U.S. made.

But the Customs Service ruled otherwise, saying that the tools had not been "substantially transformed" in the United States. That meant they were required to be marked as made in Taiwan. The tool company appealed, but lost in federal court.

Against that backdrop, Customs announced last year that it planned to update its rules to codify the court's ruling and make clearer which imported tools had to be marked with the country where they originated.

For Stanley, the announcement was like a hammer blow; it had built a network of suppliers in several foreign countries, relying in part on a series of Customs rulings that permitted it to label the final tools as made in the United States. Any change would threaten its marketing, which emphasizes quality homegrown products.

In the first six months of the year, Stanley paid a Washington law and lobbying firm about $120,000 to advocate its position on Capitol Hill, and paid another lobbyist $12,100, according to lobbying disclosure reports.

In May, Sen. Phil Gramm, R-Texas, introduced a bill that would have let toolmakers market their goods as made in the United States, even if the metal parts were made abroad. It amounted to a blanket exemption from the foreign-marking requirement.

Johnson inserted a similar provision into a catchall trade "technical corrections" bill that passed the House. That language would simply have barred Customs from issuing any new regulations for at least a year while the entire spectrum of regulations on labeling of imports is studied.

"If you change it for one product, it has enormous implications for other products," Johnson said. "Customs is overreaching."

But Danaher Corp., a competing toolmaker with plants across the United States, countered by hiring the law firm Hogan & Hartson for $100,000, and the lobbying firm WinCapitol for $220,000, both to help torpedo the provision.

To strengthen its hand Hogan & Hartson formed the American Hand Tool Coalition, which says it represents 10 companies with manufacturing plants in 13 states.

Johnson said she had enlisted high-powered help from Senate Majority Leader Trent Lott and from the two lawmakers with the most say on trade policy: House Ways and Means Committee Chairman Bill Archer, R-Texas, and Senate Finance Committee Chairman William Roth, R-Del.

Using the threat of a legislative mandate as pressure, the issue may well be resolved "in a side discussion with Customs," she said.

TRIBUTE TO THE HONORABLE RAY THORNTON AND THE HONORABLE BLANCHE LAMBERT LINCOLN ON THEIR RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. DICKEY] is recognized for 5 minutes.

Mr. DICKEY. Mr. Speaker, I want to take this moment to honor two of my distinguished colleagues from Arkansas who are retiring from Congress; first, RAY THORNTON.

RAY has served a very honorable career in public service. He served 4 years in the Navy, during which he saw combat on the U.S.S. *Philipplines Sea* during the Korean war. He served as deputy prosecutor in Pulaski and Perry Counties in Arkansas for 2 years and as the attorney general for 3 years.

In 1973, RAY was elected to Congress to represent the Fourth District of Arkansas and later in 1990 was elected to the Second District. During his 24 years in Congress, RAY sat on the Committee on Agriculture; the Committee on the Judiciary; the Committee on Science and Technology, serving as Chair of the Subcommittee on Science, Research, and Technology; and the Committee on Appropriations. This was a committee that I have had the honor of serving on with RAY.

With RAY's leaving and DAVID PRYOR's leaving, we also are losing two of the three people who are representing the Fourth District of Arkansas, or who have. I am doing that at this present time. He also served as president of Arkansas State University in Jonesboro and the president of the university system of the whole State.

It would be impossible to touch on all of RAY's accomplishments over his long career in public service, but I would like to relay some philosophies to which RAY adhered when legislating for our country.

RAY THORNTON once said: "I want America to be the mightiest nation on earth militarily, the strongest economically, and the strongest in terms of personal freedom, dignity, and democracy." RAY selflessly served with the goal of improving our Nation's productivity, education, and infrastructure and, I must say, in a very gentlemanly and respectful way.

RAY recognized the can-do spirit that makes our Nation great. He knew that in order to accomplish America's goals, the process must be aimed at stimulating the combined efforts of the States, the private sector, and the cooperative groups of individuals and institutions.

The second colleague I would like to recognize is BLANCHE LAMBERT LINCOLN.

BLANCHE and I both came to Congress in January of 1993, she being from Helena, AR. BLANCHE has been a role model for all of us in the way she has served, repeatedly going to bat for the First District of Arkansas, conscientiously serving on her committees and subcommittees, tackling complex legislation head-on, putting people above politics, handling her responsibilities with tact and grace and with a sense of humor and good spirit.

BLANCHE has served on the Committee on Commerce, where she has earned a reputation as a champion for rural causes, ranging from rural water to health care and telecommunications access. She has worked hard to eliminate the Federal budget deficit, claiming that she does not want to pass it on to the next generation, and she has worked to break the cycle of poverty and put welfare dependents back to work.

BLANCHE continues to be a role model as she leaves office. In this day and age when so many other priorities come before family, BLANCHE has made a very selfless decision to leave this demanding occupation and return home to rear her twin boys, Reese and Bennett.

I was impressed when BLANCHE was once asked when she would return to her career, and she answered, "When my boys know the difference between right and wrong." We all need to learn a lesson from BLANCHE LAMBERT LINCOLN in setting priorities. She will always be remembered as a trailblazer, whether in Congress or acting as a wife and mom.

I wish these two beloved Members of Congress all the best, and hope to see both of you in Arkansas from time to time. We will miss you.

TRIBUTE TO THE HONORABLE JIM ROSS LIGHTFOOT ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I will be brief but sincere in my remarks. I thank my friend for taking out this time.

Mr. Speaker, we are here to say bon voyage, good luck, and best wishes to our good friend, the gentleman from Iowa, JIM ROSS LIGHTFOOT, the distinguished Congressman from Iowa, who has been with us since he was elected to Congress in 1984.

JIM ROSS is running for the Senate, and we certainly wish him lots of success in that endeavor. We do not know why he wants to aspire to the other body when he has got a great life here, and he has a lot of friends, and we enjoy having him here. But the fact is,

he has made that decision, and he has lots of talents that he will take with him.

He grew up on a farm in Iowa. He has a wonderful family. His wife Nancy and his four children I know are wishing him well and working hard for him in his current effort.

JIM ROSS and I, I went in the Navy after high school and he went in the Army. I guess that gives us some reason for our great friendship that we have had over the years. After he got out of the Army, he worked for IBM. He was transferred to Oklahoma, worked as a police officer, then a small businessman in Texas, and ultimately as a broadcaster in Iowa.

I really believe it was in that role that he kind of learned a trait that made him much like that fellow that wrote the book under the pseudonym "Anonymous," because I have suspected for many, many years that JIM ROSS LIGHTFOOT is really that voice, the anonymous voice, on Motel 6 ads.

□ 2000

You listen to him, he is the same guy. But whether he is or not, I just have to thank him for his dedicated devoted service to the Committee on Appropriations and to the U.S. Congress. He served as chairman of the Subcommittee on Treasury, Postal Service, and General Government over the last 2 years. He served on the Appropriations Subcommittees on Foreign Operations and Transportation, as I know my friend from Virginia will talk about, and he served as co-chair of the law enforcement caucus because of his law enforcement background.

He represented his constituents with great distinction and honor and dignity, and he will take that dignity with him wherever he goes. I personally wish him well. I want to express my sincere thanks to him for his wonderful work over these last 2 years in assisting, as part of a team to literally transform America, to show America that we do not have to have ever larger, bigger, more expensive government, that we can do more for less and give efficiency to the taxpayer and also represent the taxpayer with great aplomb and honor.

Mr. WOLF. Reclaiming my time, the chairman might want to go to the Senate because he filibustered this entire 5 minutes.

Mr. Speaker, I will include my full statement in the RECORD. I am here to pay tribute to JIM LIGHTFOOT. I will say a couple of things and submit the rest for the RECORD. JIM is an honest, decent, ethical person. We got to know each other very, very well in our Bible study. He is great storyteller. He is a good family man.

I just say God bless you, we wish you well, we know you are going to be elected to the Senate, but, JIM, it is an honor and privilege to serve with you.

Mr. Speaker, I am pleased to take the floor this evening to honor Congressman JIM LIGHTFOOT as he retires from the House of Representatives and embarks on a campaign to represent the entire State of Iowa in the Senate. He will be sorely missed in this body and I wish him well.

Mr. Speaker, when Republicans assumed control of the 104th Congress, JIM LIGHTFOOT was called upon to steer the Treasury, Postal Service, and General Government appropriations subcommittee through its difficult work. He guided the subcommittee with humor, heart, and conviction. The Nation is safer because Representative LIGHTFOOT stood by Federal law enforcement when they were under fire. He stood up for what was right and persevered in his convictions.

I don't mean to imply that JIM was cocky or overestimated his opponents. In fact, wary of the outcome of a potentially contentious subcommittee markup, Representative JIM LIGHTFOOT rolled up his sleeves, sharpened his pencils, and strapped on a flak jacket just to be sure. All turned out well, the bill was passed, Federal law enforcement emerged a bit stronger, and JIM was not shot at once. I was relieved because as vice chairman of the subcommittee, I had the pleasure of sitting next to him.

JIM, this body will miss your humor and good will. I appreciate your working with all Members in a bipartisan manner, working with me on a variety of issues of interest to Federal employees and other issues addressed by the subcommittee. JIM and I also worked on a number of transportation issues together, and I have always been thankful that he never once asked to have a field hearing aboard his plane.

The citizens of Iowa should be proud and honored by your work here. You have done your constituents proud. Good luck to you in the busy months ahead and godspeed.

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

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding. I just want to echo the comments of my colleagues.

I have served with JIM on the Committee on Appropriations. What I appreciate about his approach is that it is very businesslike. He takes the challenge of stretching a dollar to give the people of this Nation responsible government. JIM is the epitome of what a good legislator should be. Certainly his record in the Committee on Appropriations stands as a challenge to all of us to manage the Nation's affairs well on behalf of the people we represent. I along with my colleagues wish him well in his new ventures.

TRIBUTE TO JIM ROSS LIGHTFOOT

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under a previous order of the House, the gentleman from Iowa [Mr. LATHAM] is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I too would like to rise this evening to pay tribute to my colleague from Iowa, JIM ROSS LIGHTFOOT. I came here less than 2 years ago now. As a freshman Member, I looked to certain individuals for leadership, for advice, for counsel. JIM has been there every time I have asked for anything.

Mr. Speaker, I knew he had a great start. He was born in Sioux City, IA, which is in my district, and was adopted by two very loving parents. I think he reflects very much what Iowa is all about, the honesty, the kind of values that I think this Nation needs today and has lived by those.

JIM, your wife Nancy and your family should be congratulated for putting up with you, but, also, your entire family has been a great inspiration to all of us here. I just want to thank you on behalf of the State of Iowa and especially the people in your district. You had several counties previously that I now represent. They love you very much in those counties. I wish you the very, very best in your run for the Senate and offer my total support. I want to tell you how much it has been an honor for me to serve with you in this body.

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

Mr. LATHAM. I yield to the gentleman from Iowa.

Mr. NUSSLE. I thank the gentleman first of all for taking the time and for yielding to me.

Mr. Speaker, I would like to join with my colleagues from Iowa in commending my friend and colleague from Iowa, JIM ROSS LIGHTFOOT. We have served during a very interesting time together. Not all of it together; you were here, of course, before I was. Interestingly enough, when I think of your service, I think probably of one of the most interesting commitments that you made, that you would serve for a period of time and then you were going to take off. That, if I am not mistaken, was 12 years. You are right at the threshold of crossing that 12-year mark, and you are ready to go on to hopefully bigger and better things.

The interesting thing that that brings to mind for me is that, as most Iowans appreciate, when you make a promise and you make a commitment and you make a pledge, you keep it. That has certainly been your mantra. That has been how you have served here in this body.

There have been disagreements, I am sure, with colleagues, whether it is across the aisle or even on the same aisle, but I have to tell you that when somebody sees they are going to do something and they do it, you have to have that kind of respect because around here your word is your bond.

When you leave here, there is going to be a CONGRESSIONAL RECORD of all these fancy speeches and everything, but when it comes right down to it, it is that kind of friendship in remembering, when somebody said something,

they meant it, and it meant something because it was backed up by the people that they represent. We know those people because we all have the pleasure of representing those folks in Iowa.

I just want to say good luck to you. I thank you for your service, in being a mentor to so many of us who came after you. We are going to look for inspiration from you, hopefully, maybe from a different vantage point. We would like to see that vantage point not too far away, maybe just down the hall here in the other body, as we have to refer to it; we cannot say "the Senate." We have to say "the other body." So hopefully we will be able to go visit you over at the other building. Godspeed to you and to your wife Nancy. You will always be a constituent of ours because we represent all of Iowa.

Mr. LATHAM. Mr. Speaker, I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding. I like JIM LIGHTFOOT. I am very glad that in his working career he got to spend some time in Oklahoma. We are grateful for that, so we can consider him at least to some extent an adopted son of the Sooner State.

Essentially, when I was a freshman on the Committee on Appropriations and especially serving on the Subcommittee on Treasury, Postal Service, and General Government, JIM LIGHTFOOT more than anyone else took me under his wing, helped me to understand what was going on, comparing it with what should be going on instead. I have always been grateful for that and enjoyed the chance to serve with him on the full committee and on that subcommittee.

JIM has very patient with me, which is not always easy, as he well knows and a lot of other people do. He has been very attractive as well and interested in wanting to help listen to and act on other people's ideas.

It is nice to have something in common. JIM loves flying. I started flying lessons about the time I got into politics and never got to finish, so I am jealous of that. He served in law enforcement. I had a brief law enforcement stint. It is over.

I am glad, though, that he for many years as a farm broadcaster was up early in the morning because in my years in broadcasting, I only lasted a few months when I had to start a shift at 3 a.m., and he went on for years. So I am grateful for JIM LIGHTFOOT.

The final thing that I think anyone ought to say about him, because I understand this is your birthday today, JIM, your 58th birthday. After all the years with him, when some people were trying to claim that he did not care about senior citizens, JIM's mother made a commercial saying she knows you can trust her son, JIMMY. By golly, after 58 years if his mother says that JIM LIGHTFOOT can still be trusted and is still an obedient, dutiful son, if it is good enough for mom, it is good enough for me. I am proud of JIM LIGHTFOOT.

Mr. DELAY. Mr. Speaker, it's not often that a distinguished cardinal of the Appropriations Committee flies away to the other body. But JIM LIGHTFOOT has decided that he will take his common-sense, his great humor, and his great ability to the Senate.

The House's loss will be the Senate's gain.

Serving with JIM LIGHTFOOT on the Appropriations Committee has been both an honor and a privilege.

He has fought hard to cut out wasteful Washington spending, while making certain that his constituents in Iowa are represented fairly. He has been a passionate defender of small business owners and farmers of his district.

Most importantly, JIM LIGHTFOOT is a man of his word. When JIM LIGHTFOOT makes an agreement, he sticks to it. That is a trait that needs to become more common here in the United States Congress.

JIM LIGHTFOOT is a great American and he will make an outstanding Senator when he wins in November.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleague, Chairman JIM LIVINGSTON, for reserving this Special Order. I am pleased to join in this salute to our colleague, JIM ROSS LIGHTFOOT, as he prepares to depart at the end of this legislative session.

JIM LIGHTFOOT was elected to the United States Congress in 1984. During his tenure, he has done an excellent job of representing the Third Congressional District of Iowa. His constituents and the Nation have benefited as a result of his strong commitment to public service. He has played a key role in deliberations that have helped to shape our society and the Nation.

JIM LIGHTFOOT earned the respect of his colleagues for his efforts as a member of the House Appropriations Committee. On that panel, he chairs the Subcommittee on the Treasury, Postal Service and General Government. JIM is also a member of the Appropriations Subcommittee on Foreign Operations. In additional to these assignments, JIM LIGHTFOOT distinguished himself in his role as Chairman of the Republican Task Force on Health Care and Cochairman of the House Law Enforcement Caucus. His legislative record reflects his hard work on issues which include health care reform, crime and agricultural matters.

Mr. Speaker, as a senior member of the Appropriations panel, I have tremendous respect for JIM LIGHTFOOT. Our congressional delegation worked closely with him to secure funding for new Federal Court House Building. JIM is a conscientious lawmaker and a gentleman for whom I have great respect.

Mr. Speaker, I am proud to join my colleagues in saluting JIM ROSS LIGHTFOOT. We wish him and the members of his family our very best in the years to come.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to honor the distinguished representative from Iowa, the Hon. JIM ROSS LIGHTFOOT. For the past 12 years, JIM has honorably served the people of Iowa's Third District. Now I wish him the best in his attempt to represent Iowa in the United States Senate.

JIM has served this country in many different capacities, including in the Army, as a police officer, on the Corsicana, Texas City Commission, and most recently, as the Representative from Iowa's Third District.

While in Congress, JIM has made his marks on the Appropriations Committee, where he has served as the Subcommittee Chairman on Treasury, Postal Service, and General Government for the past 2 years. Because of his work as Chairman, JIM deserves some of the credit for the savings achieved in Government spending during the 104th Congress.

JIM'S humor and demeanor will be missed in this body. He is a fighter whose courage and tenacity have allowed him to outlive his political obituary written by many pundits.

On behalf of the citizens of Wisconsin's Ninth District, I thank the Hon. JIM ROSS LIGHTFOOT for his service to the House of Representatives and the United States.

Mr. MCDADE. Mr. Speaker, it is my very great pleasure to rise today to pay tribute to my colleague and dear friend, JIM ROSS LIGHTFOOT from Iowa who will be retiring from the House at the end of this Congress to pursue a seat in the other body.

We thank JIM for his years of distinguished public service in the House of Representatives and wish him well as he returns to Iowa—just as he has done every week Congress was in session—to stay in touch with the people of Iowa.

When he was first elected to the Congress in 1984, JIM brought with him to the House of Representatives a wide array of experience nearly as vast as his 27-county Congressional District.

A small businessman himself, JIM has long been a good friend to small business owners. After serving in the U.S. Army and Army Reserve in 1956–64, JIM was and is an outstanding spokesman for our Nation's veterans. As a former Tulsa, OK police officer, JIM was a valued leader in the Law Enforcement Caucus as its cochairman to pursue a seat in the other body.

His stewardship of the Treasury, Postal Service and General Government Appropriations Subcommittee was marked by a commitment to safeguard taxpayers hard-earned dollars and assuring that the Federal departments and agencies under his jurisdiction stuck to the good Government policies which were and are JIM's hallmark.

I wish JIM, his wife Nancy and their children Terri, Jamie, Alison and Jim Jr. the very best.

IMMIGRATION BILL STANDS TO BE GUTTED IN OMNIBUS APPROPRIATIONS MEASURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, President Clinton has been in California probably more often than Ronald Reagan. The fact is that he is out there visiting his billionaire buddies from Hollywood and, of course, these billionaire buddies, along with the millionaires, are the ones who bankroll the liberal left activists who control the Democratic party.

But being out in California so often, he has spoken to the people of California and made the promise that he would try to help us come to grips with the problem that threatens the social infrastructure of our State and, that is, the flood of illegal immigration that is basically destroying the education, health care and social service infrastructure of the State of California. He has made this promise on several occasions.

The fact is that this is the same President who people have learned to sort of when he promises something, to take it with a grain of salt. After all, he is the same one who, as soon as he became President, started referring to taxes as contributions and Federal spending as investment which seems a little crass in the use of words. He is not putting anything over on anybody.

He is the one who promised us a middle-class tax cut, then raised taxes on gasoline and, of course, raised taxes dramatically on senior citizens; and also promised to end welfare as we know it, but then vetoed welfare reform bills that made their way through Congress.

But he did promise California, to help us with this flood of immigration. The people of the State of California, and I think the people of the rest of this country, should understand what is happening in Washington today. Today the President of the United States is in negotiations with the Republican leadership. What is he demanding of us? What is he demanding of the Republicans who now control both Houses of Congress? The President who promised to help us stem this flood of illegal immigration that is destroying our schools and our health care, that same President is now threatening to close down the United States Government if the Republicans do not agree to gut the immigration reform bill that was recently passed in the House of Representatives with a substantial majority.

Yes, we were told that we had to remove that provision that said illegal alien children cannot get free education, or the States, we had a provision that said the States should not be forced to provide education benefits for illegal alien children. The cry went up, "Oh, the poor children." Well, the fact is we should be caring more about our own children rather than millions of children coming from overseas. We took that provision out, however. We took it out of the immigration bill and they moved the goal post.

Now the administration says we have got to take out a whole section, the guts, the real meaning, the heart and soul of our immigration reform bill in order for him to move, to agree with us and to cooperate with us to see that there is an omnibus spending bill that will keep government going. He is willing to cut off widows and veterans benefits, checks that go to the destitute in our country, the checks that are going to these programs that our people depend upon, he is willing to close all of that down to ensure that illegal aliens and immigrants who are getting benefits that they do not deserve, to make sure that they continue to drain away these resources. Whose side is he on? He is not on the side of the American people. This is not just a broken promise. Mr. Speaker, this is a betrayal. Not only of the people of California but for people across the United States of America who are picking up the bill.

In SSI and Medicaid benefits alone, the legal immigrants who come into this country are expected to sign a pledge that they will not be draining these resources away. But $20 billion of our tax dollars are going now to pay for these benefits for legal immigrants who are basically going straight for the office, filled out the forms and immediately start collecting these benefits. The fact is they should not be collecting the benefits at all because in order to come here they have agreed not to become wards of the government. But the President, in order to keep spending this $20 billion on foreigners who have come here on the understanding that they will not collect these benefits, the President is threatening to close down the government.

□ 2015

He is threatening to end the checks to our veterans, to our widows and our orphans, because he is insisting that we do this.

This is an attack on every taxpayer in the country, and what it is is an invitation to people throughout the world to come here in even greater numbers.

Again, the people of this country should understand the travesty that is happening and the betrayal that of their interests by President Clinton.

ALLEGATIONS OF CIA PROVIDING DRUGS TO AMERICAN CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, as you know, I have been involved in trying to move the investigations that finally have been agreed to in order to get to the root of the facts and allegations that have been unveiled in the San Jose Mercury News under the heading "Dark Alliance," written by investigative reporter Gary Webb.

It has been an interesting journey over the past two weeks. Over the past 2 weeks, not only have we begun to ask questions about these revelations; we are bombarded with requests to send more information to individuals all around this Nation.

I held a community meeting down in South-Central Los Angeles and reached out to about 75 community leaders. About 250 showed up. During the Congressional Black Caucus weekend here in Washington, I had a workshop. Over 3,000 people showed up at the workshop. This morning, I was up in Baltimore for the Human Rights Commission that was meeting there. Seven hundred people were there. This afternoon the Howard students rallied down near the Reflecting Pool. They had a good turnout.

The major press has now gotten involved. Just this evening Tom Brokaw on NBC did quite an extensive piece. Included in that piece was JOHN KERRY and information about his investigation.

I have continued to reach out. People are calling me with all kinds of information. I began to look in the archieves, just to see what is there, and discovered some very interesting things.

I decided to look in the diary that is in the archives of Oliver North. I discovered that there was a notebook entry, for example, on a conversation with Robert Owen, who was his liaison with the Contras, dated August 9, 1985. The discussion covers a plane being used by Mario Calero, brother of the head of the FDN Adolpho Calero, based in New Orleans, to ferry supplies to the Contras in Honduras.

This is what the notation said: "Honduran DC–6 which is being used for runs out of New Orleans is probably being used for drug runs into the United States."

These are his diary notations that are in the archives. There are many more. It seems as it we are going to spend many, many hours on this.

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

Ms. WATERS. I yield to the gentleman from California.

Mr. ROHRABACHER. If the gentlewoman would yield for a question, was the gentlewoman clear that Oliver North was noting that to move against it?

Ms. WATERS. When I checked with the DEA, who he was supposed to give the information to, nobody has a record.

Mr. ROHRABACHER. It was a secret operation. He wouldn't be telling any one. Do any of the allegations being made, and obviously there are some very bad characters involved with drug dealing on various sides of various issues, but did any of these drug shipments go through Mena Airport at a time when President Clinton was Governor of Arkansas?

Ms. WATERS. Mr. Speaker, reclaiming my time, we are going to find out exactly where they went. What is interesting about one of the introductions to the JOHN KERRY committee report was, everybody knew that there were drug runs. Several agencies of the Federal Government had distinct

knowledge that drugs were being flown into the United States, and the proceeds were being used to fund the Contras.

My point is this: Whether the CIA or the DEA or the Justice Department or anybody knew and did nothing, turned their heads, allowed it to go on, or directly participated in it, they are guilty of undermining the citizens of this country. They are guilty of creating the devastation of many of the communities in this country.

We are going to proceed with these investigations. I am going to spend considerable time looking in the archives, going through Oliver North's diaries, looking at information that surfaced in newspapers during the period of time this was going on. We are going to get to the bottom of this.

I am pleased about the involvement now of many of our churches, schools that are coming on line, universities that are getting interested, community groups that are calling from all over. People are calling from the so-called right and the left.

We have citizens who say, "Ms. WATERS, I do not agree with you on a lot of things, but I agree with you on this. We want you to stick with it, to stay with it. We are outraged at the idea that our government could have known, could have been involved with this, could have been a part of a plot."

Mr. Speaker, this is just the beginning. I will be with you often as we unveil this information about CIA, DEA, involvement in drug trafficking in America.

ISSUES OF CONCERN AT THE CLOSE OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as we wrap up the 104th Congress, there are three unrelated things which have come up this week which I would like to mention, all of which touch on important political issues.

First, just yesterday this House overwhelmingly passed by a 3 to 1, 75 percent margin, a bill attempting to crack down on illegal aliens. The immigration reform bill passed the other body 97 to 3. Almost everyone wants us to get tougher on illegal aliens.

We had already given the INS a 72 percent increase in funding over the last 3 years, 8 times the rate of inflation. Our appropriation bill this year gives them a 25.6 percent increase to $2.2 billion for the fiscal year starting October 1. Yet in spite of all this money, the INS is shirking its duty and it refusing to enforce the law and do the job it is supposed to be doing.

Just 2 days ago a state trooper in Knox County, Tennessee, my home county, stopped a van, a regular-sized small van, containing 25 illegal aliens. The people were piled on top of each other. They were on their way to North Carolina. Our local law enforcement officer called the INS office in Memphis and could not even get an answer, even though this was during regular working hours.

One of our local radio stations has attempted several times to get through, repeatedly, and has been unable to do so.

This was the 6th time in recent months that the INS has either refused to act or even has at times told our local law enforcement officials in Tennessee to let a van of illegal aliens go.

The problem is not money. No other agency in the Federal Government has received such a huge increase in the last 3 or 4 years. The problem is the system, Mr. Speaker. These people are paid the same whether they work hard or whether they work easy. Apparently, we have many in the INS who are wanting to do as little as they possibly can. Because our civil service system protects even lazy and incompetent workers, bad Federal employees can get away with almost anything.

This is one of the reasons why so many people are so fed up with the Federal Government today and why we so desperately need to reform our civil service laws so that some of these Federal employees will have to start working at least half as hard as those in the private sector.

Secondly, Mr. Speaker, a member of the Committee on National Security told me this week that our Bosnian adventure will ultimately cost us $10 billion. We have spent $4 billion in Haiti and, according to the Washington Post, have had our troops down there picking up garbage and settling domestic disputes. We have turned our men and women in our armed forces into international social workers, and we have spent and are spending billions in Bosnia, Haiti, Rwanda, Somalia, and especially, of course, in the former Soviet Union, where we even spent hundreds of millions constructing homes for returning members of the Soviet military.

This does not even count our regular foreign aid. Any time anyone opposes throwing away all these billions overseas, they are insulted with the false label of isolationist. Yet, anyone who fairly looks at this would have to admit that the United States could carry on many close, active, friendly relationships with all nations without pouring billions and billions down foreign black holes.

Let us be friends with everyone, Mr. Speaker, but you should not have to buy friends, especially with billions that we are taking away from our own children, putting their futures very much in jeopardy. We need to remember, Mr. Speaker, that we are over $5 trillion in debt and we are spending money that we do not have. We should not send our troops overseas unless there is a serious threat to our own national security or a definite U.S. vital interest involved, and neither of these is present in Bosnia.

Finally, Mr. Speaker, I want to briefly mention or briefly touch on one other incident which received national publicity this week. A 6-year-old boy in Lexington, N.C., was charged with sexual harassment because he gave a 6-year-old girl a peck of a kiss on the cheek after she asked him to do so. This little boy, who knows nothing about sex, was held away from his classmates for the entire day and missed an ice cream party with his fellow students.

This is taking political correctness to a ridiculous extreme. Surely, we can operate our schools with a little common sense. The school system in Lexington justified its actions based on a manual that this little boy could not have understood even if he had been told about it.

Some of these extremists, I say extreme women's libbers, seem to want to turn men and women into enemies in this country, but we need to resist this. We need to stand up to this and say that some of this is wrong and ridiculous, and surely we should not have done this to this little 6-year-old boy.

DEDICATION TO HON. RAY THORNTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

Mr. PACKARD. Mr. Speaker, I want to take this time to honor a dear friend and colleague of mine, RAY THORNTON. RAY will be leaving this body soon and before he goes his dedication and fellowship deserves high praise. As chairman of the Legislative Branch Subcommittee on Appropriations, I would like to thank him for his assistance as ranking member.

RAY assumed the ranking member position this year with great enthusiasm and skill. I appreciated his input as well as his willingness to work in a friendly and bipartisan way. Together we accomplished a great deal. To date, the legislative branch is a full 12 percent leaner than it was 2 years ago and serves as the model for rightsizing the rest of Government.

RAY contributed tremendously to this effort. He supported and advanced our efforts to find additional opportunities to save dollars and increase efficiencies here in the legislative branch.

The Legislative Branch spending bill is primarily about people. RAY's administrative background, as a former University of Arkansas president, proved invaluable. As RAY and I worked together to rightsize this institution, time again he brought his management orientation to task.

Unfortunately, we may be losing RAY to another branch of government as he works to

assume a judgeship on the Arkansas Supreme Court. His dedication and enormous talents will certainly continue to prove beneficial to the people of Arkansas. While I wish RAY well in his future endeavors, I will miss him as my colleague here in the House and on my subcommittee.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF SEPTEMBER 18, 1996 FOR FISCAL YEARS 1996–2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year-period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution, House Concurrent Resolution 67, for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of September 18, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. These levels are consistent with the recent revisions made pursuant to section 606(e) of Congressional Budget Act of 1974 as amended by the Contract with America Advancement Act (P.L. 104–121) which provides additional new budget authority and outlays to pay for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years will be considered under future budget resolutions.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 67

[Reflecting action completed as of September 18, 1996]

[On-budget amounts, in millions of dollars]

	Fiscal year 1996	Fiscal year 1996–2000
Appropriate Level (as set by H. Con. Res. 67):		
Budget authority	1,285,515	6,814,600
Outlays	1,288,160	6,749,200
Revenues	1,042,500	5,656,841
Current Level:		
Budget authority	1,306,896	(1)
Outlays	1,307,685	(1)
Revenues	1,039,110	5,691,500
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	21,381	(1)
Outlays	19,525	(1)
Revenues	−3,390	34,659

[1] Not applicable because annual appropriation Act for Fiscal Years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 1996 (if not already included in the current level estimate) would cause FY 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase FY 1996 outlays (if not already included in the current level estimate) would cause FY 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in FY 1996 (if not already included in the current level estimate) or in excess of $34,659,000,000 for FY 1996 through 2000 (if not already included in the current level) would increase the amount by which revenues are less than the recommended levels of revenue set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTION ACTION COMPLETED AS OF SEPTEMBER 18, 1996

[Fiscal years, in millions of dollars]

	1996			1996–2000		
	BA	Outlays	NEA	BA	Outlays	NEA
House committee:						
Agriculture:						
Allocation	−992	−992	177	−8,477	−8,477	−2,164
Current level	−330	−722	−758	−5,011	−5,366	−6,771
Difference	662	270	−935	3,466	3,111	−4,607
National Security:						
Allocation	−1,168	−1,168	382	1,733	1,733	1,467
Current level	369	367	401	1,378	1,374	1,758
Difference	1,537	1,535	19	−355	−359	291
Banking, Finance and Urban Affairs:						
Allocation	−481	−481	0	−1,698	−1,698	0
Current level	3	3	0	0	0	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	−128	122	−2,015	−1,976	−1,534	−11,465
Current level	0	0	0	8,568	7,919	6,900
Difference	128	−122	2,015	10,544	9,453	18,365
Commerce:						
Allocation	−555	−405	−3,619	−11,381	−11,480	−84,935
Current level	0	0	0	6,453	6,406	7,367
Difference	555	405	3,619	17,834	17,886	92,302
International Relations:						
Allocation	−3	−3	0	−19	−19	−6
Current level	−72	−72	0	−73	−73	0
Difference	−69	−69	0	−54	−54	6
Government Reform & Oversight:						
Allocation	−436	−436	−106	−2,903	−2,903	−2,729
Current level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTION ACTION COMPLETED AS OF SEPTEMBER 18, 1996—Continued

[Fiscal years, in millions of dollars]

	1996			1996–2000		
	BA	Outlays	NEA	BA	Outlays	NEA
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−106	−104	0	−2,698	−2,693	0
Current level	−19	−25	0	−161	−167	8
Difference	87	79	0	2,537	2,526	8
Judiciary:						
Allocation	0	0	0	−238	−238	0
Current level	0	1	1	17	16	6
Difference	0	1	1	255	254	6
Transportation and Infrastructure:						
Allocation	−63	−63	0	92,844	−457	0
Current level	0	0	0	0	−2	0
Difference	63	63	0	−92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−79	−79	−195	−686	−686	−2,928
Current level	0	0	−21	0	0	−106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	−7,163	−7,615	−4,502	−192,899	−193,345	−82,895
Current level	34	−8	−25	55,337	55,305	−31,986
Difference	7,197	7,607	4,477	248,236	248,650	50,909
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current level	0	0	0	0	0	0
Difference	−306	−306	0	−4,892	−4,892	0
Total Authorized:.						
Allocation	−10,868	−10,918	−9,878	−123,506	−216,905	−185,655
Current level	−15	−456	−402	66,508	65,412	−22,818
Difference	10,853	10,462	9,476	190,014	282,317	162,837

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (December 5, 1995)				Current level as of September 18, 1996				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,306	13,577	0	0	−19	−31	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,338	24,320	3,956	2,112	528	172	0	−1
Defense	243,042	243,512	0	0	241,853	242,306	0	0	−1,189	−1,206	0	0
District of Columbia	727	727	0	0	712	712	0	0	−15	−15	0	0
Energy & Water Development	19,562	19,858	0	0	19,326	19,801	0	0	−236	−57	0	0
Foreign Operations	12,284	13,848	0	0	12,153	13,856	0	0	−131	8	0	0
Interior	12,213	13,174	0	0	12,122	13,047	0	0	−91	−127	0	0
Labor, HHS & Education	61,947	68,380	53	44	63,195	68,838	53	25	1,248	458	0	0
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	−1	0	0	0
Military Construction	11,178	9,597	0	0	11,136	9,592	0	0	−42	−5	0	0
Transportation	12,500	36,754	0	0	11,705	36,751	0	0	−795	−3	0	0
Treasury-Postal Service	11,237	11,542	78	70	10,826	11,144	77	70	−411	−398	−1	0
VA–HUD–Independent Agencies	61,686	74,440	0	0	62,349	74,480	0	0	663	40	0	0
Reserve	437	0	0	0	0	0	0	0	−437	0	0	0
Grand total	485,074	531,768	4,087	2,227	484,146	530,604	4,086	2,207	−928	−1,164	−1	−20

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 1996.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67) and are current through September 18, 1996. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget authority	1,306,896	1,285,515	+21,381
Outlays	1,307,685	1,288,160	+19,525
Revenues:			
1996	1,039,110	1,042,500	−3,390
1996–2000	5,691,500	5,656,841	−34,659

Since my last report, dated May 21, 1996, the Congress has cleared and the President has signed the Agriculture Appropriations Act, 1997 (P.L. 104–180), and Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164), the Taxpayer Bill of Rights 2 Act (P.L. 104–168), the Small Business Job Protection Act (P.L. 104–188), the Health Insurance Portability and Accountability Act of 1996 (P.L. 104–91), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193), an Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1), and an Act for the Relief of Nathan C. Vance (Pvt. L. 104–2). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS SEPTEMBER 18, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,039,122
Permanents and other spending legislation	830,272	798,924	
Appropriations legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,039,122
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 104–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsettings receipts	−7,946	−7,946	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Right Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Ninth Continuing Resolution (P.L. 104–99)[2]	−1,111	−1,313	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
District of Columbia (P.L. 104–134)	712	712	
Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
1997 Agriculture Appropriations (P.L. 104–180)	−4		
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91)[3]	14,054	5,882	
Smithsonian Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mt. Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104)[4]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act, FY 1996 (P.L. 104–106)	369	367	
To Award Congressional Gold Medal to Ruth and Billy Graham (P.L104–111)	(1)	(1)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia, and Macedonia (P.L. 104–117)			−38
Agriculture Improvement and Reform Act (P.L. 104–127)	−330	−721	
Federal Tea Testers Repeal Act of 1996 (P.L. 104–128)			(1)
Anti-terrorism and Effective Death Penalty Act (P.L. 104–132)			2
An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164)	−72	−72	
The Taxpayer Bill of Rights 2 (P.L. 104–168)			−30
Small Business Job Protection Act (P.L. 104–188)			92
Health Insurance Portability and Accountability Act of 1996 (P.L. 104–91)		10	62
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	52		
An Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1)		1	
An Act for the Relief of Nathan C. Vance (Pvt. L. 104–2)	(1)	(1)	
Total enacted second session	292,795	201,713	88
APPROPRIATED ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[5]	17,656	19,168	
Total Current Level[6]	1,306,896	1,307,685	1,039,110
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution			3,390
Over Budget Resolution	21,381	19,525	

[1] Less than $500,000.
[2] P.L. 104–92 and P.L. 104–99 provide funding for specific appropriated accounts until September 30, 1996.
[3] This bill funds specific appropriated accounts until September 30, 1996.
[4] The effects of this Act on budget authority, outlays, and revenues begin in fiscal year 1997.
[5] Estimates include the effects of changes enacted this session in the following public laws: P.L. 104–57. P.L. 104–121, and P.L. 104–127.
[6] In accordance with the Budget Enforcement Act, the total does not include $4,836 million in budget authority and $2,737 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Notes.—Detail may not add due to rounding.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 27, 1996.

Hon. NEWT GINGRICH,
Speaker, Office of the Speaker,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (P.L. 104–193), I hereby submit revised 602 allocations and other appropriate budgetary levels. Subsection 211(d)(5) of P.L. 104–193 amends section 103(b) of the Contract with America Advancement Act of 1996 (P.L. 104–121) which provided for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews (CDRs) under the Supplemental Security Income program.

P.L. 104–121 directed the Chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports an appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of continuing disability reviews.

For fiscal year 1997, the adjustment reflects the amount appropriated for CDRs that is in excess of $100 million in new budget authority and $200 million in outlays (subject to a maximum adjustment of $175 million in budget authority and $310 million in outlays). The adjustment is based on the levels provided for CDRs in H.R. 3755, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies.

These revised levels will supersede those established by the conference report accompanying H. Con. Res. 178 (H. Rept. 104–575) and shall be binding for purposes of enforcing sections 302(f) and 311(a) of the Congressional Budget Act of 1974.

The revised allocations and other budgetary levels are as follows:

[In millions of dollars]

	Budget authority	Outlays
Discretionary spending limits	492,842	535,849
602(a)/302(a) allocations	497,525	538,922
Budget aggregates	1,314,935	1,311,321

If you have any questions, please contact Art Sauer or Jim Bates at ext-6-7270.

Sincerely,

JOHN R. KASICH,
Chairman, Committee on the Budget.

GAO REPORT AFFIRMING LEGALITY OF RUBIN ACTION ON DEBT LIMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, on behalf of the American people, I would like to express our gratitude and respect to Treasury Secretary Robert Rubin for his courageous and responsible actions during the last year in the face of the regrettable debt limit crisis. Specifically, I would like to call to the attention of my colleagues a report that the General Accounting Office [GAO] issued earlier this month reporting on the Treasury's handling of the debt limit crisis. As you may recall, for several months beginning last October the Republican Congressional leadership refused to increase the statutory debt limit, an intransigence that brought the Nation to the brink of default on its sovereign debt for the first time in its history. As a result of Congress' actions, Treasury Secretary Rubin was required to take a variety of extraordinary measures to safeguard the Nation's credit and to prevent a situation that was deemed "unthinkable." The recent GAO report concluded that all of Secretary Rubin's actions were legal, calling them "proper and consistent with legal authorities the Congress has provided to the Secretary of the Treasury."

We all owe a debt of gratitude to Secretary Rubin. Clearly, his extensive experience in financial markets enabled him to understand fully the disastrous consequences of default. The GAO report makes abundantly clear that Secretary Rubin met this challenge in a manner that was both lawful and effective.

It was clear at the time, and it is even clearer in hindsight, that the debt limit impasse was simply a tactic to force President Clinton to sign a budget deal with which his Administration could not live. It was a dangerous game to play, because the Nation's credit affects the financial well-being of all Americans and the financial stability of all the world. It was not only a risky game. It was ultimately a losing game. It should come as no surprise then that neither the Dole campaign nor the Republican leadership of this Congress has offered any comment on this report.

Secretary Rubin's actions were as effective as they were courageous. The American people should be proud of this very fine public servant.

A CALL FOR FURTHER INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank you for the time. I will share my time with my friend and colleague from California, Mr. ROHRABACHER.

This is, if not the last night of this session of the 104th Congress, it certainly is close to it. I should be rising to display a happy sentiment about what has happened because I am proud of what we have done in this Congress. I am proud of the work we have achieved. I am proud that our party has moved forward with a very aggressive agenda.

But, unfortunately, I rise to talk about something that to me is very sad, Mr. Speaker, because it gets at the heart of what this country is all about, and it relates back to one of the reasons why I got involved in public life in the first place.

In 1972, Mr. Speaker, I was teaching in public schools back in Pennsylvania, and to be very frank, I was somewhat dismayed when the investigation showed here in Washington that the President of my party, Richard Nixon, tried to cover up a third-rate burglary.

Now, that was not a major felony, but it was something that no one in fact should be allowed to get away with in this country, and in fact the system worked. That gentleman who served in the White House eventually had to step down because this body did a very thorough job in supporting an independent prosecutor who went in and found out that, yes, the President had in fact tried to cover up a third-rate burglary. And that is exactly what it was, and that is all it was.

Mr. Speaker, the President of the United States right now is about my age, a little bit older than I am. We are from the same generation. I understand that his wife, the First Lady, was involved in that investigation, was on the team who went after Richard Nixon, as a staff person, an idealist of the sixties generation, as perhaps I would characterize myself.

And here, Mr. Speaker, our paths now cross. I am a Republican Member of Congress and President Clinton and his wife are in the White House. And while I have been dismayed at many of the actions of this administration and this President, a President of my generation, nothing, Mr. Speaker, nothing has outraged me as much as what I have seen over the past several days.

The Attorney General of this country suggested that we needed a special prosecutor to investigate the Whitewater case. Whether you believe the facts in that situation or not, in a bipartisan way we all agree, like we did with those who were in office when Richard Nixon was President, that this should best be handled by a special prosecutor. The majority of the Members in both bodies agreed that that should be handled, especially if it potentially involved the President and First Lady, by a special prosecutor.

The special prosecutor has proceeded, Mr. Speaker, and he has gotten some convictions along the way, in fact, some convictions of some formerly very high ranking people in this administration. Now, Mr. Speaker, 1 month before the election, the heat is starting to be turned up on the White House.

□ 2030

And what really offends me, Mr. Speaker, is that while we have an investigation being conducted by an independent prosecutor, as we saw during Richard Nixon's era, we have a President for the first time in the history of this country come out and make public statements leading to the possibility of pardon for those people who, first of all, have been tried and convicted by a jury of their peers.

Now, for those who say, well, it is the right of the President to pardon those who have done wrong, I would say I do not disagree with that. But, Mr. Speaker, what we have here is something that has never happened before in the history of this country, a sitting President making public statements about a case where the investigator is trying to bring in witnesses who have refused to testify, who have gone on national television, who have been jailed because they have not cooperated with the Grand Jury and the special prosecutor, and a President who has said publicly that he has not yet thought about whether or not a pardon would be considered.

Now, if you were one of those individuals who has been convicted by a jury of your peers for wrongdoing, and in each of the cases of the convictions they are for multiple counts, they are not for one count, you would, I would think, be very enlightened and heartened by the comments of the President of the United States that he thinks justice should prevail.

But then he goes on to say he has not even thought about whether or not a pardon should be considered. But even worse than that, Mr. Speaker, he comes out publicly and says that it is commonly understood that the special prosecutor is, in fact, pursuing politics in his investigation of this situation.

Mr. Speaker, now I am not a lawyer. I am one of the few Members of this Congress that got here as a public

school teacher, as someone who got involved in my community as a mayor and then county commissioner and now as a Member of Congress. But let me tell you one thing I have learned about our legal system, Mr. Speaker, and that is when you attempt to affect someone who is involved as a witness or a potential witness in a criminal investigation, for every citizen in America that is called tampering with a witness. Mr. Speaker, as a layperson and not an attorney, that is a felony far more grave than covering up a third-rate burglary.

Mr. Speaker, if you or I or my fellow citizens back in Delaware County or across Pennsylvania were being charged with something and had some way of affecting a potential witness to that case against us, and said that publicly and tried to influence what that individual may or may not say, they could be charged with tampering with a witness.

Mr. Speaker, that is illegal. That is not allowed in this country. And for the President of the United States to lay out the possibility of a pardon for someone who was making herself to be a national folk hero, after she was convicted by a jury of her peers for having done wrong, along with her husband who was convicted of many more counts, and who currently is in prison because she is saying she does not want to cooperate, is tampering with a witness.

Mr. Speaker, that is outrageous, and that is why I got involved in public life in the first place back in my county, back in the 1970's, when I first ran for mayor of my town. I was upset with the way the system was working. I was upset that a President could think that he could be above the law and that he could cover up any third-rate burglary and get away with it.

But President Nixon did not do that during the course of the investigation. His crime was covering up. It was Gerald Ford, the next President who, in fact, gave a pardon which caused him to be defeated.

Now, Mr. Speaker, some would say this is sour grapes, you are just a Republican and all you want to do is beat up on the President because it is so close to the election. Mr. Speaker, that is not my reason for being here. In fact, let me read you some quotes that appeared in the national media this past week in response to what this President has done.

First of all, let me quote Richard Cohen. Richard Cohen is a columnist for the Washington Post, and anyone who reads the Washington Post knows that Richard Cohen is not exactly what you would call a conservative columnist. In fact, he is thought to be rather to the left in terms of his positions on issues.

Mr. Cohen, in an article this past week, likened Mr. Clinton's anti-Starr campaign to the Watergate era when Richard Nixon fired his nemesis, Archibald Cox.

This is the quote from Richard Cohen. "Personal attacks on the independent counsel or appeals to partisan chauvinism hardly reassure me," Mr. Cohen wrote in a column this week. To go on and quote him further, "It seems to me I have heard this song before, in 1972 to be exact."

Now, this is not the gentleman from Pennsylvania, CURT WELDON, Republican. This is not the gentleman from Georgia, NEWT GINGRICH, Speaker. This is not the gentleman from New York, BILL PAXON, chairman of the congressional committee, or even Bob Dole, Republican candidate. This is Richard Cohen, columnist in the Washington Post, likening the President's actions, Mr. Speaker, to those of 1972 when Richard Nixon was, in fact, in office.

But let us go beyond Richard Cohen Mr. Speaker. How about the New York Times? The New York Times is not exactly the Washington Times. It is not known for its conservative principles, its conservative thinking, or its conservative editorials. What did the New York Times editorial page say this week in response to what this leader of our country did in terms of his public statements in regard to the Whitewater situation and Special Prosecutor Starr?

The Times blasted the President for his verbal shots at Mr. Starr this past Monday during a PBS interview when the President was being interviewed and for his discussion of the pardon process while ex-Whatewater partner Susan McDougal refuse to testify before a Federal Grand Jury. And this is what the New York Times said, Mr. Speaker.

"Both comments create the impression that it is the White House that wants to use partisan thrusts to disrupt the legal process, not Mr. Starr and others, who remain legitimately curious about the full story of Whitewater."

Again, Mr. Speaker, this was not Republicans in this body, this was not Bob Dole or Jack Kemp. This was the New York Times in an editorial this week, Mr. Speaker.

Let us go further, Mr. Speaker, and let us talk about Daniel Schorr. Daniel Schorr, who covered Watergate for CBS News and now does commentary on National Public Radio, said, "The President's answers to PBS anchor Jim Lehrer were designed to put Mr. Starr on the defensive and keep McDougal hopeful. His game is to keep Starr on the defense. I think he is having some success in doing that," said Mr. Schorr. "What serves Clinton's purpose very well," and I am quoting him, "is to just leave open the possibility of a pardon," he said. "It leaves the defendants some incentive not to give away the Clintons."

Which I think the President perhaps knows could happen. That is not the quote, by the way, I am adding my own editorial comment. I will get back to the quote.

"When you look at the words, you can't have a problem with it. It's not what he said, it's what he didn't say."

Mr. Speaker, this President is very clever sometimes at not necessarily saying or conveying directly what he means, but using whatever he says to convey some other meaning, and that is exactly what Daniel Schorr is saying the President is doing in this particular situation.

We could go on to the Wall Street Journal, and some would say, well, the Wall Street Journal is more conservative, and I would agree with that publicly, but I will still quote Paul Gigot, a Wall Street Journal columnist, who said, and I quote, "It sure wasn't appropriate." Continuing the quote, "It seemed to me that he was holding out hope to Susan McDougal about the prospect of a pardon, which is an interference with the Starr investigation."

Mr. Speaker, what we have seen happen in this country this past week may not sway the election. It may not help or hurt this President in his efforts to be reelected to a second term. But I can tell you one thing, Mr. Speaker, as a child of the 1960's, close to this President's age, as someone who got involved in public life because I was fed up when I saw a sitting President try to cover up a third-rate burglary and who was offended that he was from my party, so I got involved, that I am outraged. I am incensed that this individual would think that he has the ability to so blatantly in the public process leave the option open for a pardon.

Mr. Speaker, when this happened this week, even though I am not on the appropriate committees, I felt that I had to do something, and so I did. I am here tonight, Mr. Speaker, to announce what I have done. I drafted a letter, Mr. Speaker, 2 days ago. I would like to read the letter which will go to this President tomorrow.

"Dear Mr. President. We are shocked and alarmed by several of your recent statements about the ongoing investigation of independent counsel, Kenneth Starr, and the possibility that several of the figures involved in the Whitewater affair might receive Presidential pardons.

"Accordingly, we write to ask for your assistance with two very specific issues. First, we ask for your assurance that Jim and Susan McDougal, Jim Guy Tucker and other individuals associated with the Whitewater affair will not receive presidential pardons of any sort. This is particularly important in the case of Susan McDougal, who remains in jail on contempt charges. Even the hint of a possible pardon smacks of interference on your part in the important work of the independent

counsel. Leaving the door open for a pardon at some point represents, as Richard Cohen in a recent Washington Post column correctly observes, 'a whisper of an offer,' of a pardon.

"Second, we request that you make public the evidence which supports your contention that Susan McDougal is being held in jail on contempt because she refuses to lie about the First Lady and you. This is an extremely serious charge about the integrity of Kenneth Starr. If there is even a grain of truth to support this charge, you should produce that 'evidence' immediately or withdraw your claim.

"These are issues of the gravest importance that speak directly to the integrity of the independent counsel and the investigation he is undertaking. We look forward to your response on these two critical issues. Sincerely."

Mr. Speaker, when I drafted the letter on Wednesday I thought I would bring it over and get some of my friends who I thought would be concerned about this to sign this letter with me, but I was prepared to sign it myself.

Mr. Speaker, in 2 hours on the floor of this House, and I had not talked and still have not talked to anyone in the leadership, including the Speaker or the other leaders who are not involved and aware of what I am doing, I was able to collect 185 signatures, from 185 representatives all across this country, from every State in this Union. And that was in 2 hours yesterday and a half-hour on the floor today. And during that time period, 185 elected officials, representing almost one-half of the population of this Nation agree with me, Mr. Speaker, that this has got to be stopped.

No one is above the law in America, even someone who can look in the camera and with a straight face say that he will wait until the process is over and that, in fact, it is political, without providing any bit of evidence to support that claim.

Mr. Speaker, some would say, well, you are just a Republican and all you got were those conservative Republicans to support you in signing that letter. Mr. Speaker, I will admit the overwhelming majority of these signatures are Republican.

I can tell you one month before an election it would be extremely difficult to get any member of the President's party to sign a letter of this type that basically confronts him directly and asks him to respond.

□ 2045

But, Mr. Speaker, it is a bipartisan letter. In fact, three Democrats joined with us in saying to this President, put up or shut up. If you have no evidence of political involvement on the part of the special prosecutor, then shut your mouth. And stop going around the country attempting to provide support for someone who has been convicted by her peers and who sits in jail on contempt charges because you are fearful that she might say something that will implicate you and your wife.

Mr. Speaker, 185 Members of this body signed this letter. The letter is still open and my colleagues and our colleagues, I would hope, who want to sign this letter can do so by calling my office this evening, I will be there; as well as calling tomorrow, I will be in there again. And I will let them sign the letter there or on the House floor, because I think we have to make a statement, Mr. Speaker.

Back to my days in 1972, when I got involved because the leader of my party tried to cover up a third-rate burglary, and now we have a situation where our sitting President flaunts his ability to do what every citizen in this country cannot do and that is intimidate or somehow affect what a witness will say in a grand jury proceeding and make allegations about political implications of Special Prosecutor Starr with no evidence presented to back what he is saying publicly.

Mr. Speaker, the Republicans who signed this letter are no conservatives. They are moderates, and many of them would be considered to the left in our party, Members who supported this President on issues as I have. I have voted with this President on family and medical leave and voted with him on anti-strike breaker and voted with him on environmental issues and voted with him on more funding for the poor, $100 million plus up in the community action agency program and supported him when he has been right. But I will not stand in this body and allow anyone to think that because of their office they can manipulate the system in such a way that he will hope that through the next 5 weeks that this woman will just stay quiet and not be involved because there is that possibility out there of a presidential pardon.

Mr. Speaker, I would say that we need to have this President come before the American people and do what he has not done very well, and that is be honest with the people about his intentions.

All he has to say publicly is, I will not issue a pardon for Jim or Susan McDougal, for Jim Guy Tucker or anyone else. I will let the process work. If he says that, he has solved our problem and we will let the process work as it did with Richard Nixon.

Mr. President, again, as a child of the 1960's, as someone who is very close in age to this President, I am absolutely outraged at what is occurring. I think that this body has got to take action and this letter will help accomplish that.

With that I yield to the gentleman from California [Mr. ROCHRABACHER].

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair reminds all Members, they must address their remarks to the Chair.

Mr. ROHRABACHER. Mr. Speaker, I would like to ask my friend from Pennsylvania, perhaps he could explain, perhaps he could explain for the record exactly what the Whitewater investigation is all about. Some people who have heard Whitewater do not fully understand that what we are really talking about here is the looting of a savings and loan institution in Arkansas. Basically a clique, a small political clique in Arkansas who ran that State are basically being accused of looting the savings and loan that was guaranteed by the taxpayers. Once that savings and loan, Madison Savings and Loan went belly up, then we got stuck, the American taxpayers got stuck for tens of millions of dollars that then were needed to pay off the debts of the bankrupt savings and loan.

All of the activities that are going on concerning Whitewater, basically the roadblocks that are being put up and the stonewalling that is happening and the various attempts to attack the special prosecutor and to prevent people from getting evidence, that basically is happening as part of an attempt to thwart the investigation of the looting of a savings and loan, is that not correct?

Mr. WELDON of Pennsylvania. The gentleman is very familiar with the case. I am not on the appropriate Committee on House Oversight but I have followed it during my process. As I understand it, that is exactly what happened. It was a looting of a savings and loan.

That is why the special prosecutor was set up and comparing it to what happened in the 1970's, it was a bipartisan effort to see whether or not the President, who was of my party and of the gentleman's party, in fact did something that violated the basic trust of the American people, and we found that he did. What bothers me the most is that the President's wife at that time was leading the effort to uncover the President and what he had done.

And now we have a situation where the President has gone far beyond, far, far beyond the coverup of a third-rate burglary. Tampering with a Federal witness is a felony. To lay out the possibility of a pardon, while there is a person who is incarcerated because she will not respond to a request by a legitimate judge and special prosecutor in this country, is a felonious act. I am not a lawyer but that is what it is. I have asked people. It is an outrage that this country should not allow to happen. In my mind this action makes Richard Nixon look like a Sunday school teacher in comparison in terms of what has occurred this week.

Mr. ROHRABACHER. Mr. Speaker, in 1992, when then-Governor Clinton was kicking off his presidential campaign, I have a distant memory of that event.

And recently someone called my attention to the subject matter that he used to kick off his presidential campaign. I am not sure if my friend from Pennsylvania is aware of what the central theme of the President's first campaign speech was, but it was honesty in government. And he used as an example of the terrible dishonesty that was going on in the Federal Government, he used the savings and loan scandal as the basis for his charge of the corruption that was going on in Washington, DC.

I believe that it is ironic at best, it is ironic today for us to be confronted with stonewalling and roadblocks being thrown into the path of a special prosecutor who is attempting to come to grips and to follow the leads that are necessary to bring to justice those people who were involved with the looting of a savings and loan institution that cost the taxpayers tens of millions of dollars.

Some people have said that the President, that this President, President Bill Clinton, has more chutzpah in the history of this country. There are a lot of reasons for saying that. He did have enough chutzpah, for example, to try to change the language when he tried to say that taxes were contributions and Federal spending all of a sudden became investments. It took a lot of chutzpah to be able to try to face the American people and try to say that, convince them that taxation is really contribution and Federal spending is really investment and in some way fool them into the reality that that was different.

It takes a lot of chutzpah for a President who began his presidential campaign on the theme of honesty in government and attacking this savings and loan scandal to now be engaged in the type of tactics that you have just outlined, to try to basically thwart an investigation into the savings and loan scandal that was taking place right in Arkansas. Of course, he would suggest that it was happening right underneath his nose but he did not know anything about it and that his wife, although deeply involved in the law firm that had some of these accounts and dealt with people who were dealing with the savings and loan, that she of course knew nothing about it as well. This does take some chutzpah.

It also takes some chutzpah, as they say, for the same President to simply shrug off miraculous happenings that have been going on during this investigation. For example, most people have probably forgotten by now the miraculous appearance of Hillary Clinton's billing records for the Rose Law Firm that just were, had disappeared for about a year and then like a miracle appeared in the living quarters of the first family in the White House.

These things were either a miracle or someone consciously did these things. It just seems that the press is willing to ignore that, but if a Republican like Richard Nixon would have been involved in something as blatant as this, it would not be a matter for a chuckle, it would be a matter for questions and follow-up questions and a dogged investigation from that moment on.

Mr. WELDON of Pennsylvania. I would say to my friend and colleague that I think this is the straw that breaks the camel's back, because now we have the American people seeing through what has been going on here and we have an instance where you have a major columnist for the Washington Post, the New York Times editorial board, Daniel Schorr, the Wall Street Journal, editorial papers across the country, my own local paper in my county has been so incensed with the President that when he visited Philadelphia this past Wednesday, they broke their tradition and editorially endorsed his opponent the day he came to Philadelphia.

This is incensing people who have worked with this President, and I wanted to yield to the gentleman from California [Mr. HORN], who just came over here, because like me and perhaps unlike some of our other Members of our caucus, he and I worked with this President on issues. He and I have supported him on environmental priorities. He and I have supported him on issues affecting those things that we maybe differ with our caucus a little bit. And now it has got us to the point where we are incensed and outraged because perhaps in our, I will let the gentleman speak for himself but in my case, 1972 was a turning point because it displayed the arrogance that one person could have in thinking that they were above the people and above the laws that all of us have to live under. What he has done in this case is he has gone beyond the limit.

I yield to the gentleman from California [Mr. HORN] who, by the way, came over to sign the letter. We now have 186 signatures and, Mr. Speaker, I would urge our colleagues sitting in their offices who have not signed from either party to come over to the floor. The letter is here and, Mr. Speaker, I would encourage their constituents back home, Mr. Speaker, if they would like to make sure they communicate that, that would be appropriate because many of them are in their offices this very evening and phone calls to them might prod them to come over.

Mr. DORNAN. If I could just have 10 seconds, did you notice the front page of the most truthful paper calls it a curt letter with a small "c." First, I looked and I said, hey, CURT's name should be capitalized here. They meant it was a rather brief, succinct letter. What should we be doing, dripping with honey and with treacle running down our back and tell him, do not pardon these people?

Mr. WELDON of Pennsylvania. My point is, this is something I did not want to have to do on the last day of the session, which should not be in this mode, but, Mr. Speaker, this is it. It is the last chance for us to speak out.

Mr. HORN. Mr. Speaker, I thank the gentleman from Pennsylvania. I happened to be working here on another bill that we are putting through the Senate, and we have already put through here. I heard your remarks and I think they are frankly the most brilliant remarks I have heard since becoming a Member of Congress in January 1993. You are absolutely right. You are absolutely digging into the right aspects of this.

What we have is the intimidation of the chief executive of the United States, of the judicial branch of the United States Government. What you have described, which is true, is absolutely unheard of. I think every American citizen should share your and our outrage that are talking about this subject tonight. It is absolutely shameless conduct. As you say, if you have some evidence on the special counsel, produce it or quit the nonsense and the PR and the charm going around this country.

I gave the gentleman a question I wrote out a few days ago on this very subject, which is what should be put to all candidates in the national debates. If the press sits in that debate and does not put the question, and I have put it about as succinctly as I can there, then I think you are doing the people a disservice before they vote in November, because what you described, your hunches, your instincts are absolutely correct.

I have spent a year and a half with Chairman CLINGER of the Committee on Government Reform and Oversight. I am chairman of one of the relevant subcommittees on this matter. On Filegate, Travelgate, call it anything you want in the Watergate tradition, what we have seen there is the most cruel treatment to civil servants, if you will, in quotes, who have served numerous presidents of both parties, were doing their job. And suddenly the Arkansas gang said, hey, we would like those jobs. Everybody knows any President can come in and fire anybody he wants. But this presidency knew that those people were respected by the media, so charges were trumped up and the FBI, I am sorry to say, was brought into the matter and even told what to write hither and yon.

When you look at that record that Chairman CLINGER, who regretfully is retiring from this institution, brought out, his instincts were right in the spring of 1993; he knew something was wrong. And there is a law on the books that says, if so many, seven or eight of us on Government Operations, as it was at that time, sign, requesting the executive branch to produce the papers, we can do it.

□ 2100

And we did it, and we were stiffed every single week for weeks. Now our friends on the other side say, "Well, gee, why are you bringing this up in an election year?" Well, if they produced the documents that the law says they should have produced, we would have had that thing wound up in 1993 and 1994.

Now some of us are objective on that committee. And I will tell you, I did not know CHRIS SHAYS until I came here, but I never was so proud to serve with an individual in my life as CHRIS SHAYS. In the previous Congress, when you had the HUD scandal that occurred under the Reagan administration, he, as a Republican, went after the witnesses to get the truth, just like any of us should, regardless of who is in the White House.

What we want is the truth. That is what Chairman CLINGER wanted. That is what I wanted. That is what most of us on the committee wanted. And slowly we are getting it. But it is dribbled out to us after subpoena, after subpoena is issued, after we have to threaten them with contempt of Congress, after passing a resolution here which could mean jail time, and finally it is dribbled out.

And as my colleague from California knows, just the most amazing amount of miracles appear. Papers; it is like Peter Pan is running around dropping records on tables, and suddenly people come in and find them. You know, it is unbelievable, and where is the media to do the hard work that Woodward and Bernstein did which brought them the appropriate prizes because they were right on the track? They nailed it down. And where is the help to nail it down?

But I commend you for raising this subject, because it is on everybody's mind, and each presidential candidate should be asked that question.

Mr. WELDON of Pennsylvania. I thank my colleague.

Mr. HORN. And I would like to put the question in the——

Mr. WELDON of Pennsylvania. Put that question in the RECORD, Mr. speaker.

The question referred to is as follows:

Mr. President: Will you promise the America people that if you are re-elected, or even if you should lose in November, that you will, under no circumstances, use the Presidential pardon power to pardon either Jim McDougal, or Susan McDougal, or Jim Guy Tucker, or any member, present or former, of the White House staff, or any member of your own family, or any other person that the Independent Counsel may investigate or prosecute?

Potential follow-ups: Will you promise to resign if you should use the pardon power?

Why will you not give a straight answer to this very simple question?

And I would just say to him that CHRIS SHAYS, in fact, signed the letter, as did many other moderate Republicans who stood up when there was a HUD scandal in the Reagan administration, asked the tough questions, went to the wall to go through the investigation in a bipartisan way, just as bipartisan Members did, Republicans and Democrats back in 1972.

And I would just ask the gentleman who has been involved in the oversight committee in this area, that individual who had, as you say, trumped up charges brought against him that basically ruined his career and his family and caused him to spend hundreds and thousands of dollars, Billy Dale; that led to a trial, also like Susan McDougal.

Would the gentleman tell me what the outcome of that trial was and how quickly the verdict came down?

Mr. HORN. It came within, I believe, 2 hours. It was a very quick verdict, and the sad thing is, after they wrecked not only Billy Dale's reputation, but other members of the Travel Office staff, they wrecked their reputations, and they cost hundreds of thousands of dollars collectively on the part of the individuals who were in that Travel Office, and, as I said earlier, they served Democratic and Republican administrations with good faith and efficiency, yet they were dragged out of the White House, told to get out of there by 5 o'clock, a station wagon comes up, they are lying on the floor as they are taken out.

I mean it was something that would happen in the Soviet Union, for Heaven's sake, and this has happened in 13 acres downtown. The White House of the United States; it is supposed to epitomize democracy. And talk about the misuse of institutions of the Government. As was true of the Nixon administration, they misused the FBI. And when we get into Filegate, that is a whole other story we ought to——

Mr. WELDON of Pennsylvania. And what the gentleman did not mention was, that verdict that came down within 2 hours was a complete and total acquittal, unlike Susan McDougal, who went on television after a jury of her peers convicted her, I believe, of four counts and her husband of 18 or 19 counts. Unlike Susan McDougal, Billy Dale was acquitted by a jury of his peers of all charges within 2 hours. But his reputation was ruined.

Mr. Speaker, this kind of action is not America. We did not tolerate this when Richard Nixon was the president. We came together as a country and said this is not the kind of leadership that should be leading America. And in this case, this President had better answer for his actions and withdraw his political statements, answer whether or not he will pardon, or he should step aside, or this country should take action to remove him from office based on his actions in this situation.

Mr. ROHRABACHER. I think the President's action concerning the Travelgate affair does indeed show the character of the individual we are now talking about who happens to be President of the United States.

I worked in the White House for 7 years and knew Billy Dale very well, and the public should understand whom we are talking about here. We are not talking about a political appointee, who was appointed by the Republicans, who happened to be a holdover. No.

Billy Dale is a civil servant. He is a veteran who ran an office in the White House that had served President Carter as well as President Ford and as well as Ronald Reagan, a man who is just a civil servant like other civil servants, whose patriotism is demonstrated in the hard work and long hours that he takes in a job that is different than other civil service jobs, because he had to travel with the President, he had to make sure things are done.

Sometimes they work until midnight, but as a civil servant, he does not get overtime pay. This is someone whose patriotism was expressed in the fact that he was doing his very best job for those who held the office.

And that is the way it was with all those folks down in the travel office; we knew that. They were regular human beings, they were people that, you know, spend their times with their family and churches, and they are totally nonpolitical. You could always go to them with a problem, and they were there to help.

Well, these people were fired precipitously when President Clinton became President. Now why were they fired? Well, we know now that they were fired because the President had some cronies that he wanted to put in the office. One was an attractive female, and one had to do with a crony who basically was engaged in a travel company that wanted to get contracts, that had something to do with who was handling the travel office.

Well, before we can do that, of course, we have to get rid of these just average Americans. But who cares about them? Who cares about these civil servants?

What is significant is not only the President was off base and that the White House was off base in this matter, but that once that act happened, once it happened, it was a wrong thing to do.

Instead of admitting that they made a mistake, the White House set out to destroy these people, to destroy them, not just to fire them, but to charge then with improprieties and illegalities and to actually bring legal and criminal charges against them to utterly destroy them. In order to what? In order to make sure there was no political damage for the President for making a wrong decision.

This is the nature of the person who is occupying the Presidency of the

United States today. This is wrong. This indicates an arrogance; it indicates an absolute disregard for other human beings. How can you look at another human being and treat them in that way? I would not treat my enemies in that way. I would not charge my enemies with crimes that they did not commit in order to gain some type of upsmanship in a political match. I would not do that.

This is even worse than that. This is charging a civil servant with crimes in order to give yourself a political advantage, someone who is not even your political enemy.

Let us just note that this wrongdoing was recognized almost immediately by the jury, and within 2 hours, as we said, Billy Dale and these loyal civil servants, these loyal Americans who had worked their lives out in this particular spot in the White House, they were totally exonerated, and then what was the President's action?

When we tried to ensure that these people would not have to sell their homes, that these people would not have to have all of their life savings drained away because they had to have such legal bills, what then did the President do? Do you remember?

The President at first agreed, OK—well, through his spokesman—well, yeah, we will sign the bill if the Congress passes a bill to take care of their legal fees, and then he took it back. And then he took it back because he says he wants the legal fees of these people who were charged with criminal activity themselves to be paid by the Government or we cannot take care of these people who were just absolutely victims of his own misdeeds.

Mr. WELDON of Pennsylvania. The gentleman is absolutely correct, and the actions there are appalling to those Members who have been involved in looking at this situation, and it has just been devastating for that family.

Unfortunately, as much as the media had a fond affection for Billy Dale, and some of them I even understand contributed to his legal defense fund, they did not take this case. It was early on in the Clinton administration. It was just kind of brushed aside.

And it has been confusing for the American people to understand, and some who do not tune in regularly say, Well, there is another they are just charging; you know, it is another accusation; these accusations fly back and forth all the time, and it is just politics as usual. But, Mr. Speaker, this is different.

As I said before, this struck me this week because I have not felt this way since I was outraged, as a public school teacher in 1972, when I, as a Republican, heard that Richard Nixon had, in fact, covered up a third-rate burglary and, in fact, accidentally or deliberately had part of his tapes erased that he kept in his office.

What do we have now, Mr. Speaker? We have a President who feels such arrogance that he can stand up in a public forum on national TV and he can say with a straight face, "I don't know whether I'm going to deal with that issue of pardons or not, it will take its course," and then goes on to say, "But there is no doubt that what is being done to Susan McDougal is politically motivated because they want to get Bill and Hillary Clinton."

Mr. Speaker, I will say it again. No person in this country, be he or she Republican or Democrat, potentate or king, President or street worker, is entitled to violate the law and violate it especially with the arrogance that we have seen displayed this week.

But I think, Mr. Speaker, the bending point and the breaking point has arisen, and I sense a frustration and a feeling of incense across the country that is being displayed by the media that perhaps was not displayed during the Bill Dale situation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair must remind all Members that it is not in order to engage in personalities toward the President.

Mr. WELDON of Pennsylvania. Mr. Speaker, I understand that comment, and I am not engaging in personalities, I am engaging in factual information in regard to comments made by the leader of this country in a national public forum where he basically allowed the impression to be left that a pardon could be offered to someone who right now is in jail for contempt, of not cooperating with the Federal grand jury and the U.S. prosecutor.

I yield to my friend and colleague, Mr. HORN.

Mr. HORN. I think you are absolutely right on that, and I regret to say, on the earlier point you made, that Billy Dale's legal fees and the others that were so terribly treated by White House officials have been stopped in this Congress by some of our friends on the other side of the aisle and the other body, and those fees should certainly be paid.

I think one of the most eloquent members of our Committee on Government Reform and Oversight is the representative from Maryland, CONNIE MORELLA, and she has zeroed in over many hearings on just the point you have, the inhumane treatment of these workers, some of whom voted for the President, some of whom went back to the Kennedy-Johnson administration, and, as was said by my colleague from California, they were professionals, they were serving the media, and the media had a lot of demands, especially when you travel with the President, all that involved, and they did a splendid job, and they knew they were respected by the media, and they covered their tracks.

This was the modern coverup. They were covering their tracks on why they really wanted to get rid of the office. And as all three of us have said, and it is in the evidence under oath since all our witnesses are under oath, it was simply relatives of the President that want to take over the travel office.

Mr. ROHRABACHER. If the gentleman would yield, the fact is that when things are just permitted to happen and the proper attention is not paid to them by the press, other things that are worse happen. People get arrogant because they can get away with things.

For example, right off the bat we heard that the First Lady had been involved with some kind of commodity scheme that permitted her $100,000 profit. Now, if that had been any Republican President's wife, this would have been examined, and today, every time there would be a press conference during the election, you would be having people ask questions about it.

But that is just a distant memory now. It is a distant memory, and the fact that she got away with that, then we have—who hears about the Travelgate scandal now? Is the President being asked about this?

The fact is, if we were not bringing it up, the press would not be following through. And, my dear friend from Pennsylvania, you are talking about something and comparing it to the Watergate scandal wherein a third-rate burglary, which was wrong, which was a wrong thing for President Nixon and his staff to have gotten involved with during a political year, the incredible time and effort that was taken by members of the media to follow up, to dog it, to get every detail, to follow through every bank account was just something that they would not let go.

□ 2115

That sent a message to a lot of people. That was a good message: We in government cannot be arrogant and we cannot abuse power.

But what has happened with the current administration is that they came here believing that they could get away with things that no other administration could get away with. I am afraid that the news media, the news media is verifying this terrible fact.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank both of my friends and colleagues for appearing here tonight with me. I had originally come here to do a 5-minute special order, but felt the opportunity to take additional time and did so.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from California.

Mr. DORNAN. Mr. WELDON, my special order is following you, and I will ask my California colleagues to stay, because I want to see the same

firestorm in the press about Clinton threatening to shut down the Government over giving Social Security to illegal immigrants, and demanding that we use up tens of thousands of schoolteachers like my brother Dick to educate the children of illegal immigrants, even though we have grandfathered in anybody who is already in school through grade 12. We are going to discuss that.

Here is something I want to tell you. I have a reputation around here, Mr. WELDON——

Mr. WELDON of Pennsylvania. No, I do not believe that.

Mr. DORNAN. For not being a shy, retiring type. But I just saw you do something that makes me feel not limp-wristed, but not as tough as I thought I was, because you challenged the Parliamentarian, and you were right.

Our great Speaker up here, the gentleman from Georgia, MAC COLLINS, the Speaker pro tem of the day, only transmits to us what the Parliamentarian tells him. The Parliamentary advice was to tell you that you were getting personal with Clinton.

We are talking about pirating funds from a bank, looting a bank. Webster Hubbell is in jail for the mirror image of doing what he and Hillary Clinton did together. So of course Clinton is thinking pardon, because Hillary Clinton is not protected by rule XVIII.

ANNOUNCEMENT BY THE SPEAKER P.T.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman will suspend.

Mr. DORNAN. Yes. I am going to fight back with the Parliamentarian. Let us have it out on the last day of Congress.

The SPEAKER pro tempore. The Chair must remind Members that, although remarks in debate may include criticism of the President's official actions or policies, it is a breach of order to question the personal conduct of the President, whether by actual accusation or by mere insinuation.

Mr. DORNAN. I deliberately did not mention him, Mr. Speaker. Tell the Parliamentarian to open up her ears and listen. I said Hillary is not protected by rule XVIII.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DORNAN. All right. I have had it.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DORNAN. Thank you. I said Hillary. She is not protected by rule XVIII. Only Mr. AL GORE and Mr. Bill Clinton.

Hillary, I can talk about Roger Clinton being a cocaine addict for the next solid hour. I can even quote what he said about his brother if I do not use the name. People will have to figure out who his brother is. He might have 10 brothers. He might have one half-brother. But I can do anything I want to Roger Clinton, and I choose not to bang on Hillary Clinton much, but tonight is an exception, because she is the twin of Webster Hubbell.

Together they did all the coverups in what the gentleman from California [Mr. ROHRABACHER] called the pirating, the looting, I am not talking about the President here, the looting and the pirating of funds for their own personal political gain in Arkansas.

I could talk for 1 hour without mentioning——

Mr. WELDON of Pennsylvania. I know the gentleman will talk for 1 hour. I would just ask the gentleman to let me conclude.

Mr. DORNAN. Mr. Speaker, I want to compliment the gentleman again for not allowing the Chair, through our pal, Mr. COLLINS, to chastise you incorrectly when you are discussing public crimes, not making personal attacks.

Mr. WELDON of Pennsylvania. I thank the gentleman.

Just in concluding, Mr. Speaker, once again it was with reluctance that I came over here tonight, but I had to do it.

I got involved in the 1970's in public life probably for the same reason the President did, to serve my constituents. I was outraged at what Richard Nixon did. He was in my party. I was dismayed at my party because of what he had done, in thinking he could be above the law and he could cover up a third-rate burglary.

What I saw this past week, Mr. Speaker, and I am not talking about anything that has gone before, what I saw this week in terms of publicly talking about an ongoing investigation, leaving the possibility out there of a Presidential pardon, and then making accusations with no proper backup, has to be dealt with.

Mr. Speaker, on behalf of the 186 Members of this institution, and perhaps some more who will join us, I, tomorrow, will have this communication delivered to the President of United States. I hope that he takes positive response to the first question, which is, in fact, to say yes, positively, he will not issue a Presidential pardon to any of those who have been convicted in the Whitewater scandal; and, second, I ask him to either provide documentation of political motives or efforts on the part of Mr. Starr or to withdraw the public statements that he has made.

I do so in the hopes of keeping this country the freest, the most democratic country in the world, and a country where everyone, including my friends back in Delaware County, who have to go to work every day and abide by the speed limits and the regular laws all of us have to abide by, understand that the man sitting in the White House is no better than they are, and must abide by those same rules and laws.

INTEGRITY NEEDED IN THE WHITE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, a bit of bipartisan levity. In case the 1,300,000 audience from the territory of Guam, in which it is already tomorrow, on the other side of the dateline, all the way through our beautiful 50th State, Hawaii, down to the territory of Puerto Rico and the Virgin Island, not to forget Western Samoa, back in the Pacific, all of them watching may have missed it earlier today, because of the various time zones, my friend, the gentleman from Ohio JIM TRAFICANT, made this observation on our runaway, bloated Federal Government.

This is JIM TRAFICANT. He is the best one-minute man in the House, not I, so I hope I do it some justice. Here goes TRAFICANT, fighting Democrat of Ohio: "Don't be fooled by the Clinton Administration's budget-cutting rhetoric, because nothing has changed," says Representative JAMES A. TRAFICANT, Ohio Democrat.

"In and effort to cut the budget, the GAO called the OMB and the CBO, the RTC and the NSC and the ITC and the GSA and the IRS, and they had no success." I am with him so far. I have tracked every one of those agencies. I have been here 20 years, so the alphabet soup is okay to the point.

Now, "So since they had no success," Mr. TRAFICANT continues, "The GAO then called the DOD, the DOE, the DOT, and the DDT." I think he lost me on DDT. "Still, they could find no cuts. So then the GAO called the CIA, the DIA, and the OSI, and the PCBs and the PCPs." I fell off the charts on the last one. "And they could find no cuts."

"So then they called again the OSI and the ORI and the IUD, and could find no cuts. And finally, so frustrated, they called," and I am a married guy, I know the code on this next one, "they called the PMS, and there were no cuts to be made. So they decided there should be a whole new program called the accounting selection system, hereafter to be known as A-S-S, which only goes to show us, when it comes to bureaucrats and cuts, it is still the same in Washington, D.C. It is called BS in D.C."

That is the last time I will be lighthearted here, because I would like to read a letter. Last night I was happily incorrect. I did not make the last special order of the very successful 104th Congress. Canadian yearly multimillionare—meaning every year he becomes a multimillionaire over and over—Peter Jennings says this was not a productive Congress. Contraire, Peter, my Canadian friend, who pays a lot of U.S. income tax, I hope. It was very successful.

I though last night was it. So here I am back for an hour, to be joined by my friend, the gentleman from Huntington Beach and the greater area, including a lot of parts that I represented for 8 years in beautiful Orange County, he will be joining me. But I want to read a letter, I would say to the gentleman from California, Mr. ROHRABACHER, and then ask the Chair's unanimous consent to engage in a colloquy.

Mr. Speaker, this is from a doctor in the hometown where by mom and my aunt, Flo Haley, grew up, Wilkes-Barre, Pennsylvania, the great Scranton Wilkes-Barre, Wyoming Valley. That is where the State of Wyoming got its name, right there in eastern Pennsylvania.

This is Dr. Gerald Ferry—I will not give his address. Jerry Ferry, kind of an easy name to remember, said "Dear Congressman DORNAN, I respectfully request that you consider organizing a series of special orders regarding Clinton's attempted reelection similar to those conducted in 1992," when, of course, he was not protected by rule XVIII, which is to keep us from going for one another's throats here and in the other, as Tip O'Neill used to say, "the other body;" I like the great American's way of calling the Senate "the other body."

Dr. Ferry continues, "Please, do whatever you can to rid our great Nation of the Clinton menace." He means the Clinton administration; he is not being personal there, I am sure. Dr. Ferry would not do that. "Your friend, Jerry. No response necessary."

We had talked, and we were called Tiger Flight. This post-Korean War fighter pilot and three combat pilots, the gentleman from Texas, SAM JOHNSON, a few years older than I, fought in Korea and came back in Vietnam. That is what almost 30 years of service did for that great American; shot down in both wars, captured in Vietnam, horribly tortured. Only the torture of Red McDaniel, our friend, and a few others ever went beyond SAM JOHNSON of Texas, our colleague's torture.

He joined me on the floor one night after our colleague, the gentleman from California, DUNCAN HUNTER, joined me. And then the only aerial ace since World War I began to ever serve in the U.S. House or Senate, our colleague, the gentleman from California, "DUKE" CUNNINGHAM, he joined us. His district adjoins DUNCAN HUNTER's.

That was 4 years ago this very day, and we went into October. I think we adjourned late into the night of October 4–5, and we became known as Tiger Flight, and I was getting a thousand calls every 24 hours from smart Americans who saw what was coming.

There were no books out on either Clinton, no talk about, it takes a Clinton village to raise my children. You know where my kids were raised. Mr. Speaker, you may not know; but you know, DANA, in Westwood Village and Brentwood. I do not think O.J. Simpson's Brentwood or Westwood Village at the foot of UCLA is the village that was going to help raise my five kids, who are all thoughtful but outspoken and passionate conservatives, particularly on life issues, in raising what will soon be 11 grandkids.

My daughter Terry, who ran my presidential campaign, she is great, Terry Dornan Cobban, she does not need any help from Springfield Village or Burke Center Village or anybody. She knows what to do with her kids, and she knows good teachers from bad teachers.

So going back 4 years ago, people remembered that, and they expected about 10 days here, and it did not happen.

I would ask the gentleman from California [Mr. ROHRABACHER], did you see the movie, "The Longest Day?" General Eisenhower, by then a four-star, said, "I am not putting men on the beach unless we control the air." And we so pounded the Luftwaffe, the Flying Army, so that by the time D-Day rolled around we had air superiority; not supremacy, yet. The Luftwaffe only sent up two airplanes, two Messerschmitts, the first helicopter seen over simulating a strafing run across the beach on a camera in oil, to steady the camera; an early steadying device.

The German fighter pilot, who is still alive, he just died recently, his name is something like Pappin, Pippin, he gave the exact dialogue he said that day. It is in Cornelius Ryan's book, "The Longest Day," after they strafed. And they killed some Americans; so when the audience laughed, I did not like it. They strafed the whole beach and killed some Americans. That was it, one pass. Ran for their lives.

As he pulled off the target, our young men hitting the beach at Omaha, way after the first waves, first two waves, he said, "Well, the Luftwaffe has had its day." Two fighters.

□ 2130

Mr. ROHRABACHER, it is you. It is me. This is it. There will be no special orders tomorrow. We are going to adjourn sine die. So we will respect this rule XVIII for the last time. Because when we meet in December and organize, it is going. If we have to find people trained as Republicans to be parliamentarians, that is not good enough. I want rule XVIII out the window, for anyone. Let us say Bob Dole wins and our pal Jack Kemp whom we love. I do not want to hamstring—that means tie their ankles together—I do not want to hamstring the minority, and I hope they are still the minority, bless their hearts. Out of the last 66 years, they have had 60 and they had 40 in a burst right up through November 8, 1994. So bless their hearts. They had their 40 years to run up $5 trillion of debt. I hope we hold a majority here. But I do not want to hamstring the minority.

I know what it is like to be in the minority. I was in the minority for 18 years. You were in the minority for 8 years. It is not nice. Or 6 years.

So Mr. Dole, President Dole and Vice President Jack Kemp, they are going to have to take a pounding, because my colleagues on the other side have destroyed the value in this Chamber of two words: Extremist and radical. They have made them synonymous, at least in their minds, with the word "conservative" and the word "Republican." I have never called a Member on the other side an extremist on this floor or a radical and they do it all day long. Where do they pick it up? From the White House.

Mr. ROHRABACHER. If the gentleman would yield, I do not ever remember someone on the left being referred to as an extremist.

Mr. DORNAN. Not in this Chamber or in the U.S. Senate.

Mr. ROHRABACHER. Actually in the news media as well. It seems to me you actually have to be carrying a gun and trying to kill someone to be an extremist on the left. And on the right you basically have to be someone who, even if your views are parallel to, let us say, 75 or 80 percent of the American people but opposed to what the liberal news media believes is a standard, basically the standard belief in our news columns, then you are an extremist if you are a conservative.

Mr. DORNAN. If you want to balance the budget, you are a child-hating extremist radical.

Mr. ROHRABACHER. I believe that the President said that the Gallegly amendment was a nutty idea, which was something that got quoted, and that "nutty idea," of course, passed overwhelmingly in the House of Representatives.

Mr. DORNAN. With a lot of bipartisan support.

Mr. ROHRABACHER. If I could mention, as we get into this illegal alien issue, which is one of the reasons I am here tonight and I am so concerned, is that President Clinton has repeatedly promised the people of California that he would be helpful on that issue and that I am sorry to say tonight that what we see happening in Washington, DC today is that not only is the President not trying to help us on the illegal alien issue but the President is using all of his powers, all of the threats that he can make in terms of the legislative process and the Presidential involvement in it to try to prevent us from passing a meaningful immigration bill.

It has reached the point today that during our negotiations, what President Clinton is doing is basically threatening to shut down the entire U.S. Government if we refuse to gut

the immigration bill that passed with a substantial margin here in the House of Representatives. Those things that apparently are upsetting the President are that, he claims it is our restrictions on legal immigrants that he is upset with.

The American people should understand, and I believe for the record that we should state that the restrictions on legal immigration that are now being discussed by the President and which he adamantly is opposed to deals with SSI, welfare, and Medicaid. The President of the United States is threatening to close down the Federal Government unless we take out our immigration reform bill provisions that prevent people who come here and never contributed to the system from immediately getting on the SSI. He is also worried about, for example, that we have restrictions to prevent people who come here from other countries, now, they are supposed to be healthy when they come here, they are supposed to be, and the idea is if someone comes here, that they do not become a ward of the State and that they do not drain money that is meant to be for the American people themselves. But the President wants us to take out a provision that permits people who come here from every other country, legally or not, from receiving Medicaid. We are talking about $20 billion of Federal expenditures. The President is threatening to shut down the Government, prevent the widows and orphans and veterans of this country from getting their benefit checks from the Federal Government, in order to protect foreigners who come here and who are now currently draining money out of our SSI system and out of the health care system that was meant for American citizens.

This is totally contrary to the promises that he made the people of California. But the people of California should not be the only ones that are upset. The people of the entire country are the ones who are having to pick up this bill. If our social infrastructure in California breaks down, our education system and our health system and we go belly up financially, this is only a harbinger of what will happen to the entire country.

Mr. DORNAN. Exactly.

Mr. ROHRABACHER. If we send a message to the people of the world, which we have, "Come on in, come on in, because you will get the benefits if you can come to the United States, legally or illegally."

One of the things that concerns me the most is that we have seen this incredible flood of illegal immigration into our country at a time when this administration is trying to speed up the process of naturalization.

In the last 12 months there have been more immigrants naturalized than in any other year in the history of our country. In fact, it is three times greater than the year before. This administration is intentionally speeding up the naturalization process in order to make voters out of foreigners, many of whom came here illegally and were given amnesty back in 1986.

What is happening, then, is that in a speedup of the naturalization process, thousands upon thousands of convicted criminals, of felons, are being given U.S. citizenship by a President of the United States who is hell-bent to try to gut our ability to come to grips with this challenge to the people of not only California but of the entire country.

Who do we care about? Why are we here? Who are we supposed to represent? We are elected by the people of the United States to care for them. We have different philosophies and people with different philosophies can disagree. There can be honest disagreements. But we must always keep in mind what is the benefit to the people of the United States

I am afraid that what has happened is there is a political power block in this country that sees that they are losing their power. The liberal left that controlled the news media and communications and controlled the political apparatus of this country for decades is losing their grip. The political liberal left thinks that there is one way they can keep hold, and they look at millions and tens of millions of people coming illegally and legally into our country as a potential voting block to save them from the political oblivion of a time when the American people are rejecting their liberal left philosophy.

This is a threat to the Democratic process, it is a threat to the well-being of every American. I would hope that those people reading the CONGRESSIONAL RECORD and those people who watch over C-SPAN will pay close attention to the negotiations that are now going on.

Why would a President of the United States insist that we provide tens of billions of dollars worth of benefits to foreigners at a time when we are having to cut down on programs for our own people? Why is that? Why would the President of the United States be willing to close this Government, to close the U.S. Government and to prevent our widows, our orphans, our own veterans from receiving their benefits in order to insist, to add pressure on Republicans to gut a welfare reform bill that protects our own budgets from being looted by foreigners?

Something is going on here. Something terrible is going on here. Every American should be aware of this. Thank goodness for talk radio, and thank goodness for the fact that we have a CONGRESSIONAL RECORD that is distributed to libraries throughout the United States and a C-SPAN that is seen by the American people throughout the country, because the news media is not doing their job. It is very easy to see that the news media is not doing their job.

Does anyone remember, for example, we have talked tonight about the commodities, the tens of thousands, if not $100,000 made in the commodities market by Hillary Clinton before she became First Lady? Not many people talk about that anymore. We talked about the details, the horrible details of the Travelgate scandal where some civil servants, their lives were destroyed for just trying to protect someone's political career.

Well, what about the FBI Filegate scandal? That was just a few months ago, and already we do not hear anything about that. That is not in the media. Already people are sort of ignoring that. In fact, just yesterday and the day before there were dramatic revelations that the logbook that was kept on the people who saw these FBI files that were being illegally kept by the White House, that there is a logbook that has a 6-month gap, and that they do not know who looked at the FBI files during this 6-month period.

Well, let us remind the public what the FBI Filegate scandal is all about.

Church Colson, during the Watergate scandal, showed one-half of one FBI file to one person and was sent to prison for 2 years because this was considered and is considered today a horrible personal assault on the privacy rights of those individuals who the FBI has gathered information on. When that scandal broke, the President first announced that it was 35 files. Then, if you remember, it became 50, and then 100, and then it became 900 FBI files.

Then, if you remember, the President mentioned something about, oh, this was just a low-level detailee from the Defense Department. Only later did we find out that what we were really talking about, was what? We were talking about a man who had been engaged, a professional opposition researcher who worked in several major Democratic campaigns, who just happened to have the FBI files land on his desk.

My goodness, a detailee from the Defense Department becomes an opposition researcher, or vice versa, and 35 files become 900. Well, that is sort of miraculous but I think that there is even a better answer than thinking that this is a miracle, of how these things happen.

If you remember, BOB, there was recently also what we have, and by the way, we would have none of this information except for the fact that the Republicans took control of this House and began to subpoena this information from the White House. If we would not be in control, this would have all been covered up, this arrogance of power, the fact that people have illegal possession of FBI files and have violated the privacy of people throughout

Washington, DC and people throughout the country, in fact, political activists, and we have not gotten anywhere near the bottom of this yet. But we would not know this except for the fact that Republicans got this control and subpoenaed this information.

Right after the Republicans took control of this body, the legal counsel's office at the White House did a study and they created what they call a task list. What it is, is what I call a blueprint for coverup. I think there is no other really more reasonable description of this list.

□ 2145

What it is, it was a list that was developed by the White House, and it basically said these are the areas of a potential scandal within the administration. That is what basically they were saying in this memo, this long memo. They tasked various people to look into and investigate all of the possible scandals.

Now, this happened two years ago. This happened right after the Republicans took control of the House of Representatives, because the White House understood at that point they were vulnerable to being asked under oath questions and being subpoenaed.

Who was on that list? Mr. Livingstone, the man in charge of the FBI files, had his hand on the FBI files, was on that list of potential scandals. Two years ago this White House asked people within the White House structure to go to Mr. Livingstone and look at this matter so they would be prepared to handle the scandal.

Now, was their instructions after they interviewed Mr. Livingstone and after they developed the plan of how to handle this problem once it becomes problem, that there has been an abuse of problem, was part of the plan that the first statements to come out of the White House were to try to act, one, confused, like there were only 35 FBI files, or act confused that the President did not know, that maybe it was just a low level Defense Department detailee, as if the President did not know that it was really a opposition researcher who had been involved in major democratic political campaigns? Was this part of the plan that was developed by whoever it was in the White House, who was asked to go and see Mr. Livingstone?

Well, we do not know that. But the public deserves to know, because they deserve to know when the President of the United States is speaking to them, whether or not the President of the United States is speaking truthfully, or whether he is involving himself in a straegy intentionally aimed at deceiving people.

Now, when the President came to California and promised to help us stem the flood of illegal immigration, people took his word for it. And the fact that today we see that the President is threatening to close down the government unless we gut our immigration bill, well, some people in public office, I think all people in public office, deserve a little bit of leeway, and they deserve to be given the benefit of the doubt. It has happened a lot with this President, and I think it is becoming very difficult for people to give him the benefit of the doubt.

We have seen it in the FBI scandal. But I will say this: When it comes to the liberal news media, they seem to have a ceaseless reservoir of patience and are giving the President the benefit of the doubt, time and time again. They do not even feel they have to follow through on many of these things we have talked about today, much less ask follow-up questions that would be done to any Republican, especially NEWT GINGRICH.

So, with that said, I am pleased to be with you here tonight, because I know that Bob and I share Orange County together, and we have seen what has happened to Southern California because of this flood of illegal immigration. It is destroying the infrastructure of our State. It is a horrible, horrible burden, that people who have worked all of their lives, all of their lives, trying to build up a decent place for the Amercian people, for their children to live, and now they see it is all being destroyed because we do not have the courage to set the policies that will prevent foreigners from coming into our country. They may be good people, they may be very good people, but our allegiance, again, who are we here for? We are here to protect the interests of the American people.

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to engage in a colloquy, and Ace DUKE CUNNINGHAM did not join us, but Ace of the Waves, BRIAN BILBRAY, has joined us. We will hear from him in a second.

Mr. ROHRABACHER. The best surfer in Congress. But, I might add, the second best surfer in Congress is here as well.

Mr. DORNAN. That is true. It is not me. I am the 19th best, according to my grandkids. I am going to speak about the Chosin Reservoir in a few moments, because on POW day, September 20th, I had a press conference, I know you tried to make it, in the middle of Orange County in the Civic Center, beautiful World War I, for my dad, World War II, Korean and Vietnam memorial. The largest contingent that showed up were, and it is a wonderful play on words, the "Chosin Few." Your dad is Marine, a retired colonel. I learned there were more Army guys trapped on one side of the big lake created by the Chosin Reservoir than there were Marines trapped on the eastern side. But I am going to read off the names.

Mr. ROHRABACHER. I have to go now, because there is a radio interviewer waiting for me. If I could say this, my father, when I was young, who was a career military officer, told me many times of how he flew the generals and officers and enlisted men from the Chosin Reservoir back in his plane, across the Pacific, in order to bring them back to the United States after that incredible military action.

Mr. DORNAN. Your dad, I know, was a fighter pilot. He also flew everything.

Mr. ROHRABACHER. My dad was also a transport pilot. He had three fighter squadrons, but also two transport squadrons. He flew these fellows back, and there was one general, I remember him telling me about this conversation with this general, but that was something worth going into.

Mr. DORNAN. Let me finish this commercial, and thank you, DANA, for joining me. I just want to let people know I will keep my promise to discuss about our great victory today, and I wanted to thank both of you, 404 to 0, for the MIA–POW Protection Act, to restore into law what has been law for almost a year, that was stripped out when Clinton signed the defense authorization bill on Tuesday. I wanted to talk a little bit about Korea.

This report, and I showed this to you the other day, the transfer of U.S. Korean war prisoners to the Soviet Union, a heck of a way to end this year. Then McNamara, this book again, The Living and the Dead, our lost prisoners of war, sold down the river. I will put in the RECORD a shockingly, or not shockingly, a pridefully excellent piece by Bruce Neelon, of Time Magazine, a bad Xerox, the issue dated on September 30, a few days from now.

And then I want to close out talking about the worst vote of the year in either Chamber, the vote to certify that Clinton is the abortion President, the first abortion President in our history, and aggressive, pro-abortion President. And I know that CHRIS SMITH has said that many times from this mike, that mike, that mike, the lectern, so I do not anticipate any Parliamentarian thinking that is a personal attack. But Clinton has taken on all the Protestant bishops, Billy Graham, the Pope, Mother Theresa, every single cardinal in the world, almost every practicing Islamic person in the world, everybody who understands what the code of ethics of Buddhism, of Shintoism, Confucianism, it is just unbelievable this vote in the Senate.

I will read some quotas from religious leaders about this. Some of them get pretty tough. My pal Jim Donaldson says we are afraid if we fail today, the judgment that will be wreaked upon this Nation. I know atheists hate to hear that. Tough. It is my time.

Before we do that, Brian Bilbray of California was so good last night. I asked him to come back, because I did not know that you actually lived, Mr. BILBRAY. Again, I ask unanimous consent to have a colloquy, with Mr.

BILBRAY, where you can see the border, where you feel Tijuana is a friendly town, where you have 5, 6, 7, 8 generation Hispanic Americans living in your county, beautiful San Diego, bigger county than mine, took the number 2 spot away from us, we are number 3 in Orange County, we are identical cultures. We love our Hispanic culture. Our streets are named after beautiful Hispanic names. We put tile roofs on. We theme our whole southern part of the state, and all the way up through Monterey, we are proud of our Spanish heritage.

But, please capture for a new audience some of the words you said last night about how this has nothing to do with individuals, it has to do with law and law breaking and fairness.

Mr. BILBRAY. I appreciate the gentleman from California, and I want to first clarify that the gentleman from Huntington Beach who just left has to qualify as the Member of Congress who is improving in surfing faster than any other Member of Congress.

Mr. DORNAN. He has a good coach, finally.

Mr. BILBRAY. My stepfather actually was a PBY pilot, decorated in World War II. But when we talk about the border issue, I grew up along the border, as you know. It is part of our culture to be binational.

In fact, I was mayor when I was 27 years old with a city that was sister cities with Tijuana. And we would constantly have that intercultural communication again and again.

Mr. DORNAN. You were mayor of National City?

Mr. BILBRAY. I was mayor of Imperial Beach. It is easy to find my hometown, if you know where the Pacific Ocean and where the Mexican border is. Where they meet is where I live.

Mr. DORNAN. It is where Jonathan Winters starred in his movie, "It's a Mad, Mad, Mad, Mad World."

Mr. BILBRAY. It is a mad, mad world down there right now. The fact is those of us that live along the border, like I have, when I was a lifeguard, I rescued illegal aliens drowning. But what I have seen——

Mr. DORNAN. Drowning trying to swim around the border fence?

Mr. BILBRAY. They were actually trying to swim across the rivers. Now what happens is while there are floods going on, the cayotes, the smugglers, tell them swim across this body of water, and they do not realize how swift it is and how hard it is to make it across. There is debris in there. I have actually, when I was chairman of San Diego County, gone out with the lifeguards. They asked me to come help them because they needed somebody who was a lifeguard, who knew the area. I went out and rescued illegal aliens and put them on the skids of helicopters so we could pick them up and carry them off.

Let me remind you, the Federal Government did not say anything about the expense of rescuing those people. Those of us in San Diego County paid for this expense. The thing that really shocked me was how many people did not make it? In one year, when I was chairman of the county, we spent over $30,000 sending people back to Mexico in body bags, $30,000 worth of dead people that were caused from the lack of control.

So when people talk about——

Mr. DORNAN. All of them drowning or from desert dehydration?

Mr. BILBRAY. There were drowning, there were cliffs, they were running off cliffs. They still do it tonight, and they were killed on the highways. But just the County of San Diego, the taxpayers of one county had to pay $30,000 just to send people back. The most heartbreaking situations.

So I am trying to come here to Washington to wake up this body, that this is a Federal responsibility. The Constitution says the people of San Diego and the people of California do not have the right to control the border. They do not have the right to enforce immigration law. By law, only the Federal Government has the right to do that. And you can hear people again and again in this hall talk about we need to hire more law enforcement, and we need to hire more teachers.

Well, let me tell the gentleman from California, it does not take an act of Congress for a city like when I was mayor to hire a police officer. We can do that locally. It does not take an act of Congress for a school district to hire a teacher. But it takes an act of Congress and an act of the President to stop the carnage along our borders.

If I have to say anything else, please, please be sensitive to the fact of how many people are dying in this situation. Over the last few years, and if you say 3 or 4 years, more people have died trying to cross into our country illegally than were killed in Oklahoma's explosion. And I wish this institution could have people stand up as outraged and infuriated about the terrorism along our border, as they said about Oklahoma. And it was right to be outraged about Oklahoma, but it is wrong for this institution or the President to ignore the problems along the border.

The thing that really hit me——

Mr. DORNAN. In less than a month, more people can die, good citizens, coming to North America for a dream, a percentage coming to rob cars, three cars stolen in L.A. in Orange County, and we found one of them on a hill in Tijuana only partially stripped. The chief of police in Tijuana called. It had congressional plates on it. They had not yet completely stripped it. It had an engine. I could drive it back. I repeat again the atrocity of Oklahoma City happens every 2 or 3 weeks.

Mr. BILBRAY. It happened over the last few years. You have to recognize that that atrocity is happening today and continues to happen, while those of us in Washington fiddle, people today are driving off roads and crashing. I saw a brother and a sister, and these were not young kids, these are 15 and 16 year old brother and sister, trying to run across a freeway late at night, actually it was afternoon, following a smuggler. And what happens is the old and the young are usually in the back of these linings and there may be 30 people running across a freeway. And the smuggler is in the front. And the poor people that are the slower, younger, older people in the back, and when you have seen what has happened when they get hit by a car, you have to say when will Washington wake up to the fact that this is a cruel hoax?

What we are doing is we are saying officially you are supposed to come into this country legally. But, but, if you come in here illegally, we will give your children free education, we will give you welfare benefits, we will give you health benefits. We will give you a world that you can only dream of where you are now.

□ 2200

And no wonder these people risk their life and play this game. We had a poor group of illegals that died within less than a mile of a hospital in Chula Vista, CA; died from exposure and thirst, sitting in a canyon. Within a mile. And this is supposed to be a great humane thing to do?

So when somebody comes up here and says you are mean-spirited because you want to control illegal immigration, you are mean-spirited because you want to stop this carnage, all I can say is come in my neighborhood and see what is going on.

Mr. DORNAN. What was the question that you asked Member BARNEY FRANK of Massachusetts that sent him off into hyper-speed talk?

Mr. BILBRAY. All I know is what is happening now is we have heard that the President's administrative aides are asking that a thing called title V be taken out of our immigration bill. And the title V section is the section where our hospitals in California and around the country that have to give emergency health care to illegal aliens will be reimbursed.

It does not sound like a big thing. It is $375 million a year. And let us remember, these are not rich hospitals in wealthy neighborhoods that are impacted. These are poor neighborhoods. These are in neighborhoods of the working class.

And we here in Washington and at the White House say we care about the working class. This is really the proof of the pudding. Do they care enough to send the resources to pay back to these people the cost of providing health care to people that were not supposed to be here and the Federal Government is responsible for?

Let me tell you, the Federal Government and this administration is the biggest deadbeat dad in this country if they do not pay for this baby, if they do not pay for this expense, because it is coming out of the working class.

Mr. DORNAN. So title V says it is a Federal failure to control our borders and, therefore, we all want to be merciful, but it is the Federal responsibility.

Mr. BILBRAY. To pay the bill.

Mr. DORNAN. Because they mandate this, another Federal mandate, to pay the bill.

Mr. BILBRAY. To pay the bill. The other aspect is, when I operated, as chairman of San Diego County, I operated a welfare system that was larger than 32 States in the Union. Much larger than Arkansas.

Mr. DORNAN. And more effective.

Mr. BILBRAY. Our county actually started the concept of workfare back in 1977. Finally got to Washington. A little slow but we are moving.

But the real thing here that comes down is that we are not allowed to ask people to prove that they are legal or illegal, because they say that that may be a violation of some kind of Federal regulation. And you run into the frustration of trying to make sure that illegal aliens are not coming into our country and getting these benefits.

The American people I think strongly believe that those who are truly needy, those who are deserving, should be allowed to get benefits, but you do not reward somebody for breaking the law.

And I need to really make sure I clarify for the American people. Where I live, when you look up on the hills at night, you see Tijuana. A million people living in Mexico that have never broken one of our laws.

Mr. DORNAN. Big as Houston. Houston is a little over a million.

Mr. BILBRAY. It is well over a million in Tijuana. They have never broken one law. They have not snuck across and broken our national sovereignty. There are a lot of children that would love to have a free education, a lot of people who would love to have free health care. They do not get it.

But if they break the law, jump the fence, run down our freeways, swim across our rivers, then Washington says you have got to give them all these free services that the law-abiding citizens that are staying in Tijuana, in their own country, do not receive.

Now, I went to a high school, it was interesting, and I always have to chuckle about this, I went to a high school where a lot of kids were from Mexico. They gave American addresses and we went back and forth. And the fact is those of us that were here in the States legally had to prove that we could not provide the resources to be able to pay for our health care. But if they perceive that you are here illegally, they automatically assume, do not worry, we will pay for it. That is wrong.

It is wrong then American citizens and legal residents have to stand behind someone who has broken the law. It is wrong when somebody says I will sponsor, and here is the other part of title V, I will sponsor this person and make sure this person does not go on public assistance. And then when the person does go on public assistance, people walk away from that responsibility.

I have to say this to you. The one thing I did not tell you, Congressman, is my mother was an Australian war bride. She was an immigrant. In fact, my family is very proud, and you may not know this, my family is very proud that my mother was the first Australian war bride to get her citizenship.

Mr. DORNAN. Her name was not Sheila, was it? That is what they called all those beautiful war brides then.

Mr. BILBRAY. Obviously, with a name like Mavis, she had to be from Australia. But the interesting thing: They met in General MacArthur's office.

Mr. DORNAN. I have a MacArthur quote right in front of me.

Mr. BILBRAY. The only Army man my father ever really appreciated. He was a Navy man.

But getting back to the issue. What we are talking about is, I do not understand why the President and Mr. Panetta would hold up the continuation of Government operations because they want to bust up what is called title V, which has reimbursements for the health care; to those of us that need to be reimbursed for the health care of illegal aliens that says that those who want to sponsor people coming into this country have to be responsible for it. It says that those who come here illegally will not get the social benefits; that law-abiding American citizens should get the first priority when it comes to being provided Social Security.

Mr. DORNAN. Social Security.

Mr. BILBRAY. Social Security. You hear people say, what are we doing about Social Security? Maybe the one thing we should do is start talking about who is getting Social Security benefits. But the President and this administration think there is so much money to be able to be spent on health care, education, Social Security for everybody, even those who should not be here.

Mr. DORNAN. Are they meeting as we speak at 10 o'clock?

Mr. BILBRAY. They are meeting now, and I hope they work this out.

Mr. DORNAN. Is the Speaker down at the White House?

Mr. BILBRAY. I hear they are trying to work this out to have it ready for tomorrow. And we have to work together. This is key. We have to cross the aisle and make sure Democrats and Republicans work on this, because, frankly, I think the American people are fed up with the partisan fighting, and I think the President and Mr. Panetta think that somehow it is an advantage by trying to mess with this immigration bill. It is really sad.

Mr. DORNAN. There is a handful of people who do want to circle the wagons, seal the country up, forget that we are a nation of immigrants, and I am tired of the liberal part of the news media going after them for quotes. They are not part of the debate.

It is the average generous American who says I believe in the Statue of Liberty, I believe in the Golden Gate, "Send us your tired, your poor, your huddled masses, yearning to breathe free, the wretched refuge of your teaming shores. Send these, the homeless, tempest-tost to me. I lift my lamp beside the door."

That was punishment from a nun in the sixth grade, but I love Emma Lazarus' words. What we are talking about is law, justice, fairness and lawbreaking, and making a fool out of every Mexican who has decided he cannot stand the corruption and wants to be an American and does it legally. Every Ecuadorian, every Argentinian, every Tibetan.

I was at your border in your district and they took and introduced me to two English-speaking Finns from Finland. And I said why not do it legally? "Well, your border is so open down here, so porous, we just thought we would come through this way and stay a couple of years."

Mr. BILBRAY. I was on the House floor yesterday and a Member of Congress called me down because I said my cousin from Australia said, we hear you can just break your immigration law and then there is no problem.

In Australia they have learned that if you fly to Tijuana and walk across the border, do not worry about it. You get in this country and you get more benefits if you break the rules than playing by the so-called silly rulings.

That really scares me. Can you imagine what the rest of the world thinks of this country when they think of immigration issues; when they think about what kind of country would not only allow but telegraph around the world to come break our laws and we will reward you? This is the greatest Nation in the world.

Mr. DORNAN. There are 185 nations in the United Nations, 7 that are not, Switzerland by choice, a few islands, Tonga and Nauru and a few other island nations, and the Vatican City, which is not a member of the United Nations, but of the 185 nations in the United Nations and these 7 tiny countries, can you name one besides the United States that lets lawbreakers receive all the benefits of the country?

Mr. BILBRAY. Let me name you one that does not. It is the Republic of Mexico. When I met with the Senators and Congressmen of Mexico, I held up our new immigration law and held up their immigration law. And I said where we are changing it is to make ours more like yours.

And when they looked at it, they said you are right, you are making your law more reasonable.

Mr. DORNAN. I have to reclaim my time.

Mr. BILBRAY. Let me just tell you what Australians say, though. When my cousin stood up at the border and stood up and watched 135 illegals run by us——

Mr. DORNAN. Where is he from?

Mr. BILBRAY. He is from Brisbane. Queensland. He stood up and said, and this is a passivist, he said you are the greatest military power, the greatest strongest Nation in the world. You go all over the world to defend other people's borders and you cannot even defend your own.

And I said, Jim, that is not the crime; that is not the sin. The crime and the sin is not that we cannot, but we choose not to.

Mr. DORNAN. Wow. Mr. BILBRAY you were as eloquent tonight as last night, and I hope all of America on Saturday clicks on C–SPAN. I hope the great MAC COLLINS of Georgia is in the Chair and that we have America watching a merciful, fair, reasonable debate tomorrow if the White House digs in their heels and tries to demagog this issue and find people in uniforms or children to grind into the mix and keep hitting us with this destruction of the English language, calling us extremists and radicals who want fairness and low-respecting people to file and come here as our brothers.

Mr. BILBRAY, do you not love, did you not love, as the mayor of a small city and the chairman of San Diego County, did you not love to go to ceremonies and get a lump in your throat watching new American citizens, by choice, get sworn in? It is the best way I can spend the Fourth of July.

We always do it on the Fourth of July in Orange County. I love it. I think they are all wonderful law-abiding citizens who learn our Constitution, learn what we say every morning, the Pledge of Allegiance to the Flag. They answer civics questions better than most high school students.

Mr. BILBRAY. In fact, let me tell you a story. An old, old friend of mine, a newscaster in San Diego, Maria Velazquez.

Mr. DORNAN. I know her.

Mr. BILBRAY. And she was there doing a reporter's job about these citizens becoming the new U.S. citizens. One of them was her mother. And she came up to me and said, my mother is so proud. Not because she just passed the test, but she did it in English because she wanted to be mainstream American.

And you could see in Maria's eyes, someone who has lived her whole life here, that lump in her throat. She was so proud of her mother wanting be mainstream American and proud to be an American. And that is what it is all about.

Mr. DORNAN. We will fix some of that language silliness next year. We touched on it some this year, but it is going to take a conservative, thoughtful, heartful Congress doing it, and we will do it.

Thank you, Mr. BILBRAY.

Mr. BILBRAY. Thank you very much.

Mr. DORNAN. I am going to do my tribute to the chosen few, and then the pro-life closing statement for me, and there is another gentleman who will get to close out the last special order, probably, unless something goes wrong tomorrow and this whole immigration thing blows up in our face. Because it is all being played for politics down at Foggy Bottom.

The men who showed up at the memorial in Santa Ana, CA, the chosen few, the ones who made it back, wanted me to read the names. They gave me these beautiful documents, I will hold it up for camera six, the battle stars. In the case of these men they have five battle stars on their Korean ribbon. I am a Korea veteran, an era veteran, but I did not set foot on Korea until after the war, so I cannot wear the U.N. colors of the beautiful Korean ribbon.

But, first, I want to read these words of General MacArthur, who Mr. BILBRAY's father admired. And my father was a boxing coach in the 1928 Olympics, and General MacArthur, as an Army four-star, led the Olympic team to Holland in 1928.

General MacArthur said at the end of World War II, "Spiritual strength and power has brought us through to victory. Our men are homeward bound. Take care of them."

Take care of them. Five years later men started getting captured by the company, by the battalion, when the Chinese troops poured across the Yalu River, and we had almost liberated, under MacArthur, all of Korea.

Take care of them. One of the witnesses in front of my committee, quoted here in Time magazine, Col. Philip Corso, said, "We sold them down the river." General MacArthur was still alive. He lived until my birthday in 1964, when he went to his reward, well advanced in years, in his late eighties. And I am sure that he knew we had left the young men captured under him because a cabal, British traitors, Burgess, Maclean, Philby and Alan Blout, "The Fourth Man", the great movie with Sir Anthony Hopkins, those people betrayed all of our top secrets. Told the Chinese that Harry Truman was crippled and frozen in his thinking now on Korea; that if they came across, we would never respond or even bomb the bridges on the Chinese side of the Yalu.

□ 2215

So it cost these men their lives: Thomas E. Seward, same spelling as one of Lincoln's Cabinet members who bought Alaska, Thomas E. Seward, Greensville, VA, born 1930, all of these men and only 2 or 3 years older than I am, as my older brother said, a year younger than my older brother. U.S. Army private first class, gives his serial number, killed in action November 28, 1950, fighting the Chinese. We had already whipped the North Korean agressor army.

Alfred Underbaggage, Shannon, SD, born 1928, Army sergeant, killed in action, 29 November. Harry C. Sutton, this is all at the Chosin Reservoir on the Army side of the struggle, Hartford, CT, born 1922, these are one of the old men in their early 30's that the younger guys called Pappy or Doc or a lifer, U.S. Army master sergeant, killed in action, December 1, sad Christmas in the Sutton house; Connie M. Conner, Irish Connie, a male Connie, LA, CA, born just 2 years ahead of me, U.S. Army corporal, died while prisoner of war, December 6, 1950. Top kick. U.S. Army Sfc. Billy James Allen, Norton, KS, born 1921, killed in action December 6. All of these are in the same unit. Doyle L. Smith, born 1931, U.S. Army corporal, died of wounds while missing in action, this is one of the ones left behind, the 1,200 of which 5- or 6-, 7-, 900 were left behind, the wounded and the ones with amputations or mental trauma from torture and exposure. Clyde E. McElroy, Montgomery, PA, born 1930. I wish I could do this in front of the Congress on the exact 46th anniversary next month or in 2 months. He was born 1930, Clyde McElroy, corporal, died of wounds while missing in action, December 6. Harold L. Hodge, Adams, WI, born 1922, a captain, killed in action, December 6, 1950, 28-year-old young captain. Beverly E. Russell, Frederick, VA, born 1930, corporal, died of wounds while missing in action, what a tragedy. Let me show that report again, Mr. Speaker. The transfer of U.S. Korean war POW's to the Soviet Union, suppressed from the families after 3 years. It is an August 26, 1993 report.

I used the word "beg" twice on the floor today, my staff tells me, my wife tells me. It is kind of sad, after 20 years I have to beg my Speaker to put the MIA-POW Protection Act, restoring into law what the families want into the CR, the appropriations continuing resolution, or any one of the Senators can blackball it, one human being, as though they in and of themselves are a parliament. Strange way the Senate has evolved. I had some scholars tell me today it was not meant to be that

way, 100 independent people blocking a House vote of 404 to zero.

Mr. Speaker, last night I mentioned some books on the floor. It is up to 12 now on Clinton: "On the Make," Meredith Oakley; "The Agenda," Bob Woodward; First in His Class, meaning a baby boomer to get power, he never graduated first in his class in anything academically; "Inside the White House," as the Brits would say, it is poor form, it is unseemly to use foul language in front of the help and to throw things at one another in front of the help, that is a fascinating book; then a book called "Clinton," by George Carposi, who now has a fascinating article out that Ross Perot was in collusion with Hillary Clinton even before the election to socialize medicine in this country. I will call Ross to see if there is any truth in George Carposi Jr.'s article, but he did the definitive reporting in the book, "Clinton, the Confidential Story." He really found all the mysteries and exposed them on the Prague-Moscow trip. "Blood Sport," James T. Stewart, hired by the Clintons to kind of blow away the whole Whitewater thing. Like Joe McGinnis writing about the Green Beret, Dr. McDonald who killed his family, he switched in the middle of it when he looked at the evidence and changed his mind completely, James Stewart's "Blood Sport."

Then next to come out in order was "Primary Colors". We now know it is by Joe Klein. Then came "The Choice" by Woodward again. Then came "Boy Clinton" Bob Turow, Jr. who publishes American Spectator. Then "Unlimited Access" comes out. Then came "Partners in Power," page 325, which gave its name to book number 12 by Floyd Brown, a "Nose like a Vacuum," yes, "Nose like a Vacuum." There they are, 12 books.

If any American reads one of them and they are thinking of voting for Clinton, they will pause. They probably will not, but if they read 2, I do not know any American who can read 2 or 3 of these 12 books that would not either abstain, if they cannot stomach voting for a war hero like Bob Dole, or they would start supporting Bob Dole and then support their local Democrats for other offices maybe. But this is amazing.

I will close with this tonight. The debate on partial birth abortion. I dedicate the closing 5 minutes to my wife, Sally. She begged me to point out the ignominious way this Congress closed with these debates on infanticide.

My wife said, call Kevorkian what he is, a serial killer, a serial murderer. Euthanasia is Greek for death with dignity. He is a serial killer. Any abortionist is a first degree serial murderer if he gives birth to a baby, breach block, which is a distressful situation, and takes out 80 percent of the body, holds the baby's head and stabs it in the back of the head, murdering it while he is looking at the arms and legs flailing.

I will ask unanimous consent to put all of these James Dobson, Paul Weyrich, stunning quotes in this, you could not hear a pin drop in the Senate and a baby screamed from the hall. Everyone was silent for about 30 seconds.

The SPEAKER pro tempore. Without objection, according to the rules of the House.

There was no objection.

Mr. DORNAN. Mr. Speaker, I thank the Chair.

And then, impossibly, in an already hushed gallery, in one of those moments when the floor of the Senate looks like a stage set, with its rich wooden desks somehow too small for the matters at hand, the cry of a baby pierced the room, echoing across the chamber from an outside hallway.

No one mentioned the cry, but for a few seconds no one spoke at all.

I truly fear that infanticide—legal infanticide—will not be far behind," said the archbishop of Philadelphia, Cardinal Anthony Bevilacqua. "No nation, no civilization that loses its moral life, that murders its children, can possibly survive."

A nation which sanctions infanticide is no better than China, Colson said, no better than Nazi Germany.

If it seemed the language could not get hotter, it did: Standing in the antechamber, of Majority Leader Trent Lott's office; in the very room where senators cast 34 ballots before choosing Thomas Jefferson over Aaron Burr for president, the Rev. Richard John Neuhaus, a prominent Catholic writer and pastor, said, "It is not hyperbole to say that we are at a point at which millions of conscientious American citizens are reflecting upon whether this is a legitimate regime. That is the solemn moment we have reached."

Mr. STUPAK. Mr. Speaker, the gentleman asked for unanimous consent. I stand to object if the gentleman is going to put that extraneous material into the RECORD.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman's objection is untimely.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUPAK. Mr. Speaker, the Chair indicated that the extraneous material which is proposed to be put into the RECORD would be in accordance with the rules of the House; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. STUPAK. In particular, it would be in accordance with the rules of the House, in particular rules XVII and XVIII concerning Special Orders and the insertion, if I may quote from the footnotes thereafter, a Member may not read or put forth extraneous material critical of Members, and it goes on to include the President or the Presidential family. Would that be a correct parliamentary inquiry as to the wishes or the directions of the Chair?

The SPEAKER pro tempore. It would be in accordance to all rules of the House, particularly in reference to clause (1) of rule XIV of the rules of the House, avoiding personalities.

Mr. STUPAK. With that direction from the Chair, I will withdraw any objection I may have.

CONFERENCE REPORT ON S. 1004, COAST GUARD AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–854)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Quarterly reports on drug interdiction.
Sec. 104. Sense of the Congress regarding funding for Coast Guard.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Provision of child development services.
Sec. 202. Hurricane Andrew relief.
Sec. 203. Dissemination of results of 0–6 continuation boards.
Sec. 204. Exclude certain reserves from end-of-year strength.
Sec. 205. Officer retention until retirement eligible.
Sec. 206. Recruiting.
Sec. 207. Access to National Driver Register information on certain Coast Guard personnel.
Sec. 208. Coast Guard housing authorities.
Sec. 209. Board for Correction of Military Records deadline.
Sec. 210. Repeal temporary promotion of warrant officers.
Sec. 211. Appointment of temporary officers.
Sec. 212. Information to be provided to officer selection boards.
Sec. 213. Rescue diver training for selected Coast Guard personnel.
Sec. 214. Special authorities regarding Coast Guard.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Changes to documentation laws.

Sec. 302. Nondisclosure of port security plans.
Sec. 303. Maritime drug and alcohol testing program civil penalty.
Sec. 304. Renewal of advisory groups.
Sec. 305. Electronic filing of commercial instruments.
Sec. 306. Civil penalties.
Sec. 307. Amendment to require EPIRBs on the Great Lakes.
Sec. 308. Report on LORAN-C requirements.
Sec. 309. Small boat stations.
Sec. 310. Penalty for alteration of marine safety equipment.
Sec. 311. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.
Sec. 312. Withholding vessel clearance for violation of certain Acts.
Sec. 313. Information barred in legal proceedings.
Sec. 314. Marine casualty reporting.

TITLE IV—COAST GUARD AUXILIARY

Sec. 401. Administration of the Coast Guard auxiliary.
Sec. 402. Purpose of the Coast Guard auxiliary.
Sec. 403. Members of the auxiliary; status.
Sec. 404. Assignment and performance of duties.
Sec. 405. Cooperation with other agencies, States, territories, and political subdivisions.
Sec. 406. Vessel deemed public vessel.
Sec. 407. Aircraft deemed public aircraft.
Sec. 408. Disposal of certain material.

TITLE V—DEEPWATER PORT MODERNIZATION

Sec. 501. Short title.
Sec. 502. Declarations of purpose and policy.
Sec. 503. Definitions.
Sec. 504. Licenses.
Sec. 505. Informational filings.
Sec. 506. Antitrust review.
Sec. 507. Operation.
Sec. 508. Marine environmental protection and navigational safety.

TITLE VI—COAST GUARD REGULATORY REFORM

Sec. 601. Short title.
Sec. 602. Safety management.
Sec. 603. Use of reports, documents, records, and examinations of other persons.
Sec. 604. Equipment approval.
Sec. 605. Frequency of inspection.
Sec. 606. Certificate of inspection.
Sec. 607. Delegation of authority of Secretary to classification societies.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 701. Amendment of inland navigation rules.
Sec. 702. Measurement of vessels.
Sec. 703. Longshore and harbor workers compensation.
Sec. 704. Radiotelephone requirements.
Sec. 705. Vessel operating requirements.
Sec. 706. Merchant Marine Act, 1920.
Sec. 707. Merchant Marine Act, 1956.
Sec. 708. Maritime education and training.
Sec. 709. General definitions.
Sec. 710. Authority to exempt certain vessels.
Sec. 711. Inspection of vessels.
Sec. 712. Regulations.
Sec. 713. Penalties—Inspection of vessels.
Sec. 714. Application—Tank vessels.
Sec. 715. Tank vessel construction standards.
Sec. 716. Tanker minimum standards.
Sec. 717. Self-propelled tank vessel minimum standards.
Sec. 718. Definition—Abandonment of barges.
Sec. 719. Application—Load lines.
Sec. 720. Licensing of individuals.
Sec. 721. Able seamen—Limited.
Sec. 722. Able seamen—Offshore supply vessels.
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Sec. 726. Watchmen.
Sec. 727. Citizenship and Naval Reserve requirements.
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Sec. 729. Minimum number of licensed individuals.
Sec. 730. Officers' competency certificates convention.
Sec. 731. Merchant mariners' documents required.
Sec. 732. Certain crew requirements.
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Sec. 743. Coastwise endorsements.
Sec. 744. Fishery endorsements.
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TITLE VIII—POLLUTION FROM SHIPS

Sec. 801. Prevention of pollution from ships.
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TITLE X—CONVEYANCES

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Sec. 1003. Transfer of Coast Guard property in Gosnold, Massachusetts.
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Sec. 1101. Florida Avenue Bridge.
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Sec. 1107. Lower Columbia River maritime fire and safety activities.
Sec. 1108. Oil pollution research training.
Sec. 1109. Limitation on relocation of Houston and Galveston marine safety offices.
Sec. 1110. Uninspected fish tender vessels.
Sec. 1111. Foreign passenger vessel user fees.
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Sec. 1113. Vessel financing.
Sec. 1114. Manning and watch requirements on towing vessels on the Great Lakes.
Sec. 1115. Repeal of Great Lakes endorsements.
Sec. 1116. Relief from United States documentation requirements.
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Sec. 1119. Improved authority to sell recyclable material.
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Sec. 1122. Small passenger vessel pilot inspection program with the State of Minnesota.
Sec. 1123. Commonwealth of the Northern Mariana Islands fishing.
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Sec. 1125. Offshore facility financial responsibility requirements.
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Sec. 1128. Requirement for procurement of buoy chain.
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Sec. 1136. Cross-border financing.
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Sec. 1143. Oil spill information.
Sec. 1144. Compliance with oil spill response plans.
Sec. 1145. Bridge deemed to unreasonably obstruct navigation.
Sec. 1146. Fishing vessel exemption.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 1996, $2,618,316,000; and

(B) for fiscal year 1997, $2,637,800,000;

of which $25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1996, $428,200,000; and

(B) for fiscal year 1997, $411,600,000;

to remain available until expended, of which $32,500,000 for fiscal year 1996 and $20,000,000

for fiscal year 1997 shall be derived each fiscal year from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 1996, $22,500,000; and

(B) for fiscal year 1997, $20,300,000;

to remain available until expended, of which $3,150,000 for fiscal year 1996 and $5,020,000 for fiscal year 1997 shall be derived each fiscal year from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 1996, $582,022,000; and

(B) for fiscal year 1997, $608,100,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 1996, $25,300,000, to remain available until expended; and

(B) for fiscal year 1997, $25,100,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $25,000,000 for each of fiscal years 1996 and 1997, to remain available until expended.

(b) AMOUNTS FROM THE DISCRETIONARY BRIDGE PROGRAM.—(1) Section 104 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Notwithstanding the provisions of sections 101(d) and 144 of title 23, highway bridges determined to be unreasonable obstructions to navigation under the Truman-Hobbs Act may be funded from amounts set aside from the discretionary bridge program. The Secretary shall transfer these allocations and the responsibility for administration of these funds to the United States Coast Guard.".

(2) Notwithstanding any other provision of law, the Secretary of Transportation shall allocate out of funds available, $9,100,000 for the John F. Limehouse Memorial Bridge, Charleston, South Carolina. The allocation shall be deposited in the Truman-Hobbs bridge program account. The Secretary shall transfer this allocation and responsibility for administration of these funds to the United States Coast Guard.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 38,400 as of September 30, 1996; and

(2) 37,561 as of September 30, 1997.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 1996, 1604 student years; and

(B) for fiscal year 1997, 1604 student years.

(2) For flight training—

(A) for fiscal year 1996, 85 student years; and

(B) for fiscal year 1997, 95 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 1996, 330 student years; and

(B) for fiscal year 1997, 295 student years.

(4) For officer acquisition—

(A) for fiscal year 1996, 874 student years; and

(B) for fiscal year 1997, 878 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of services under this section at Coast Guard child development centers be used only for compensation of employees at those centers who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of such fee receipts, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such receipts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

"(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection,and appropriate emergency medical procedures.

"(d) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary may use for child development services under this section an amount not to exceed the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

"(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

"(g) For purposes of this section, the term 'child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services.".

SEC. 202. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that funds available to the Coast Guard, not to exceed $25,000, shall be used. The Secretary of Transportation shall administer the provisions of section 2856 for the Coast Guard.

SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking "Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.".

SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.".

SEC. 206. RECRUITING.

(a) CAMPUS RECRUITING.—Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2776) is amended—

(1) by inserting "or the Department of Transportation" in subsection (a)(1) after "the Department of Defense";

(2) by inserting "or the Secretary of Transportation" after "the Secretary of Defense" in subsection (a)(1); and

(3) by inserting "and the Secretary of Transportation" after "the Secretary of Education" in subsection (b).

(b) FUNDS FOR RECRUITING.—The text of section 468 of title 14, United States Code, is amended to read as follows:

"The Coast Guard may expend operating expense funds for recruiting activities, including but not limited to advertising and entertainment, in order to—

"(1) obtain recruits for the Service and cadet applicants; and

"(2) gain support of recruiting objectives from those who may assist in the recruiting effort.".

(c) RECRUITMENT OF WOMEN AND MINORITIES.—Not later than January 31, 1997, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 207. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (t);

(2) by striking the period at the end of paragraph (u) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(v) require that any member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.".

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.".

SEC. 208. COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Title 14, United States Code, is amended by adding after chapter 17 the following new chapter:

"CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

"Sec.
"680. Definitions.
"681. General authority.
"682. Loan guarantees.
"683. Leasing of housing to be constructed.
"684. Limited partnerships in nongovernmental entities.
"685. Conveyance or lease of existing property and facilities.
"686. Assignment of members of the armed forces to housing units.
"687. Coast Guard Housing Fund.
"688. Reports.
"689. Expiration of authority.

"§680. Definitions

"In this chapter:

"(1) The term 'construction' means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

"(2) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this chapter.

"(3) The term 'military unaccompanied housing' means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

"(4) The term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and the District of Columbia.

"§681. General authority

"(a) AUTHORITY.—In addition to any other authority providing for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons of the following:

"(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

"(2) Unaccompanied housing units on or near such Coast Guard installations.

"(b) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to acquire or construct military family housing or military unaccompanied housing under this chapter if that acquisition or construction has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"§682. Loan guarantees

"(a) LOAN GUARANTEES.—

"(1) Subject to subsection (b), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) 80 percent of the value of the project; or

"(B) the outstanding principal of the loan.

"(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of the United States with respect to such guarantees.

"(4) The funds for the loan guarantees entered into under this section shall be held in the Coast Guard Housing Fund under section 687 of this title. The Secretary is authorized to purchase mortgage insurance to guarantee loans in lieu of guaranteeing loans directly against funds held in the Coast Guard Housing Fund.

"(b) LIMITATION ON GUARANTEE AUTHORITY.—Loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) which shall be available for the disbursement of payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of guarantees made under this section.

"§683. Leasing of housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this chapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

"§684. Limited partnerships with nongovernmental entities

"(a) LIMITED PARTNERSHIPS AUTHORIZED.—The Secretary may enter into limited partnerships with nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) LIMITATION ON VALUE OF INVESTMENT IN LIMITED PARTNERSHIP.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(c) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§685. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary may convey or lease property or facilities (including ancillary support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this chapter.

"(b) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon

such terms and conditions as the Secretary considers appropriate for the purposes of this chapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(c) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b).

"(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"§686. Assignment of members of the armed forces to housing units

"(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired or constructed under this chapter.

"(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

"(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired or constructed under this chapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§687. Coast Guard Housing Fund

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Amounts authorized for and appropriated to that Fund.

"(2) Subject to subsection (e), any amounts that the Secretary transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Transportation or Coast Guard for the acquisition or construction of military family housing or unaccompanied housing.

"(3) Proceeds from the conveyance or lease of property or facilities under section 685 of this title for the purpose of carrying out activities under this chapter with respect to military family and military unaccompanied housing.

"(4) Income from any activities under this chapter, including interest on loan guarantees made under section 682 of this title, income and gains realized from investments under section 684 of this title, and any return of capital invested as part of such investments.

"(c) USE OF AMOUNTS IN FUND.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family and military unaccompanied housing units, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this chapter.

"(2) Amounts made available under this subsection shall remain available until expended.

"(d) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreements entered into under this chapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

"(e) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) or (b)(3) of this section may be made only after the end of a 30-day period beginning on the date the Secretary submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

"(f) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this chapter shall not exceed $20,000,000.

"§688. Reports

"The Secretary shall include each year in the materials the Secretary submits to the Congress in support of the budget submitted by the President pursuant to section 1105 of title 31, the following:

"(1) A report on each contract or agreement for a project for the acquisition or construction of military family or military unaccompanied housing units that the Secretary proposes to solicit under this chapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

"(2) A report describing each conveyance or lease proposed under section 685 of this title.

"(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this chapter during such preceding fiscal year.

"(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccompanied housing for members of the Coast Guard.

"§689. Expiration of authority

"The authority to enter into a transaction under this chapter shall expire October 1, 2001.".

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary of the department in which the Coast Guard is operating shall submit to the Congress a report on the use by the Secretary of the authorities provided by chapter 18 of title 14, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 14, United States Code, is amended by inserting after the item relating to chapter 17 the following:

"18. Coast Guard Housing Authorities 680".

(d) PILOT PROJECT.—Notwithstanding section 681(b) of title 14, United States Code, as amended by this Act, and subject to the other requirements of chapter 18 of such title, as amended by this Act, the Secretary of Transportation may use the authority provided in sections 682, 683, 684, 685, and 686 of such chapter to provide for the acquisition or construction of up to 60 family housing units and unaccompanied housing units on or near Coast Guard Integrated Support Command, Ketchikan, Alaska.

SEC. 209. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 424 the following new section:

"§425. Board for Correction of Military Records deadline

"(a) DEADLINE FOR COMPLETION OF ACTION.—The Secretary shall complete processing of an application for correction of military records under section 1552 of title 10 by not later than 10 months after the date the Secretary receives the completed application.

"(b) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

"(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the department in which the Coast Guard is operating; or

"(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

"(A) an order under section 706(1) of title 5, directing final action be taken within 30 days from the date the order is entered; and

"(B) from amounts appropriated to the department in which the Coast Guard is operating, the costs of obtaining the order, including a reasonable attorney's fee.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 424 the following new item:

"425. Board for Correction of Military Records deadline.".

(c) SPECIAL RIGHT OF APPLICATIONS UNDER THIS SECTION.—This section applies to any applicant who had an application filed with or pending before the Board or the Secretary of the department in which the Coast Guard is operating on or after June 12, 1990, who files with the Board for Correction of Military Records of the Coast Guard an application for relief under the amendment made by subsection (a). If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline under that amendment, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.

(d) EFFECTIVE DATE.—This section shall be effective on and after June 12, 1990.

SEC. 210. REPEAL TEMPORARY PROMOTION OF WARRANT OFFICERS.

(a) REPEAL.—Section 277 of title 14, United States Code, is repealed. The repeal of such section shall not be construed to affect the status of any warrant officer currently serving under a temporary promotion.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by striking the item relating to section 277.

SEC. 211. APPOINTMENT OF TEMPORARY OFFICERS.

(a) IN GENERAL.—Section 214 of title 14, United States Code, is amended—

*(1) in the heading by striking "**Original appointment**" and inserting "**Appointment**";*

(2) by redesignating subsections (d), (e), and (f) in order as subsections (b), (c), and (d); and

(3) in subsection (c), as so redesignated, by inserting ", or a subsequent promotion appointment of a temporary officer," after "section".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended in the item relating to section 214 by striking "Original appointment" and inserting "Appointment".

SEC. 212. INFORMATION TO BE PROVIDED TO OFFICER SELECTION BOARDS.

Section 258(2) of title 14, United States Code, is amended by striking ", with identification of those officers who are in the promotion zone".

SEC. 213. RESCUE DIVER TRAINING FOR SELECTED COAST GUARD PERSONNEL.

(a) IN GENERAL.—Section 88 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary shall establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills, which may include rescue diver training.".

(b) CONFORMING AMENDMENT.—Section 9 of the Coast Guard Authorization Act of 1984 (98 Stat. 2862; 14 U.S.C. 88 note) is repealed.

SEC. 214. SPECIAL AUTHORITIES REGARDING COAST GUARD.

(a) REIMBURSEMENT OF EXPENSES FOR MESS OPERATIONS.—Section 1011 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) When the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation shall establish rates for meals sold at Coast Guard dining facilities, provide for reimbursement of operating expenses and food costs to the appropriations concerned, and reduce the rates for such meals when the Secretary determines that it is in the best interest of the United States to do so.".

(b) SEVERABLE SERVICES CONTRACTS CROSSING FISCAL YEARS.—Section 2410a of title 10, United States Code, is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year. Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of this subsection.".

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. CHANGES TO DOCUMENTATION LAWS.

(a) CIVIL PENALTY.— Section 12122(a) of title 46, United States Code, is amended by striking "$500" and inserting "$10,000".

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.— Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government—

"(1) when the owner of a vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

"(2) when a certificate of documentation is knowingly and fraudulently used for a vessel;

"(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) when a vessel is employed in a trade without an appropriate trade endorsement;

"(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

"(6) when a documented vessel, other than a vessel with only a recreational endorsement, is placed under the command of a person not a citizen of the United States.".

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is amended to read as follows:

"(c) A vessel with only a recreational endorsement may not be operated other than for pleasure.".

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting ", other than a vessel with only a recreational endorsement," after "A documented vessel"; and

(2) CONFORMING AMENDMENTS.—

(A) Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(d) of this title".

(B) Section 317 of Public Law 101–595 is amended by striking "and 12111" and inserting "12111, and 12122(b)".

(e) FISHERY ENDORSEMENTS.—Section 12108 of title 46, United States Code, is amended by adding at the end the following:

"(d) A vessel purchased by the Secretary of Commerce through a fishing capacity reduction program under the Magnuson Fishery Conservation Management Act (16 U.S.C. 1801 et seq.) or section 308 of the Interjurisdictional Fisheries Act (16 U.S.C. 4107) is not eligible for a fishery endorsement, and any fishery endorsement issued for that vessel is invalid.".

SEC. 302. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

"(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.".

SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end a new section 2115 to read as follows:

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following:

"2115. Civil penalty to enforce alcohol and dangerous drug testing.".

SEC. 304. RENEWAL OF ADVISORY GROUPS.

(a) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "September 30, 2000".

(c) TOWING SAFETY ADVISORY COMMITTEE.—Subsection (e) of the Act to Establish A Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(d) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by adding at the end of section 18 the following:

"(h) The Committee shall terminate on September 30, 2000.".

(e) LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by adding at the end of section 19 the following:

"(g) The Committee shall terminate on September 30, 2000.".

(f) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—Section 13110(e) of title 46, United States Code, is amended by striking "September 30, 1996" and inserting "September 30, 2000".

(g) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

SEC. 306. CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking "$1,000" and inserting "not more than $25,000".

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond 3 nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 308. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users of the LORAN-C radionavigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

(1) mechanisms to make full use of compatible satellite and LORAN-C technology by all modes of transportation, the telecommunications industry, and the National Weather Service;

(2) an appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation and taking into consideration the need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life; and

(3) agencies in the Department of Transportation and other relevant Federal agencies to share the Federal government's costs related to LORAN-C technology.

SEC. 309. SMALL BOAT STATIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§673. Small boat station rescue capability

"The Secretary of Transportation shall ensure that each Coast Guard small boat station (including a seasonally operated station) maintains, within the area of responsibility for the station, at least 1 vessel that is fully capable of performing offshore rescue operations, taking into consideration prevailing weather, marine conditions, and depositional geologic features such as sand bars.

"§674. Small boat station closures

"(a) CLOSURES.—The Secretary of Transportation may not close a Coast Guard multimission small boat station or subunit unless the Secretary—

"(1) determines that—

"(A) remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit;

"(B) regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the station or subunit; and

"(C) Coast Guard search and rescue standards related to search and rescue response times are met; and

"(2) provides an opportunity for public comment and for public meetings in the area of the station or subunit with regard to the decision to close the station or subunit.

"(b) OPERATIONAL FLEXIBILITY.—The Secretary may implement any management efficiencies within the small boat station system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. No stations or subunits may be closed under this subsection except in accordance with subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following new items:

"673. Small boat station rescue capability.

"674. Small boat station closures.".

SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT.

Section 3318(b) of title 46, United States Code, is amended—

(1) by inserting "(1)" before "A person"; and

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

"(2) A person commits a class D felony if the person—

"(A) alters or services lifesaving, fire safety, or any other equipment subject to this part for compensation; and

"(B) by that alteration or servicing, intentionally renders that equipment unsafe and unfit for the purpose for which it is intended.".

SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel the home port of which is in a State of the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.".

SEC. 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or individual in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or individual in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.".

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

"(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

"(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or individual in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

"(e)(1) If any owner, operator, or individual in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

SEC. 313. INFORMATION BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 63 of title 46, United States Code, is amended by inserting after section 6307 the following:

"§6308. Information barred in legal proceedings

"(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States. Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.

"(b) Nothing in this section prohibits the United States from calling the employee or member as an expert witness to testify on its behalf. Further, nothing in this section prohibits the employee or member from being called as a fact witness in any case in which the United States is a party. If the employee or member is called as an expert or fact witness, the applicable Federal Rules of Civil Procedure govern discovery. If the employee or member is called as a witness, the report of a marine casualty investigation conducted under section 6301 of this title shall not be admissible, as provided in subsection (a), and shall not be considered the report of an expert under the Federal Rules of Civil Procedure.

"(c) The information referred to in subsections (a) and (b) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions and statements.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item relating to section 6307 the following new item:

"6308. Information barred in legal proceedings.".

SEC. 314. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

TITLE IV—COAST GUARD AUXILIARY

SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

"§821. Administration of the Coast Guard Auxiliary

"(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

"(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of the following:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

"821. Administration of the Coast Guard Auxiliary.".

SEC. 402. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

"§822. Purpose of the Coast Guard Auxiliary

"The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

"822. Purpose of the Coast Guard Auxiliary.".

SEC. 403. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 823 the following new section:

"§823a. Members of the Auxiliary; status

"(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

"(b) A member of the Auxiliary while assigned to duty shall be deemed to be a Federal employee only for the purposes of the following:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(7) Compensation for work injuries under chapter 81 of title 5.

"(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 3721).

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 14, United States Code, is amended by inserting the following new item after the item relating to section 823:

"823a. Members of the Auxiliary; status.".

SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking "specific".

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking "specific" each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking "specific" each place it appears.

SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after "personnel and facilities" the following: "(including members of the Auxiliary and facilities governed under chapter 23)"; and

(3) by adding at the end of subsection (a) the following new sentence: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

"141. Cooperation with other agencies, States, territories, and political subdivisions.".

SEC. 406. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

"§827. Vessel deemed public vessel

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.".

SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

"§828. Aircraft deemed public aircraft

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.".

SEC. 408. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after "with or without charge," the following: "to the Coast Guard Auxiliary, including any incorporated unit thereof,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary,".

TITLE V—DEEPWATER PORT MODERNIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Deepwater Port Modernization Act".

SEC. 502. DECLARATIONS OF PURPOSE AND POLICY.

(a) PURPOSES.—The purposes of this title are to—

(1) update and improve the Deepwater Port Act of 1974;

(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports' business and economic decisions; and

(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.

(b) POLICY.—Section 2(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1501(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by inserting at the end the following:

"(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil into the United States and transporting oil from the outer continental shelf while minimizing tanker traffic and the risks attendant thereto; and

"(6) promote oil production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf oil to the United States mainland.".

SEC. 503. DEFINITIONS.

(a) ANTITRUST LAWS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (19) as paragraphs (3) through (18), respectively.

(b) DEEPWATER PORT.—The first sentence of section 3(9) of such Act, as redesignated by subsection (a), is amended by striking "such structures," and all that follows through "section 23." and inserting the following: "structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 23, and for other uses not inconsistent with the purposes of this title, including transportation of oil from the United States outer continental shelf.".

SEC. 504. LICENSES.

(a) ELIMINATION OF UTILIZATION RESTRICTIONS.—Section 4(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(a)) is amended by striking all that follows the second sentence.

(b) ELIMINATION OF PRECONDITION TO LICENSING.—Section 4(c) of such Act is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(c) CONDITIONS PRESCRIBED BY SECRETARY.—Section 4(e)(1) of such Act is amended by striking the first sentence and inserting the following: "In issuing a license for the ownership, construction, and operation of a deepwater port, the Secretary shall prescribe those conditions which the Secretary deems necessary to carry out the provisions and requirements of this title or which are otherwise required by any Federal department or agency pursuant to the terms of this title. To the extent practicable, conditions required to carry out the provisions and requirements of this title shall be addressed in license conditions rather than by regulation and, to the extent practicable, the license shall allow a deepwater port's operating procedures to be stated in an operations manual, approved by the Coast Guard, in accordance with section 10(a) of this title, rather than in detailed and specific license conditions or regulations; except that basic standards and conditions shall be addressed in regulations.".

(d) ELIMINATION OF RESTRICTION ON TRANSFERS.—Section 4(e)(2) of such Act is amended by striking "application" and inserting "license".

(e) FINDINGS REQUIRED FOR TRANSFERS.—Section 4(f) of such Act is amended to read as follows:

"(f) AMENDMENTS, TRANSFERS, AND REINSTATEMENTS.—The Secretary may amend, transfer, or reinstate a license issued under this title if the Secretary finds that the amendment, transfer, or reinstatement is consistent with the requirements of this Act.".

SEC. 505. INFORMATIONAL FILINGS.

Section 5(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)) is amended by adding the following:

"(3) Upon written request of any person subject to this subsection, the Secretary may make a determination in writing to exempt such person from any of the informational filing provisions enumerated in this subsection or the regulations implementing this section if the Secretary determines that such information is not necessary to facilitate the Secretary's determinations under section 4 of this Act and that such exemption will not limit public review and evaluation of the deepwater port project.".

SEC. 506. ANTITRUST REVIEW.

Section 7 of the Deepwater Port Act of 1974 (33 U.S.C. 1506) is repealed.

SEC. 507. OPERATION.

(a) AS COMMON CARRIER.—Section 8(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1507(a)) is amended by inserting after "subtitle IV of title 49, United States Code," the following: "and shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect to which its license is issued,".

(b) CONFORMING AMENDMENT.—Section 8(b) of such Act is amended by striking the first sentence and the first 3 words of the second sentence and inserting the following: "A licensee is not discriminating under this section and".

SEC. 508. MARINE ENVIRONMENTAL PROTECTION AND NAVIGATIONAL SAFETY.

Section 10(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(a)) is amended—

(1) by inserting after "international law" the following: "and the provision of adequate opportunities for public involvement"; and

(2) by striking "shall prescribe by regulation and enforce procedures with respect to any deepwater port, including, but not limited to," and inserting the following: "shall prescribe and enforce procedures, either by regulation (for basic standards and conditions) or by the licensee's operations manual, with respect to".

TITLE VI—COAST GUARD REGULATORY REFORM

SEC. 601. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1996".

SEC. 602. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a self-propelled mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate

and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 U.S.C. App. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels ..... 3201".

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 604. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 605. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "and nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 606. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) by striking "Bureau" in subsection (a), as redesignated, and inserting "American Bureau of Shipping"; and

(4) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

"(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).";

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting "power-driven" after "Secretary, a";

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after "masthead light forward"; by striking "except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;";

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

"(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

"(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

"(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

"(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.";

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking "a vessel of less than 20 meters in length may instead of this shape exhibit a basket;"; and

(B) by amending subsection (d) to read as follows:

"(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing."; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

"(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the

whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.".

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

"(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.

"(c) The head of each Federal agency shall ensure that regulations issued by the agency that specify particular tonnages comply with the alternate tonnages implemented by the Secretary.".

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after "1,600 tons gross" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after "one hundred gross tons" the following "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883–1), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 App. U.S.C. 883a), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after "1,000 gross tons or more" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after "15 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in paragraph (13a), by inserting after "3,500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in paragraph (19), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in paragraph (22), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in paragraph (30)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(6) in paragraph (32), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(7) in paragraph (33), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(8) in paragraph (35), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(9) in paragraph (42), by inserting after "100 gross tons" each place it appears, the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in paragraph (5), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (c)(4)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (d)(1), by inserting after "150 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (i)(1)(A), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(6) in subsection (j), by inserting after "15 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (i), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (j)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(3) in subsection (d), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(2), by inserting after "5,000 gross tons" each place it appears the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (c)(3)(A), by inserting after "15,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (c)(3)(B), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (c)(3)(C), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (b), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after "10,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in paragraph (5), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(3) in paragraph (10), by inserting after "150 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (c)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (d), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (f)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (f)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (d), by inserting after "100 gross tons" and after "5,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (l)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (m)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(5) in subsection (o)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(6) in subsection (o)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "1,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (a)(3), by inserting after "at least 200 gross tons but less than 1,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(3) in subsection (a)(4), by inserting after "at least 100 gross tons but less than 200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(4) in subsection (a)(5), by inserting after "300 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(5) in subsection (b), by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after "4,000 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after "50 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§7506. Convention tonnage for licenses, certificates, and documents

"Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

"(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

"(2) issue the license, certificate, or document based on that service.".

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents.".

SEC. 746. TECHNICAL CORRECTIONS.

(a) Title 46, United States Code, is amended—

(1) by striking the first section 12123 in chapter 121;

(2) by striking the first item relating to section 12123 in the table of sections for such chapter 121;

(3) by striking "proceeding" in section 13108(a)(1) and inserting "preceding"; and

(4) by striking "Secertary" in section 13108(a)(1) and inserting "Secretary".

(b) Section 645 of title 14, United States Code, is amended by redesignating the second subsection (d) and subsections (e) through (h) as subsection (e) and subsections (f) through (i), respectively.

(c) Effective September 30, 1996, the Act of November 6, 1966 (Public Law 89–777), is amended—

(1) in section 2(d) (46 U.S.C. App. 817d(d)) by striking "Shipping Act, 1916," and inserting "Shipping Act of 1984"; and

(2) in section 3(d) (46 U.S.C. App. 817e(d)) by striking "Shipping Act, 1916," and inserting "Shipping Act of 1984".

(d) Section 672 of title 14, United States Code, is amended by striking the section heading and inserting the following:

"§672. Long-term lease authority for navigation and communications systems sites".

SEC. 747. TECHNICAL CORRECTIONS TO REFERENCES TO ICC.

Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), is amended—

(1) in the third proviso—

(A) by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board"; and

(B) by striking "said Commission" and inserting "the Board"; and

(2) in the fifth proviso—

(A) by striking "Interstate Commerce Commission" the first place it appears and inserting "Surface Transportation Board"; and

(B) by striking "Interstate Commerce Commission" the second place it appears and inserting "Board".

TITLE VIII—POLLUTION FROM SHIPS

SEC. 801. PREVENTION OF POLLUTION FROM SHIPS.

(a) IN GENERAL.—Section 6 of the Act to Prevent Pollution From Ships (33 U.S.C. 1905) is amended—

(1) by striking "(2) If" in subsection (c)(2) and inserting "(2)(A) Subject to subparagraph (B), if"; and

(2) by adding at the end of subsection (c)(2) the following:

"(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

"(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1996, prescribe by regulation differing periods of validity for such certificates.";

(3) by striking subsection (c)(3)(A) and inserting the following:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(4) by striking subsection (d) and inserting the following:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution From Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1996, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 1996, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(b) COORDINATION.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (101 Stat. 1466) is amended to read as follows:

"SEC. 2203. COORDINATION.

"(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.

"(b) MEMBERSHIP.—The Committee shall include a senior official from—

"(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

"(2) the Environmental Protection Agency;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

"(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"(d) MONITORING.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

"(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

"(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.".

(c) PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (42 U.S.C. 6981 note) is amended—

(1) by striking "for a period of at least 3 years," in paragraph (1) in the matter preceding subparagraph (A);

(2) by striking "and" at the end of paragraph (1)(C);

(3) by striking the period at the end of subparagraph (1)(D) and inserting "; and";

(4) by adding at the end of paragraph (1) the following:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."; and

(5) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

"(C) CONSULTATION.—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.".

TITLE IX—TOWING VESSEL SAFETY

SEC. 901. REDUCTION OF OIL SPILLS FROM NON-SELF-PROPELLED TANK VESSELS.

(a) IN GENERAL.—Chapter 37 of title 46, United States Code, is amended by adding at the end the following new section:

"§3719. Reduction of oil spills from single hull non-self-propelled tank vessels

"The Secretary shall, in consultation with the Towing Safety Advisory Committee and taking into consideration the characteristics, methods of operation, and the size and nature of service of single hull non-self-propelled tank vessels and towing vessels, prescribe regulations requiring a single hull non-self-propelled tank vessel that operates in the open ocean or coastal waters, or the vessel towing it, to have at least one of the following:

"(1) A crew member and an operable anchor on board the tank vessel that together are capable of arresting the tank vessel without additional assistance under reasonably foreseeable sea conditions.

"(2) An emergency system on the tank vessel or towing vessel that without additional assistance under reasonably foreseeable sea conditions will allow the tank vessel to be retrieved by the towing vessel if the tow line ruptures.

"(3) Any other measure or combination of measures that the Secretary determines will provide protection against grounding of the tank vessel comparable to that provided by the measures described in paragraph (1) or (2).".

(b) DEADLINE.—The Secretary of the department in which the Coast Guard is operating shall issue regulations required under section 3719 of title 46, United States Code, as added by subsection (a), by not later than October 1, 1997.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 46, United States Code, is amended by adding at the end the following new item:

"3719. Reduction of oil spills from non-self-propelled tank vessels.".

SEC. 902. REQUIREMENT FOR FIRE SUPPRESSION DEVICES.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The Secretary, in consultation with the Towing Safety Advisory Committee and taking into consideration the characteristics, methods of operation, and nature of service of towing vessels, may require the installation, maintenance, and use of a fire suppression system or other measures to provide adequate assurance that fires on board towing vessels can be suppressed under reasonably foreseeable circumstances.

"(2) The Secretary shall require under paragraph (1) the use of a fire suppression system or other measures to provide adequate assurance that a fire on board a towing vessel that is towing a non-self-propelled tank vessel can be suppressed under reasonably foreseeable circumstances.".

(b) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations establishing the requirement described in subsection (f)(2) of section 4102 of title 46, United States Code, as added by this section, by not later than October 1, 1997.

SEC. 903. STUDIES ADDRESSING VARIOUS SOURCES OF OIL SPILL RISK.

(a) STUDY OF GROUP-5 FUEL OIL SPILLS.—

(1) DEFINITION.—In this subsection, the term "group-5 fuel oil" means a petroleum-based oil that has a specific gravity of greater than 1.0.

(2) COORDINATION OF STUDY.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct a study of the relative environmental and public health risks posed by discharges of group-5 fuel oil.

(3) MATTERS TO BE INCLUDED.—The study under this subsection shall include a review and analysis of—

(A) the specific risks posed to the public health or welfare of the United States, including fish, shellfish and wildlife, public and private property, shorelines, beaches, habitat, and other natural resources under the jurisdiction or control of the United States, as a result of an actual or threatened discharge of group-5 fuel oil from a vessel or facility:

(B) cleanup technolonies currently available to address actual or threatened discharge of group-5 fuel oil; and

(C) any technological and financial barriers that prevent the prompt remediation of discharges of group-5 fuel oil.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under this subsection.

(5) RULEMAKING.—If the Secretary of Transportation determines, based on the results of the study under this subsection, that there are significant risks to public health or the environment resulting from the actual or threatened

discharge of group-5 fuel oil from a vessel or facility that cannot be technologically or economically addressed by existing or anticipated cleanup efforts, the Secretary may initiate a rulemaking to take such action as is necessary to abate the threat.

(b) STUDY OF AUTOMATIC FUELING SHUTOFF EQUIPMENT.—

(1) COORDINATION OF STUDY.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct a study of the unintentional or accidental discharge of fuel oil during lightering or fuel loading or off-loading activity.

(2) MATTERS TO BE INCLUDED.—The study under this subsection shall include a review and analysis of current monitoring and fueling practices to determine the need for automatic fuel shutoff equipment to prevent the accidental discharge of fuel oil, and whether such equipment is needed as a supplement to or replacement of existing preventive equipment or procedures.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under this subsection.

(4) RULEMAKING.—If the Secretary of Transportation determines, based on the results of the study conducted under this subsection, that the use of automatic oil shutoff equipment is necessary to prevent the actual or threatened discharge of oil during lightering or fuel loading or off loading activity, the Secretary may initiate a rulemaking to take such action as is necessary to abate a threat to public health or the environment.

(c) LIGHTERING STUDY.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council on a study into the actual incidence and risk of oil spills from lightering operations off the coast of the United States. Among other things, the study shall address the manner in which existing regulations are serving to reduce oil spill risks. The study shall take into account current or proposed international rules and standards and also include recommendations on measures that would be likely to further reduce the risks of oil spills from lightering operations. Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE X—CONVEYANCES

SEC. 1001. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation or the Secretary of the Interior, as appropriate, shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Cape Ann Lighthouse, located on Thachers Island, Massachusetts, to the town of Rockport, Massachusetts.

(B) Light Station Montauk Point, located at Montauk, New York, to the Montauk Historical Association in Montauk, New York.

(C) Squirrel Point Light, located in Arrowsic, Maine, to Squirrel Point Associates, Incorporated.

(D) Point Arena Light Station, located in Mendocino County, California, to the Point Arena Lighthouse Keepers, Incorporated.

(E) Saint Helena Island Light Station, located in MacKinac County, Moran Township, Michigan, to the Great Lakes Lighthouse Keepers Association.

(F) Presque Isle Light Station, located in Presque Isle Township, Michigan, to Presque Isle Township, Presque Isle County, Michigan.

(G) Cove Point Lighthouse, located in Calvert County, Maryland, to Calvert County, Maryland.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Secretary may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by this section and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this subsection shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(iii) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary of Transportation provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—A conveyance of property under this section shall be made subject to the conditions that the Secretary of Transportation considers to be necessary to assure that—

(A) the lights, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of property conveyed under this section is not required to maintain any active aid to navigation equipment on the property.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The owner of property conveyed under this section shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and other applicable laws.

(c) MAINTENANCE STANDARD.—The owner of any property conveyed under this section, at its own cost and expense, shall maintain the property in a proper, substantial, and workmanlike manner.

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

(1) The term "Montauk Light Station" includes the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker.

(2) The term "owner" means the person identified in subsection (a)(1)(A) through (G), and includes any successor of assign of that person.

(3) The term "Point Arena Light Station" includes the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restroom facility.

(4) The term "Squirrel Point Light" includes the light tower, dwelling, boat house, oil house, barn, any other ancillary buildings, and any other land as may be necessary for the owner to operate a nonprofit center for public benefit.

(5) The term "Presque Isle Light Station" includes the light tower, attached dwelling, detached dwelling, 3-car garage, and any other improvements on that parcel of land.

SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to an entity recommended by the Island Institute, Rockland, Maine (in this section referred to as the "Institute"), and approved by the Selection Committee established in subsection (d)(3)(A), by an appropriate means of conveyance, all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) IDENTIFICATION OF PROPERTIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Burnt Island Light.
(B) Rockland Harbor Breakwater Light.
(C) Monhegan Island Light.
(D) Eagle Island Light.
(E) Curtis Island Light.
(F) Moose Peak Light.
(G) Great Duck Island Light.
(H) Goose Rocks Light.
(I) Isle au Haut Light.
(J) Goat Island Light.
(K) Wood Island Light.
(L) Doubling Point Light.
(M) Doubling Point Front Range Light.
(N) Doubling Point Rear Range Light.
(O) Little River Light.
(P) Spring Point Ledge Light.
(Q) Ram Island Light (Boothbay).
(R) Seguin Island Light.
(S) Marshall Point Light.
(T) Fort Point Light.
(U) West Quoddy Head Light.
(V) Brown's Head Light.
(W) Cape Neddick Light.
(X) Halfway Rock Light.
(Y) Ram Island Ledge Light.
(Z) Mount Desert Rock Light.
(AA) Whitlock's Mill Light.
(BB) Nash Island Light.
(CC) Manana Island Fog Signal Station.
(DD) Franklin Island Light.

(3) DEADLINE FOR CONVEYANCE.—(A) The conveyances authorized by this subsection shall take place not later than 2 years after the date of the enactment of this Act.

(B) During the period described in subparagraph (A), the Secretary may not transfer or convey any right, title, or interest in the properties listed in paragraph (2) in any manner that is inconsistent with this section, nor shall the Secretary transfer these properties to the General Services Administration for disposal, unless the Selection Committee notifies the Secretary that an eligible entity referred to in subsection (d)(2) will not be identified during that period.

(C) During the period described in subparagraph (A), no other provision of law concerning the disposal of Federal property that is inconsistent in any manner with the provisions of this section shall apply to the properties listed in paragraph (2).

(4) ADDITIONAL CONVEYANCES.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith—

(A) directly to the United States Fish and Wildlife Service:

(i) Two Bush Island Light.

(ii) Egg Rock Light.

(iii) Libby Island Light.

(iv) Matinicus Rock Light.

(B) to the Institute, with the concurrence of the Maine Lighthouse Selection Committee:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by this section and other terms and conditions the Secretary may consider appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers necessary to assure that—

(A) the lights, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Institute, the United States Fish and Wildlife Service, and an entity to which property is conveyed under this section may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to property conveyed under this section as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter property conveyed under this section without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to and across property conveyed under this section for the purpose of maintaining the aids to navigation in use on the property.

(3) OBLIGATION LIMITATION.—The Institute, or any entity to which a lighthouse is conveyed under subsection (d), is not required to maintain any active aid to navigation equipment on a property conveyed under this section.

(4) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to this section, the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) such property or any part of such property ceases to be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses;

(B) such property or any part of such property ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) such property or any part of such property ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(c) INSPECTION.—The State Historic Preservation Officer of the State of Maine may at any time inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section to an entity that is not a Federal agency, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsection (b). The Institute, and conveyees under subsection (d) that are not Federal agencies, shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(d) CONVEYANCE OF LIGHTHOUSES.—

(1) REQUIREMENT.—The Secretary shall convey, without consideration, all right, title, and interest of the United States in and to the lighthouses identified in subsection (a)(2), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary, in consultation with the Advisory Council on Historic Preservation, as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 90 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 2 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Secretary may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval. The Institute shall forward such recommendations to the Secretary.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 2 years from the date of the enactment of this Act.

(E) FUNDING.—Nothing in this section shall imply a commitment or obligation of any department or agency of the Federal Government to fund the expenses of the Committee.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Secretary shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Secretary conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (c).

(e) DESCRIPTION OF PROPERTY.—The legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary. The Secretary shall retain all right, title, and interest of the United

States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

SEC. 1003. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf", as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 1004. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation or the Administrator of General Services, as appropriate, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use as a health or social services facility.

(b) IDENTIFICATION OF PROPERTY.—The Secretary or the Administrator, as appropriate, shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—(1) The conveyance of property described in subsection (b) shall be subject to the conditions that—

(A) the existing buildings on such property shall be demolished and removed by not later than July 3, 1997; and

(B) such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 24 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility (including local permitting requirements, but not financing plans) and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(2) If the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan in a health-related or hospital-related capacity.

SEC. 1005. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property identified, described, and determined by the Secretary under subsection (b), subject to all easements and other interests in the property held by any other person.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

SEC. 1006. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) may convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

SEC. 1007. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the "Secretary") may convey to the Santa Cruz Port District by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) CONSIDERATION.—Any conveyance of property pursuant to this section shall be made without payment of consideration.

(c) CONDITION.—The conveyance provided for in subsection (a) may be made contingent upon agreement by the Port District that—

(1) the utility systems, building spaces, and facilities or any alternate, suitable facilities and buildings on the harbor premises would be available for joint use by the Port District and the Coast Guard when deemed necessary by the Coast Guard; and

(2) the Port District would be responsible for paying the cost of maintaining, operating, and replacing (as necessary) the utility systems and any buildings and facilities located on the property as described in subsection (a) or on any alternate, suitable property on the harbor premises set aside for use by the Coast Guard.

(d) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in Subunit Santa Cruz shall immediately revert to the United States—

(1) if Subunit Santa Cruz ceases to be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; or

(2) at the end of the thirty day period beginning on any date on which the Secretary provides written notice to the Santa Cruz Port District that Subunit Santa Cruz is needed for national security purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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

(1) "Subunit Santa Cruz" means the Coast Guard property and improvements located at Santa Cruz, California;

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(3) "Port District" means the Santa Cruz Port District, or any successor or assign.

SEC. 1008. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as the "Secretary") may convey the right, title, and interest of the United States Government in and to the vessel S/S RED OAK VICTORY (Victory Ship VCS-AP2; United States Navy Hull No. AK235) to the City of Richmond Museum Association, Inc., located in Richmond, California (in this section referred to as "the recipient"), if—

(1) the recipient agrees to use the vessel for the purposes of a monument to the wartime accomplishments of the City of Richmond;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or a national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and PCB's, after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3);

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000; and

(6) the recipient agrees to any other conditions the Secretary considers appropriate.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet for use to restore the S/S RED OAK VICTORY to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

SEC. 1009. CONVEYANCE OF EQUIPMENT.

The Secretary of Transportation may convey any unneeded equipment from other vessels in the National Defense Reserve Fleet to the JOHN W. BROWN and other qualified United States memorial ships in order to maintain their operating condition.

SEC. 1010. PROPERTY EXCHANGE.

(a) PROPERTY ACQUISITION.—The Secretary may, by means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, acquire all right, title, and interest in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska.

(b) ACQUISITION THROUGH EXCHANGE.—For the purposes of acquiring property under subsection (a) by means of an exchange, the Secretary may convey all right, title, and interest of the United States in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska and in the control of the Coast Guard if the Secretary determines that the exchange is in the best interest of the Coast Guard.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1011. AUTHORITY TO CONVEY WHITEFISH POINT LIGHT STATION LAND.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of the Interior (in this section referred to as the "Secretary") may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in 1 of the 3 parcels comprising the land on which the United States Coast Guard Whitefish Point Light Station is situated (in this section referred to as the "Property"), to each of the Great Lakes Shipwreck Historical Society, located in Sault Ste. Marie, Michigan, the United States Fish and Wildlife Service, and the Michigan Audubon Society (each of which is referred to in this section as a "recipient"), subject to all easements, conditions, reservations, exceptions, and restrictions contained in prior conveyances of record.

(2) LIMITATION.—Notwithstanding paragraph (1), the Secretary shall retain for the United States all right, title, and interest in—

(A) any historical artifact, including any lens or lantern, and

(B) the light, antennas, sound signal, towers, associated lighthouse equipment, and any electronic navigation equipment, which are active aids to navigation,

which is located on the Property, or which relates to the Property.

(3) IDENTIFICATION OF THE PROPERTY.—The Secretary may identify, describe, and determine the parcels to be conveyed pursuant to this section.

(4) RIGHTS OF ACCESS.—If necessary to ensure access to a public roadway for a parcel conveyed under this section, the Secretary shall convey with the parcel an appropriate appurtenant easement over another parcel conveyed under this section.

(5) EASEMENT FOR PUBLIC ALONG SHORELINE.—In each conveyance under this section of property located on the shoreline of Lake Superior, the Secretary shall retain for the public, for public walkway purposes, a right-of-way along the shoreline that extends 30 feet inland from the mean high water line.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any conveyance pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary considers appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTIONS.—The Secretary shall ensure that any conveyance pursuant to this section is subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, towers, and associated lighthouse equipment, and any electronic navigation equipment, which are located on the Property and which are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the recipients may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes on any portion of the Property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the Property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have—

(i) an easement of access to and across the Property for the purpose of maintaining the aids to navigation and associated equipment in use on the Property; and

(ii) an easement for an arc of visibility; and

(F) the United States shall not be responsible for the cost and expense of maintenance, repair, and upkeep of the Property.

(3) MAINTENANCE OBLIGATION.—The recipients shall not have any obligation to maintain any active aid to navigation equipment on any parcel conveyed pursuant to this section.

(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—Each recipient shall maintain the parcel conveyed to the recipient pursuant to subsection (a) in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable laws.

(d) MAINTENANCE STANDARD.—Each recipient shall maintain the parcel conveyed to the recipient pursuant to subsection (a), at its own cost and expense, in a proper, substantial, and workmanlike manner, including the easements of access, the easement for an arc of visibility, the nuisance easement, and the underground easement.

(e) SHARED USE AND OCCUPANCY AGREEMENT.—The Secretary shall require, as a condition of each conveyance of property under this section, that all of the recipients have entered into the same agreement governing the shared use and occupancy of the existing Whitefish Point Light Station facilities. The agreement shall be drafted by the recipients and shall include—

(1) terms governing building occupancy and access of recipient staff and public visitors to public restrooms, the auditorium, and the parking lot; and

(2) terms requiring that each recipient shall be responsible for paying a pro rata share of the costs of operating and maintaining the existing Whitefish Point Light Station facilities, that is based on the level of use and occupancy of the facilities by the recipient.

(f) LIMITATIONS ON DEVELOPMENT AND IMPAIRING USES.—It shall be a term of each conveyance under this section that—

(1) no development of new facilities or expansion of existing facilities or infrastructure on property conveyed under this section may occur, except for purposes of implementing the Whitefish Point Comprehensive Plan of October 1992 or for a gift shop, unless—

(A) each of the recipients consents to the development or expansion in writing;

(B) there has been a reasonable opportunity for public comment on the development or expansion, and full consideration has been given to such public comment as is provided; and

(C) the development or expansion is consistent with preservation of the Property in its predominantly natural, scenic, historic, and forested condition; and

(2) any use of the Property or any structure located on the property which may impair or interfere with the conservation values of the Property is expressly prohibited.

(g) REVISIONARY INTEREST.—

(1) IN GENERAL.—All right, title, and interests in and to property and interests conveyed under this section shall revert to the United States and thereafter be administered by the Secretary of Interior acting through the Director of the United States Fish and Wildlife Service, if—

(A) in the case of such property and interests conveyed to the Great Lakes Shipwreck Historical Society, the property or interests cease to be used for the purpose of historical interpretation;

(B) in the case of such property and interests conveyed to the Michigan Audubon Society, the property or interests cease to be used for the purpose of environmental protection, research, and interpretation; or

(C) in the case any property and interests conveyed to a recipient referred to in subparagraph (A) or (B)—

(i) there is any violation of any term or condition of the conveyance to that recipient; or

(ii) the recipient has ceased to exist.

(2) AUTHORITY TO ENFORCE REVERSIONARY INTEREST.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall have the authority—

(A) to determine for the United States Government whether any act or omission of a recipient results in a reversion of property and interests under paragraph (1); and

(B) to initiate a civil action to enforce that reversion, after notifying the recipient of the intent of the Secretary of the Interior to initiate that action.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—In the event of a reversion of property under this subsection, the Secretary of the Interior shall administer the property subject to any conditions the Secretary of Transportation considers to be necessary to maintain the navigation functions.

SEC. 1012. CONVEYANCE OF PARRAMORE BEACH COAST GUARD STATION, VIRGINIA.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall convey to the Nature Conservancy (a nonprofit corporation established under the laws of the District of Columbia and holder of ownership interest in Parramore Island, Virginia), by not later than 30 days after the date of the enactment of this Act and without consideration, all right, title, and interest of the United States in and to all real property comprising the Parramore Beach Coast Guard Station, located on Parramore's Island near the town of Wachapreague in Accomack County, Virginia.

(b) COMPLETION OF ENVIRONMENTAL REVIEWS, ASSESSMENTS, AND CLEANUP.—

(1) AUTHORITY TO CONVEY BEFORE COMPLETION.—Notwithstanding any other provision of law that would require completion of an environmental review, assessment, or cleanup with respect to the Parramore Beach Coast Guard Station before the conveyance under subsection (a), the Secretary may make that conveyance before the completion of that review, assessment, or cleanup, as applicable.

(2) TIME FOR COMPLETION.—Any environmental review, assessment, or cleanup with respect to the Parramore Beach Coast Guard Station shall be completed by as soon as practicable after the date of the enactment of this Act.

SEC. 1013. CONVEYANCE OF JEREMIAH O'BRIEN.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation (in this section referred to as the "Secretary") may convey, subject to the conditions set forth in subsection (b), the right, title, and interest of the United States Government in the vessel JEREMIAH O'BRIEN (United States official number 243622; in this section referred to as the "Vessel"), to a nonprofit corporation (in this section referred to as the "Recipient") for use as a merchant marine memorial museum, if on the date of enactment of this Act the Recipient has at least 10 consecutive years experience in restoring and operating a Liberty Ship as a merchant marine memorial museum.

(b) CONDITIONS.—The conveyance of the Vessel under subsection (a) shall be subject to the following conditions:

(1) The Recipient agrees—

(A) to use the Vessel as a nonprofit merchant marine memorial museum;

(B) not to use the Vessel for commercial transportation purposes;

(C) to make the Vessel available to the Government without cost if and when the Secretary requires use of the Vessel by the Government;

(D) in the event the Recipient no longer requires the Vessel for use as a merchant marine memorial museum, to—

(i) reconvey, at the discretion of the Secretary, the Vessel to the Government in as good condition as when it was received from the Government, except for ordinary wear and tear; and

(ii) deliver the Vessel to the Government at the place where the Vessel was delivered to the Recipient;

(E) to hold the Government harmless for any claims founded on occurrences after conveyance of the Vessel, except for claims against the Government arising from use by the Government under subparagraphs (C) and (D) of this paragraph, which claims shall include any claims resulting from exposure to asbestos and other substances; and

(F) to any other conditions the Secretary considers appropriate.

(2) If a conveyance is made under this section, the Secretary shall deliver the Vessel to the Recipient at the place where the Vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) CONVEYANCE OF EQUIPMENT AND MATERIAL.—The Secretary may convey to the Recipient any unneeded equipment and material from other vessels at any time in the National Defense Reserve Fleet in order to assist in placing and maintaining the Vessel in operating condition.

(d) EXPIRATION OF AUTHORITY.—The authority of the Secretary to convey the Vessel under this section shall expire 2 years after the date of enactment of this Act.

TITLE XI—MISCELLANEOUS

SEC. 1101. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 1102. OIL SPILL RECOVERY INSTITUTE.

(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C. 2731) is amended—

(1) by striking "to be administered by the Secretary of Commerce" in subsection (a);

(2) by striking "and located" in subsection (a) and inserting "located";

(3) by striking "the EXXON VALDEZ oil spill" each place it appears in subsection (b)(2) and inserting "Arctic or Subarctic oil spills";

(4) by striking "18" in subsection (c)(1) and inserting "16";

(5) by striking ", Natural Resources, and Commerce and Economic Development" in subsection (c)(1)(A) and inserting a comma and "and Natural Resources";

(6) by striking subsection (c)(1)(B), (C), and (D);

(7) by redesignating subparagraphs (E) and (F) of subsection (c)(1) as subparagraphs (G) and (H), respectively;

(8) by inserting after subparagraph (A) of subsection (c)(1) the following:

"(B) One representative appointed by each of the Secretaries of Commerce, the Interior, and Transportation, who shall be Federal employees.

"(C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

"(D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

"(E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

"(F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board.";

(9) adding at the end of subsection (c) the following:

"(4) SCIENTIFIC REVIEW.—The Advisory Board may request a scientific review of the research program every five years by the National Academy of Sciences which shall perform the review, if requested, as part of its responsibilities under section 7001(b)(2).";

(10) by striking "the EXXON VALDEZ oil spill" in subsection (d)(2) and inserting "Arctic or Subarctic oil spills";

(11) by striking "Secretary of Commerce" in subsection (e) and inserting "Advisory Board";

(12) by striking ", the Advisory Board," in the second sentence of subsection (e);

(13) by striking "Secretary's" in subsection (e) and inserting "Advisory Board's";

(14) by inserting "authorization in section 5006(b) providing funding for the" in subsection (i) after "The";

(15) by striking "this Act" in subsection (i) and inserting "the Coast Guard Authorization Act of 1996";

(16) by striking the first sentence of subsection (j); and

(17) by inserting "The Advisory Board may compensate its Federal representatives for their reasonable travel costs." in subsection (j) after "Institute.".

(b) FUNDING.—Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended by—

(1) striking subsection (a) and redesignating subsection (b) as subsection (a);

(2) striking "5003" in the caption of subsection (a), as redesignated, and inserting "5001, 5003,";

(3) inserting "to carry out section 5001 in the amount as determined in section 5006(b), and" after "limitation," in the text of subsection (a), as redesignated; and

(4) adding at the end thereof the following:

"(b) USE OF INTEREST ONLY.—The amount of funding to be made available annually to carry out section 5001 shall be the interest produced by the Fund's investment of the $22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund. The National Pollution Funds Center shall transfer all such accrued interest, including the interest earned from the date funds in the Trans-Alaska Liability Pipeline Fund were transferred into the Oil Spill Liability Trust Fund pursuant to section 8102(a)(2)(B)(ii), to the Prince William Sound Oil Spill Recovery Institute annually, beginning 60 days after the date of enactment of the Coast Guard Authorization Act of 1996.

"(c) USE FOR SECTION 1012.—Beginning with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1996, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking "5006(b)" and inserting "5006".

(2) Section 7001(c)(9) the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(9)) is amended by striking the period at the end thereof and inserting "until the authorization for funding under section 5006(b) expires.".

SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b), by—

(A) striking "or" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) adding at the end the following new paragraphs:

"(4) a vessel documented under chapter 121 of this title that was equipped with a double hull before August 12, 1992;

"(5) a barge of less than 1,500 gross tons (as measured under chapter 145 of this title) carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

"(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant

Ship Sales Act of 1946 (50 App. U.S.C. 1744).''; and

(2) by adding at the end the following new subsection:

''(d) The operation of barges described in subsection (b)(5) outside waters described in that subsection shall be on any conditions as the Secretary may require.''.

SEC. 1104. OIL SPILL RESPONSE VESSELS.

(a) DESCRIPTION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 1105. SERVICE IN CERTAIN SUITS IN ADMIRALTY.

Section 2 of the Act of March 9, 1920 (popularly known as the Suits in Admiralty Act; 46 App. U.S.C. 742), is amended by striking ''The libelant'' and all that follows through ''and such corporation.''.

SEC. 1106. AMENDMENTS TO THE JOHNSON ACT.

(a) CALIFORNIA CRUISE INDUSTRY REVITALIZATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end thereof the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

(b) AUTHORITY OF THE STATE OF INDIANA OVER VESSELS ON VOYAGES IN THE TERRITORIAL JURISDICTION OF THE STATE OF INDIANA.—Section 5(b)(1) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)), commonly known as the ''Johnson Act'', is amended—

(1) in subparagraph (A) by striking ''or'' after the semicolon at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(C) the repair, transport, possession, or use of a gambling device on a vessel on a voyage that begins in the State of Indiana and that does not leave the territorial jurisdiction of that State, including such a voyage on Lake Michigan.''.

(c) APPLICABILITY TO CERTAIN VOYAGES IN ALASKA.—Section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—(1) This section does not prohibit, nor may any State make it a violation of law for there to occur, the repair, transport, possession, or use of any gambling device on board a vessel which provides sleeping accommodations for all of its passengers and that is on a voyage or segment of a voyage described in paragraph (2), except that a State may, within its boundaries—

''(A) prohibit the use of a gambling device on a vessel while it is docked or anchored or while it is operating within 3 nautical miles of a port at which it is scheduled to call; and

''(B) require the gambling devices to remain on board the vessel.

''(2) A voyage referred to in paragraph (1) is a voyage that—

''(A) begins, ends, or otherwise includes a stop in Canada;

''(B) includes stops in at least 2 different ports situated in the State of Alaska;

''(C) does not begin, end, or otherwise include a stop in any other State; and

''(D) is of at least 60 hours duration.''.

SEC. 1107. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard not more than $940,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association.

SEC. 1108. OIL POLLUTION RESEARCH TRAINING.

Section 7001(c)(2)(D) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking ''Texas;'' and inserting ''Texas, and the Center for Marine Training and Safety in Galveston, Texas;''.

SEC. 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

SEC. 1110. UNINSPECTED FISH TENDER VESSELS.

Section 3302 of title 46, United States Code, as amended by this Act, is further amended as follows:

(1) Subsection (b) is amended by striking ''A fishing vessel,'' and inserting ''Except as provided in subsection (c)(3) of this section, a fishing vessel''.

(2) Subsection (c)(1) is amended by striking ''A fish processing vessel'' and inserting ''Except as provided in paragraph (3) of this subsection, a fish processing vessel''.

(3) Subsection (c)(2) is amended by striking ''A fish tender vessel'' and inserting ''Except as provided in paragraphs (3) and (4) of this subsection, a fish tender vessel''.

(4) Subsection (c)(3) is amended to read as follows:

''(3)(A) A fishing vessel or fish processing vessel is exempt from section 3301(1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska if—

''(i) that place does not receive weekly common carrier service by water from a place in the United States;

''(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

''(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

''(B) A fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, which is qualified to engage in the Aleutian trade is exempt from section 3301(1), (6), and (7) of this title when transporting cargo (including fisheries-related cargo) to or from a place in Alaska outside the Aleutian trade geographic area if—

''(i) that place does not receive weekly common carrier service by water from a place in the United States;

''(ii) that place receives such common carrier service and the cargo is of a type not accepted by that common carrier service; or

''(iii) the cargo is proprietary cargo owned by the owner of the vessel or any affiliated entity or subsidiary.

''(C) In this paragraph, the term 'proprietary cargo' means cargo that—

''(i) is used by the owner of the vessel or any affiliated entity or subsidiary in activities directly related to fishing or the processing of fish;

''(ii) is consumed by employees of the owner of the vessel or any affiliated entity or subsidiary who are engaged in fishing or in the processing of fish; or

''(iii) consists of fish or fish products harvested or processed by the owner of the vessel or any affiliated entity or subsidiary.

''(D) Notwithstanding the restrictions in subparagraph (B) of this paragraph, vessels qualifying under subparagraph (B) may transport cargo (including fishery-related products) from a place in Alaska receiving weekly common carrier service by water to a final destination in Alaska not receiving weekly service by water from common carriers.''.

SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) by striking ''(a)'' in subsection (a); and

(2) by striking subsection (b).

SEC. 1112. COAST GUARD USER FEES.

(a) LIMITS ON USER FEES.—Section 10401(g) of the Omnibus Budget Reconciliation Act of 1990

(46 U.S.C. 2110(a)(2)) is amended by adding after "annually." the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than $300 annually for such vessels under 65 feet in length, or more than $600 annually for such vessels 65 feet in length and greater.".

(b) FERRY EXEMPTION.—Such section is further amended by adding at the end the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.".

SEC. 1113. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.".

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31328.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), is amended—

(1) in subsection (c)—

(A) by striking "31328" and inserting "12106(e)"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers"; and

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers".

(d) LEASING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation;

"(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is primarily engaged in leasing or other financing transactions;

"(C) the vessel is under a demise charter to a person that certifies to the Secretary that the person is a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

"(D) the demise charter is for a period of at least 3 years or a shorter period as may be prescribed by the Secretary; and

"(E) the vessel is otherwise eligible for documentation under section 12102.

"(2) The demise charter and any amendments to that charter shall be filed with the certificate required by this subsection, or within 10 days following the filing of an amendment to the charter, and such charter and amendments shall be made available to the public.

"(3) Upon termination by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe.

"(4) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States.".

(e) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by striking "sections 31322(a)(1)(D)" and inserting "sections 12106(e), 31322(a)(1)(D),".

(f) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the methods for leasing, demise chartering, and financing of vessels operating in the coastal trades of other countries and whether the laws of other countries provide reciprocity for United States banks, leasing companies, or other financial institutions with respect to the rights granted under the amendment made by subsection (d). The study shall develop recommendations whether additional laws requiring reciprocity should be considered for non-United States banks, leasing companies, or other financial institutions.

(2) REPORT.—The Secretary shall submit to the Congress a report 1 year after the date of enactment of this Act of the results of the study required under paragraph (1), including recommendations developed in the study.

SEC. 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking "or permitted"; and

(2) by inserting after "day" the following: "or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period".

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking ", as if from or to foreign ports".

(5) Section 9302(a)(1) of title 46, United States Code, is amended by striking "subsections (d) and (e)" and inserting "subsections (d), (e) and (f)".

(6) Section 9302(e) of title 46, United States Code, is amended by striking "subsections (a) and (b)" and inserting "subsection (a)".

(7) Section 9302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) A documented vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River is exempt from the requirements of subsection (a) of this section.".

SEC. 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) MV PLATTE (United States official number number 653210).

(2) SOUTHERN (United States official number 591902).

(3) ARZEW (United States official number 598727).

(4) LAKE CHARLES (United States official number 619531).

(5) LOUISIANA (United States official number 619532).

(6) GAMMA (United States official number 598730).

(7) BAY RIDGE (United States official number 600128).

(8) COASTAL GOLDEN (United States official number 598731).

SEC. 1117. USE OF FOREIGN REGISTRY OIL SPILL RESPONSE VESSELS.

Notwithstanding any other provision of law, an oil spill response vessel documented under the laws of a foreign country may operate in waters of the United States on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near those waters, if—

(1) an adequate number and type of oil spill response vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil; and

(2) that foreign country has by its laws accorded to vessels of the United States the same privileges accorded to vessels of that foreign country under this section.

SEC. 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not apply to a documented vessel that has been operated only for pleasure.".

SEC. 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: ", except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant".

SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL CERTIFICATES.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (24 Stat. 81; chapter 421; 46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782).

(3) ANNAPOLIS (United States official number 999008).

(4) ARK (United States official number 912726).

(5) AURA (United States official number 1027807).

(6) BABS (United States official number 1030028).

(7) BAGGER (State of Hawaii registration number HA1809E).

(8) BAREFOOT'N (United States official number 619766).

(9) BARGE 76 (United States official number 1030612).

(10) BARGE 77 (United States official number 1030613).

(11) BARGE 78 (United States official number 1030614).

(12) BARGE 100 (United States official number 1030615).

(13) BEACON (United States official number 501539).

(14) BEAR (United States official number 695002).

(15) BEULA LEE (United States official number 928211).

(16) BEWILDERED (United States official number 902354).

(17) BIG DAD (United States official number 565022).

(18) BILLY BUCK (United States official number 939064).

(19) BROKEN PROMISE (United States official number 904435).

(20) CAPTAIN DARYL (United States official number 580125).

(21) CAROLYN (State of Tennessee registration number TN1765C).

(22) CHARLOTTE (State of Maryland certification number MN1397AM).

(23) CHESAPEAKE (United States official number 999010).

(24) CHRISSY (State of Marine registration certification number ME4778B).

(25) COLT INTERNATIONAL (United States official number 913637).

(26) CONSORT (United States official number 999005).

(27) CONSORTIUM (British registration number 303328).

(28) COURIER SERVICE (Vanuatu registration number 688).

(29) CURTIS BAY (United States official number 999007).

(30) DAMN YANKEE (United States official number 263611).

(31) DANTE (United States official number 556188).

(32) DELTA KING (United States official number 225874).

(33) DORDY III (United States official number 286553).

(34) DRAGONESSA (United States official number 646512).

(35) EAGLE MAR (United States official number 575349).

(36) EMERALD AYES (United States official number 986099)

(37) EMMA (United States official number 946449).

(38) EMPRESS (United States official number 975018).

(39) ENDEAVOUR (United States official number 947869).

(40) EVENING STAR (State of Hawaii registration number HA8337D).

(41) EXPLORER (United States official number 918080).

(42) EXTREME (United States official number 1022278).

(43) EXUBERANCE (United States official number 698516).

(44) FIFTY ONE (United States official number 1020419).

(45) FINESSE (State of Florida registration number 7148).

(46) FOCUS (United States official number 909293).

(47) FREJA VIKING (Danish registration number A395).

(48) 3 barges owned by the Harbor Maine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth

(49) GIBRALTAR (United States official number 668634).

(50) GLEAM (United States official number 921594).

(51) GOD'S GRACE II (State of Alaska registration number AK5916B).

(52) HALCYON (United States official number 690219).

(53) HAMPTON ROADS (United States official number 999009).

(54) HERCO TYME (United States official number 911599).

(55) HER WEIGH (United States official number 919074).

(56) HIGH HOPES (United States official number 935174).

(57) HIGH HOPES II (United States official number 959439).

(58) HOPTOAD (Hull Identification number 528162 NET 12).

(59) HOT WATER (United States official number 965985).

(60) IDUN VIKING (Danish registation number A433).

(61) INTREPID (United States official number 508185).

(62) ISABELLE (United States official number 600655).

(63) ISLAND STAR (United States official number 673537).

(64) JAJO (Hull ID number R1Z200207H280).

(65) JAMESTOWN (United States official number 999006).

(66) JIVE DEVIL (United States official number 685348).

(67) JOAN MARIE (State of North Carolina registration number NC2319AV).

(68) KALYPSO (United States official number 566349).

(69) KARMA (United States official number 661709).

(70) LADY HAWK (United States official number 961095).

(71) LIBERTY (United States official number 375248).

(72) LIV VIKING (Danish registration number A394).

(73) M/V MARION C II (United States official number 570892).

(74) MAGIC CARPET (United States official number 278971).

(75) MAGIC MOMENTS (United States official number 653689).

(76) MADRINE (United States official number 663842).

(77) MARALINDA (State of Florida registration number C023203–97).

(78) MARANTHA (United States official number 638787).

(79) MARSH GRASS II (Hull ID number AUKEV51139K690).

(80) MEMORY MAKER (Hull No 3151059, State of Maryland registration number MD8867AW).

(81) MOONRAKER (United States official number 645981).

(82) MORGAN (State of Ohio registration number OH–0358–EA).

(83) MOVIN ON (United States official number 585100).

(84) MY LITTLE SHIP (State of Washington registration number WN9979MF5).

(85) NAMASTE (United States official number 594472).

(86) OLD HAT (United States official number 508299).

(87) ONRUST (United States official number 515058).

(88) PAUL JOHANSEN (United States official number 1033607).

(89) PHOENIX (United States official number 940997).

(90) PLAY HARD (State of North Carolina registration number NC1083CE).

(91) POLICY MAKER III (United States official number 569223).

(92) PRIME TIME (United States official number 660944).

(93) QUIET SQUAW (United States official number 998717).

(94) QUIETLY (United States official number 658315).

(95) QUINTESSENCE (United States official number 934393).

(96) RAFFLES LIGHT (United States official number 501584).

(97) RAINBOW'S END (United States official number 1026899; Hull ID number MY13708C787).

(98) RATTLESNAKE (Canadian registration number 802702).

(99) REEL TOY (United States official number 698383).

(100) RELENTLESS (United States official number 287008).

(101) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(102) ROYAL AFFAIRE (United States official number 649292).

(103) SALLIE D (State of Maryland registration number MD2655A).

(104) SARAH-CHRISTEN (United States official number 342195).

(105) SEA MISTRESS (United States official number 696806).

(106) SEA SISTER (United States official number 951817).

(107) SERENITY (United States official number 1021393).

(108) SHAKA MARU (United States official number 983176).

(109) SHAMROCK V (United States official number 900936).

(110) SHOGUN (United States official number 577839).

(111) SISU (United States official number 293648).

(112) SMALLEY (6808 Amphibious Dredge: State of Florida registration number FL1855FF).

(113) SNOW HAWK (United States official number 955–637).

(114) SOUTHERN CRUZ (United States official number 556797).

(115) SUNDOWN (United States official number 293434).

(116) SUNRISE (United States official number 950381).

(117) TECUMSEH (United States official number 668633).

(118) THE SUMMER WIND (United States official number 905819).

(119) TIVOLI (United States official number 582516).

(120) TOO MUCH FUN (United States official number 936565).

(121) TOP GUN (United States official number 623642).

(122) TRIAD (United States official number 988602).

(123) TWO CAN (United States official number 932361).

(124) VICTORIA CLIPPER II (United States official number 725338).

(125) WATERFRONT PROPERTY (United States official number 987686).

(126) WESTFJORD (Hull ID number X–53–109).

(127) WESTERN ATLANTIC (Panamanian registration number 10484–80–CEO).

(128) WHITE WING (United States official number 283818).

(129) WHY KNOT (United States official number 688570).

(130) WOLF GANG II (United States official number 984934).

(131) YES DEAR (United States official number 578550).

(132) Former United States military vessels, as follows:

(A) LACV–30 hovercraft hulls numbered 1 through 26.

(B) AP–188 hovercraft hulls numbered 8701 and 8901.

For the purposes of chapter 121 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the engine twin paks, the thrust and lift engines, and all spare parts, appurtenances, and accessories transferred by the United States with the vessels referred to in this paragraph are deemed to have been built in the United States.

(b) M/V TWIN DRILL.—Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103–206) is amended—

(1) in paragraph (3) by striking "June 30, 1995" and inserting "June 30, 1998"; and

(2) in paragraph (4)—

(A) by striking "12 months" and inserting "36 months"; and

(B) by inserting "or convert under the same terms and conditions as provided in paragraphs (1) and (2)" after "construct"; and

(3) in paragraph (5) by striking "constructed" and inserting "delivered".

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to the carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1998, enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.

(5) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire—

(A) on the date of the sale of the vessel by the owner;

(B) on April 1, 1998, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).

(d) CERTIFICATES OF DOCUMENTATION FOR ENCHANTED ISLE AND ENCHANTED SEAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

(e) EXCEPTION TO CHAIN OF TITLE RESTRICTION.—Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended in the first proviso after "no vessel" by inserting "of more than 200 gross tons (as measured under chapter 143 of title 46, United States Code)".

(f) CERTIFICATE OF DOCUMENTATION FOR A LIQUIFIED GAS TANKER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156) and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for a vessel to transport liquified natural gas or liquified petroleum gas to the Commonwealth of Puerto Rico from other ports in the United States, if the vessel—

(1) is a foreign built vessel that was built prior to the date of enactment of this Act; or

(2) is documented under chapter 121 of title 46, United States Code, before the date of enactment of this Act, even if the vessel is placed under a foreign registry and subsequently redocumented under that chapter for operation under this section.

(g) VESSELS DEEMED CONSTRUCTED IN UNITED STATES.—Notwithstanding any other provision of law, the coastwise qualified vessels COASTAL SEA (United States official number 666754), COASTAL NOMAD (United States official number 686157), and COASTAL MERCHANT (United States official number 1038382) are deemed to have been constructed in the United States as of the date of their original delivery.

(h) LIMITED WAIVER FOR THE TUG MV JANIS GUZZLE.—Notwithstanding any other law or any agreement with the United States Government, the tug MV JANIS GUZZLE (ex-G.R. MOIR; United States official number 608018) may be permanently operated in the domestic trade of the United States upon the repayment of $1,140,619 to the Secretary of Transportation.

(i) REGENT RAINBOW.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel REGENT RAINBOW (Bahamas official number 715557), after the completion of the sale of the REGENT RAINBOW to an operator of another passenger vessel measuring more that 20,000 gross tons that on the day before the date of the enactment of this Act is in operation with a coastwise endorsement.

(j) MILITARY HOVERCRAFT.—Notwithstanding any other provision of law, the Administrator of General Services shall waive all conditions and restrictions relating to transfer or use of the property described in subsection (a)(132) (including the engine twin paks, the thrust and lift engines, and all spare parts, appurtenances, and accessories referred to in that subsection) and shall transfer unconditional and unrestricted title to all such property to the recipient eligible donee.

SEC. 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

(a) IN GENERAL.—The vessel described in subsection (b) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(1) it does not carry cargo or passengers for hire; and

(2) it does not engage in commercial fisheries or oceanographic research.

(b) VESSEL DESCRIBED.—The vessel referred to in subsection (a) is an approximately 96 meter twin screw motor yacht, the construction of which commenced in October, 1993, and that has been assigned the builder's number 13583 (to be named the LIMITLESS).

SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 of title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1999.

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

(1) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(2) STATE.—The term "State" means the State of Minnesota.

(3) SMALL PASSENGER VESSEL.—The term "small passenger vessel" means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.

SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING.

Section 8103(i)(1) of title 46, United States Code, is amended—

(1) by striking "or" in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon and "or"; and

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

"(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is

permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.".

SEC. 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "perferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).".

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.".

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. 2716) is amended—

(1) by amending subsection (c)(1) to read as follows:

"(1) IN GENERAL.—

"(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

"(i)(I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

"(II) is located in coastal inland waters, such as bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

"(ii) is used for exploring for, drilling for, producing, or transporting oil from facilities engaged in oil exploration, drilling, or production; and

"(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

"(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria of subparagraph (A) is—

"(i) $35,000,000 for an offshore facility located seaward of the seaward boundary of a State; or

"(ii) $10,000,000 for an offshore facility located landward of the seaward boundary of a State.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraph (B) is justified based on the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding $150,000,000.

"(D) MULTIPLE FACILITIES.—In a case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) DEFINITION.—For the purpose of this paragraph, the seaward boundary of a State shall be determined in accordance with section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)).";

(2) by amending subsection (f) to read as follows:

"(f) CLAIMS AGAINST GUARANTOR.—

"(1) IN GENERAL.—Subject to paragraph (2), a claim for which liability may be established under section 1002 may be asserted directly against any guarantor providing evidence of financial responsibility for a responsible party liable under that section for removal costs and damages to which the claim pertains. In defending against such a claim, the guarantor may invoke—

"(A) all rights and defenses which would be available to the responsible party under this Act;

"(B) any defense authorized under subsection (e); and

"(C) the defense that the incident was caused by the willful misconduct of the responsible party.

The guarantor may not invoke any other defense that might be available in proceedings brought by the responsible party against the guarantor.

"(2) FURTHER REQUIREMENT.—A claim may be asserted pursuant to paragraph (1) directly against a guarantor providing evidence of financial responsibility under subsection (c)(1) with respect to an offshore facility only if—

"(A) the responsible party for whom evidence of financial responsibility has been provided has denied or failed to pay a claim under this Act on the basis of being insolvent, as defined under section 101(32) of title 11, United States Code, and applying generally accepted accounting principles;

"(B) the responsible party for whom evidence of financial responsibility has been provided has filed a petition for bankruptcy under title 11, United States Code; or

"(C) the claim is asserted by the United States for removal costs and damages or for compensation paid by the Fund under this Act, including costs incurred by the Fund for processing compensation claims.

"(3) RULEMAKING AUTHORITY.—Not later than 1 year after the date of enactment of this paragraph, the President shall promulgate regulations to establish a process for implementing paragraph (2) in a manner that will allow for the orderly and expeditious presentation and resolution of claims and effectuate the purposes of this Act."; and

(3) by amending subsection (g) to read as follows:

"(g) LIMITATION ON GUARANTOR'S LIABILITY.—Nothing in this Act shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceed, in the aggregate, the amount of financial responsibility which that guarantor has provided for a responsible party pursuant to this section. The total liability of the guarantor on direct action for claims brought under this Act with respect to an incident shall be limited to that amount.".

(b) LIMITATION ON APPLICATION.—The amendment made by subsection (a)(2) shall not apply to any final rule issued before the date of enactment of this section.

SEC. 1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.

The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

SEC. 1127. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

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

SEC. 1128. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, as amended by section 311 of this Act, is further amended by adding at the end the following:

"§97. Procurement of buoy chain

"(a) Except as provided in subsection (b), the Coast Guard may not procure buoy chain—

"(1) that is not manufactured in the United States; or

"(2) substantially all of the components of which are not produced or manufactured in the United States.

"(b) The Coast Guard may procure buoy chain that is not manufactured in the United States if the Secretary determines that—

"(1) the price of buoy chain manufactured in the United States is unreasonable; or

"(2) emergency circumstances exist.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, as amended by section 311 of this Act, is further amended by adding at the end the following:

"97. Procurement of buoy chain.".

SEC. 1129. CRUISE SHIP LIABILITY.

(a) APPLICABILITY OF STATUTORY LIMITATIONS.—Section 4283 of the Revised Statutes (46 App. U.S.C. 183) is amended by adding at the end the following new subsection:

"(g) In a suit by any person in which the operator or owner of a vessel or employer of a crewmember is claimed to have vicarious liability for medical malpractice with regard to a crewmember occurring at a shoreside facility, and to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, such operator, owner, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State of the United States in which the shoreside medical care was provided.".

(b) CONTRACT LIMITATIONS ALLOWED.—Section 4283b of the Revised Statutes of the United States (46 App. U.S.C. 183c) is amended by redesignating the existing text as subsection (a) and by adding at the end the following new subsection:

"(b)(1) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a crewmember, manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit such liability if the emotional distress, mental suffering, or psychological injury was—

"(A) the result of physical injury to the claimant caused by the negligence or fault of a crewmember or the manager, agent, master, owner, or operator;

"(B) the result of the claimant having been at actual risk of physical injury, and such risk was caused by the negligence or fault of a crewmember or the manager, agent, master, owner, or operator; or

"(C) intentionally inflicted by a crewmember or the manager, agent, master, owner, or operator.

"(2) Nothing in this subsection is intended to limit the liability of a crewmember or the manager, agent, master, owner, or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.".

SEC. 1130. SENSE OF CONGRESS ON THE IMPLEMENTATION OF REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in an effort to reduce unnecessary regulatory burdens, a regulation issued or enforced and an interpretation or guideline established pursuant to Public Law 104–55 should in any manner possible recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law.

(b) REPORT.—Within 60 days after the date of enactment of this section and on January 1 of each year thereafter, the Secretary of Transportation shall submit a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law.

SEC. 1131. TERM OF DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS.

Section 111(b)(4) of title 49, United States Code, is amended by adding at the end the following sentence: "The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.".

SEC. 1132. WAIVER OF CERTAIN REQUIREMENTS FOR HISTORIC FORMER PRESIDENTIAL YACHT SEQUOIA.

The vessel M/V SEQUOIA (United States official number 225115) is deemed to be less than 100 gross tons, and the Secretary of Transportation may exempt that vessel from certain requirements of section 3306 of title 46, United States Code, and the regulations thereunder. The Secretary may impose special operating restrictions on that vessel as to route, service, manning, and equipment, necessary for the safe operation of that vessel.

SEC. 1133. VESSEL REQUIREMENTS.

Section 3503(a) of title 46, United States Code, is amended by striking the last sentence and inserting in lieu thereof the following: "Before November 1, 2008, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.".

SEC. 1134. EXISTING TANK VESSEL RESEARCH.

(a) FUNDING.—The Secretary of Transportation shall take steps to allocate funds appropriated for research, development, testing, and evaluation, including the combination of funds from any source available and authorized for this purpose, to ensure that any Government-sponsored project intended to evaluate double hull alternatives that provide equal or greater protection to the marine environment, or interim solutions to remediate potential environmental damage resulting from oil spills from existing tank vessels, commenced prior to the date of enactment of this section, is fully funded for completion by the end of fiscal year 1997. Any vessel construction or repair necessary to carry out the purpose of this section must be performed in a shipyard located in the United States.

(b) USE OF PUBLIC VESSELS.—The Secretary may provide vessels owned by, or demise chartered to, and operated by the Government and not engaged in commercial service, without reimbursement, for use in and the support of projects sponsored by the Government for research, development, testing, evaluation, and demonstration of new or improved technologies that are effective in preventing or mitigating oil discharges and protecting the environment.

SEC 1135. PLAN FOR THE ENGINEERING, DESIGN, AND RETROFITTING OF THE ICEBREAKER MACKINAW.

(a) IN GENERAL.—Not later than May 1, 1997, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker MACKINAW (WAGB–83) to equip the vessel with new engines, command and control features, habitability improvements, and other features needed to allow operation of the vessel by a significantly reduced crew, including 24-hour continuous operation when necessary.

(b) COMMITTEES DEFINED.—In subsection (a), the term "Committees" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1136. CROSS-BORDER FINANCING.

(a) DOCUMENTATION OF VESSELS OWNED BY TRUSTS.—Section 12102 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) For the issuance of a certificate of documentation with only a registry endorsement, subsection (a)(2)(A) of this section does not apply to a beneficiary of a trust that is qualified under paragraph (2) of this subsection if the vessel is subject to a charter to a citizen of the United States.

"(2)(A) Subject to subparagraph (B) of this paragraph, a trust is qualified under this paragraph with respect to a vessel only if—

"(i) each of the trustees is a citizen of the United States; and

"(ii) the application for documentation of the vessel includes the affidavit of each trustee stating that the trustee is not aware of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person that is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States.

"(B) If any person that is not a citizen of the United States has authority to direct or participate in directing a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee for a trust without cause, either directly or indirectly through the control of another person, the trust is not qualified under this paragraph unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee.

"(3) Paragraph (2) of this subsection shall not be considered to prohibit a person who is not a citizen of the United States from holding more than 25 percent of the beneficial interest in a trust.

"(4) If a person chartering a vessel from a trust that is qualified under paragraph (2) of this subsection is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), then the vessel is deemed to be owned by a citizen of the United States for purposes of that section and related laws, except for subtitle B of title VI of the Merchant Marine Act, 1936.".

(b) APPROVAL OF CERTAIN VESSEL TRANSACTIONS BEFORE DOCUMENTATION OF THE VESSEL.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended by adding at the end the following new subsection:

"(e) To promote financing with respect to a vessel to be documented under chapter 121 of title 46, United States Code, the Secretary may grant approval under subsection (c) before the date the vessel is documented.".

(c) TRUST CHARTERERS—Notwithstanding section 12102(d)(4) of title 46, United States Code, as amended by this section, for purposes of subtitle B of title VI of the Merchant Marine Act, 1936 a vessel is deemed to be owned and operated by a citizen of the United States (as that term is used in that subtitle) if—

(1) the person chartering the vessel from a trust under section 12102(d)(2) of that title is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and

(2)(A) the vessel—

(i) is delivered by a shipbuilder, following completion of construction, on or after May 1, 1995 and before January 31, 1996; or

(ii) is owned by a citizen of the United States under section 2 of the Shipping Act, 1916 on September 1, 1996, or is a replacement for such a vessel; or

(B) payments have been made with respect to the vessel under subtitle B of title VI of the Merchant Marine Act, 1936 for at least 1 year.

(d) INDIRECT VESSEL OWNERS—Notwithstanding any other provision of law, for purposes of subtitle B of title VI of the Merchant Marine Act, 1936 the following vessels are deemed to be owned and operated by a citizen of the United States (as that term is used in that subtitle) if the vessels are owned, directly or indirectly, by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802):

(1) Any vessel constructed under a shipbuilding contract signed on December 21, 1995, and having hull number 3077, 3078, 3079, or 3080.

(2) Any vessel delivered by a shipbuilder, following completion of construction, on or after May 1, 1995, and before January 31, 1996.

(3) Any vessel owned on September 1, 1996, by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916, or a replacement for such a vessel.

(4) Any vessel with respect to which payments have been made under subtitle B of title VI of the Merchant Marine Act, 1936 for at least 1 year.

SEC. 1137. VESSEL STANDARDS.

(a) CERTIFICATE OF INSPECTION.—A vessel used to provide transportation service as a common carrier which the Secretary of Transportation determines meets the criteria of section 651(b) of the Merchant Marine Act, 1936, but which on the date of enactment of this Act is not a documented vessel (as that term is defined in section 2101 of title 46, United States Code), shall be eligible for a certificate of inspection if the Secretary determines that—

(1) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping or another classification society accepted by the Secretary;

(2) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming a documented vessel (as defined in that section); and

(3) that country has not been identified by the Secretary as inadequately enforcing international vessel regulations as to that vessel.

(b) CONTINUED ELIGIBILITY FOR CERTIFICATE.—Subsection (a) does not apply to a vessel after any date on which the vessel fails to comply with the applicable international agreements and associated guidelines referred to in subsection (a)(2).

(c) RELIANCE ON CLASSIFICATION SOCIETY.—

(1) IN GENERAL.—The Secretary may rely on a certification from the American Bureau of Shipping or, subject to paragraph (2), another classification society accepted by the Secretary to establish that a vessel is in compliance with the requirements of subsections (a) and (b).

(2) FOREIGN CLASSIFICATION SOCIETY.—The Secretary may accept certification from a foreign classification society under paragraph (1) only—

(A) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

(B) if the foreign classification society has offices and maintains records in the United States.

SEC. 1138. VESSELS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

(a) IN GENERAL.—Section 3 of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903) is amended—

(1) in subsection (c)(2) by striking "and" after the semicolon in subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) a vessel aboard which the master or person in charge makes a claim of registry and the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.";

(2) in subsection (c)(1) by striking "and may be" and inserting "and is conclusively";

(3) in subsection (c)(2) by striking "nation may be" and inserting "nation is conclusively";

(4) in subsection (d) by inserting before the first sentence the following: "Any person charged with a violation of this section shall not have standing to raise the claim of failure to comply with international law as a basis for a defense."; and

(5) by adding at the end of subsection (f) the following: "Jurisdiction of the United States with respect to vessels subject to this chapter is not an element of any offense. All jurisdictional issues arising under this chapter are preliminary questions of law to be determined solely by the trial judge.".

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by inserting "or (C)" after "under subparagraph (A)".

SEC. 1139. REACTIVATION OF CLOSED SHIPYARDS.

(a) IN GENERAL.—The Secretary may issue a guarantee or a commitment to guarantee obligations under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), upon such terms as the Secretary may prescribe, to assist in the reactivation and modernization of any shipyard in the United States that is closed on the date of the enactment of this Act, if the Secretary finds that—

(1) the closed shipyard historically built military vessels and responsible entities now seek to reopen it as an internationally competitive commercial shipyard;

(2)(A) the closed shipyard has been designated by the President as a public-private partnership project; or

(B) has a reuse plan approved by the Navy in which commercial shipbuilding and repair are primary activities and has a revolving economic conversion fund approved by the Department of Defense; and

(3) the State in which the shipyard is located, and each other involved State, or a State-chartered agency, is making a significant financial investment in the overall cost of reactivation and modernization as its contribution to the reactivation and modernization project, in addition to the funds required by subsection (d)(2) of this section.

(b) WAIVERS.—Notwithstanding any other provision of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), the Secretary shall not apply the requirements of section 1104A(d) of that Act when issuing a guarantee or a commitment to guarantee an obligation under this section.

(c) CONDITIONS.—The Secretary shall impose such conditions on the issuance of a guarantee or a commitment to guarantee under this section as are necessary to protect the interests of the United States from the risk of a default. The Secretary shall consider the interdependency of such shipyard modernization and reactivation projects and related vessel loan guarantee requests pending under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) before issuing a guarantee or a commitment to guarantee under this section.

(d) FUNDING PROVISIONS.—

(1) The Secretary may not guarantee or commit to guarantee obligations under this section that exceed $100,000,000 in the aggregate.

(2) The amount of appropriated funds required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.) in advance of the Secretary's issuance of a guarantee or a commitment to guarantee under this section shall be provided by the State in which the shipyard is located, and other involved States, or by a State-chartered agency, and deposited by the Secretary in the financing account established under the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.) for loan guarantees issued by the Secretary under title XI of the Merchant Marine Act of 1936 (46 App. U.S.C. 1271 et seq.). No federally appropriated funds shall be available for this purpose. The funds deposited into that financing account shall be held and applied by the Secretary in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.), except that, unless the Secretary shall have earlier paid an obligee or been required to pay an obligee pursuant to the terms of a loan guarantee, the funds deposited in that financing account shall be returned, upon the expiration of the Secretary's loan guarantee, to the State, States, or State-chartered agency which originally provided the funds to the Secretary.

(3) Notwithstanding the provisions of any other law or regulation, the cost (as that term is defined by the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.)) of a guarantee or commitment to guarantee issued under this section—

(A) may only be determined with reference to the merits of the specific closed shipyard reactivation project which is the subject of that guarantee or commitment to guarantee, without reference to any other project, type of project, or averaged risk; and

(B) may not be used in determining the cost of any other project, type of project, or averaged risk applicable to guarantees or commitments to guarantee issued under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.).

(e) SUNSET.—No commitment to guarantee obligations under this section shall be issued by the Secretary after one year after the date of enactment of this section.

(f) DEFINITION.—As used in this section, the term "Secretary" means the Secretary of Transportation.

SEC. 1140. SAKONNET POINT LIGHT.

Notwithstanding any other provision of law, any action in admiralty brought against a private nonprofit organization (including any officer, director, employee, or agent of such organization) for damages or injuries resulting from an incident occurring after the date of enactment of this Act, and arising from the operation,

maintenance, or malfunctioning of an aid to navigation operated by the Coast Guard on or within property or a structure owned by such nonprofit organization at Sakonnet Point, Little Compton, Rhode Island, shall be determined exclusively according to the law of the State in which such property or structure is located.

SEC. 1141. DREDGING OF RHODE ISLAND WATERWAYS.

The Chief of Engineers of the Army Corps of Engineers, in conjunction with the Secretary of Transportation and other relevant agencies, shall—

(1) review the report of the commission convened by the Governor of Rhode Island on dredging Rhode Island waterways; and

(2) not later than 120 days after the date of enactment of this section, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations that the Chief of Engineers may have concerning the feasibility and environmental effects of the dredging.

SEC. 1142. INTERIM PAYMENTS.

(a) DAMAGES FOR LOSS OF PROFITS OR IMPAIRMENT OF EARNING CAPACITY.—Section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705) is amended by—

*(1) in the title inserting "**; PARTIAL PAYMENT OF CLAIMS**" before the period; and*

(2) adding at the end of subsection (a) the following: "The responsible party shall establish a procedure for the payment or settlement of claims for interim, short-term damages. Payment or settlement of a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled shall not preclude recovery by the claimant for damages not reflected in the paid or settled partial claim.".

(b) CLARIFICATION OF CLAIMS PROCEDURE.—Section 1013(d) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(d)) is amended by striking "section" and inserting the following: "section, including a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled,".

(c) ADVERTISEMENT.—Section 1014(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2714(b)) is amended—

(1) by inserting "(1)" before "If"; and

(2) by adding at the end the following new paragraph:

"(2) An advertisement under paragraph (1) shall state that a claimant may present a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled and that payment of such a claim shall not preclude recovery for damages not reflected in the paid or settled partial claim.".

(d) CLARIFICATION OF SUBROGATION.—Section 1015(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2715(a)) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) INTERIM DAMAGES.—

"(1) IN GENERAL.—If a responsible party, a guarantor, or the Fund has made payment to a claimant for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled, subrogation under subsection (a) shall apply only with respect to the portion of the claim reflected in the paid interim claim.

"(2) FINAL DAMAGES.—Payment of such a claim shall not foreclose a claimant's right to recovery of all damages to which the claimant otherwise is entitled under this Act or under any other law.".

SEC. 1143. OIL SPILL INFORMATION.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (j)(2)(A) by inserting after "paragraph (4)," the following: "and of information regarding previous spills, including data from universities, research institutions, State governments, and other nations, as appropriate, which shall be disseminated as appropriate to response groups and area committees, and"; and

(2) in subsection (j)(4)(c)(v) by inserting before "describe" the following: "compile a list of local scientists, both inside and outside Federal Government service, with expertise in the environmental effects of spills of the types of oil typically transported in the area, who may be contacted to provide information or, where appropriate, participate in meetings of the scientific support team convened in response to a spill", and".

SEC. 1144. COMPLIANCE WITH OIL SPILL RESPONSE PLANS.

Section 311(c)(3)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(3)(B)) is amended by striking "President" and inserting "President, except that the owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects".

SEC. 1145. BRIDGE DEEMED TO UNREASONABLY OBSTRUCT NAVIGATION.

The Sooline & Milwaukee Road Swing Bridge, located in Oshkosh, Wisconsin, is deemed to unreasonably obstruct navigation for purposes of the Act of June 21, 1940 (popularly known as the Hobbs Bridge Act; 33 U.S.C. 511 et seq.).

SEC. 1146. FISHING VESSEL EXEMPTION.

(a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

"§8105. Fishing vessel exemption

"Notwithstanding any other provision of law, neither the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, nor any amendment to such convention, shall apply to a fishing vessel, including a fishing vessel used as a fish tender vessel.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 81 of title 46, United States Code, is amended by adding at the end the following:

"8105. Fishing vessel exemption.".

And the House agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

BUD SHUSTER,
DON YOUNG,
HOWARD COBLE,
TILLIE K. FOWLER,
BILL BAKER,
JAMES L. OBERSTAR,
BOB CLEMENT,
GLENN POSHARD,

From the Committee on the Judiciary, for consideration of sec. 901 of the Senate bill, and sec. 430 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BILL MCCOLLUM,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

LARRY PRESSLER,
TED STEVENS,
SLADE GORTON,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
JOHN ASHCROFT,
SPENCER ABRAHAM,
FRITZ HOLLINGS,
DANIEL INOUYE,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,

From the Committee on Environment and Public Works:

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
LAUCH FAIRCLOTH,
JIM INHOFE,
MAX BAUCUS,
FRANK R. LAUTENBERG,
JOE LIEBERMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference and noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SECTION 1. SHORT TITLE

Section 1 of the Senate bill states that the Act may be cited as the "Coast Guard Authorization Act of 1996." This section of the House amendment states that the Act may be cited as the "Coast Guard Authorization Act for Fiscal Year 1996."

The Conference substitute cites the Act as the "Coast Guard Authorization Act of 1996."

SECTION 2. TABLE OF CONTENTS

Section 2 of the Senate bill, the House amendment, and the conference substitute provide a table of contents for the bill.

TITLE I—AUTHORIZATIONS

SECTION 101. AUTHORIZATION OF APPROPRIATIONS

Section 101 of the Senate bill authorizes Coast Guard appropriations for Fiscal Year (FY) 1996, at the following levels:

	Fiscal year 1996
Operating Expenses	$2,618,316,000
AC&I	428,200,000
R&D	22,500,000
Retired Pay	582,022,000
Alteration of Bridges	16,200,000
Environmental Compliance	25,000,000

This bill also authorizes the transfer of funds from the discretionary bridge program of the Federal Highway Administration to the Coast Guard for alteration of highway bridges that are determined to be obstructions to navigation.

Section 101 of the House amendment contains identical authorization levels, but does

not contain the funding change for alteration of highway bridges that are determined to be obstructions to navigation.

The Conference substitute adopts the Senate provision with an amendment to authorize Coast Guard appropriations for fiscal year 1997 at the following levels:

	Fiscal year 1997
Operating Expenses	$2,637,800,000
AC&I	411,600,000
R&D	20,300,000
Retired Pay	608,100,000
Alteration of Bridges	25,100,000
Environmental Compliance	25,000,000

The Conference Committee recommends that a study be conducted to look at ways the aviation program could cut its operating and replacement costs. The study should include looking at alternative aircraft to replace some of the aging HC–130's and HU–25's. The Committee believes some surveillance missions could be done by aircraft that are much less costly to operate. Further, the Committee believes there may be creative ways these alternate aircraft may be acquired without major capital expense. The Coast Guard shall report back to the Committee on Transportation and Infrastructure of the House and the Committee on Commerce, Science, and Transportation of the Senate by December 15, 1997.

SECTION 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING

Section 102 of the Senate bill authorizes a Coast Guard end-of-year strength of 38,400 active duty military personnel and military training student loads for fiscal year 1996. These authorized strength levels would not include members of the Coast Guard Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for period of 180 days or less.

Section 102 of House amendment has the identical strength numbers, but does not contain the Coast Guard Ready Reserve provision.

The Conference substitute amends the House provision by authorizing a Coast Guard end-of-year strength of 37,561 by the end of fiscal year 1997 and military training student loads for fiscal year 1997.

SECTION 103. QUARTERLY REPORT ON DRUG INTERDICTION

The Senate bill contains no comparable provision.

Section 103 of the House amendment requires the Secretary of Transportation to submit to the Committee on Transportation and Infrastructure in the House of Representatives and Committee on Commerce, Science, and Transportation in the Senate quarterly reports on Coast Guard drug interdiction expenditures. The requirement for quarterly reports will allow the Committees to closely monitor the expenditures for Cost Guard drug interdiction, and to ensure that critical drug interdiction resources are not diverted to other Coast Guard missions.

The Conference substitute adopts the House provision.

SECTION 104. SENSE OF THE CONGRESS REGARDING FUNDING FOR THE COAST GUARD

The Senate bill contains no comparable provision.

Section 422 of the House amendment states that it is the sense of Congress that Congress should appropriate for the Coast Guard adequate funds to enable it to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

The Conference substitute adopts the House amendment.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SECTION 201. PROVISION OF CHILD DEVELOPMENT SERVICES

Section 201 of the Senate bill adds a new section 515 to title 14, United States Code, authorizing the Coast Guard to establish a program to provide child development services for members of the armed forces and Federal civilian employees. Subsection (a) of new section 515 provides authority for the Commandant to expend appropriated funds to make child development services available. Subsection (b) of the new section establishes priorities for the use of parents' fees. Subsection (c) requires regular inspections of Coast Guard child care centers and establishes minimum requirements for training child care center employees. Subsection (d) authorizes the use of Coast Guard operating expenses in an amount not to exceed annual child care receipts to support child care center operation. Subsection (e) authorizes the use of appropriated funds to provide assistance to home day-care providers. Subsection (f) authorizes the Secretary to charge fees for child development services provided.

Section 203 of the House amendment amends section 93 of title 14, United States Code, to authorize the Coast Guard to establish a program to provide child development services for military members and civilian employees. This program provided in this section is similar in most respects to the existing Department of Defense child care development program.

The Conference substitute adopts the House amendment.

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The Conference substitute adopts the Senate provision.

SECTION 202. HURRICANE ANDREW RELIEF

Section 202 of the Senate bill authorizes Coast Guard military personnel assigned to a facility around Homestead Air Force Base, Florida, on or before August 24, 1992, to be compensated if they are unable to sell their homes due to damage from Hurricane Andrew.

Section 201 of the House amendment is identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 203. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS

Section 203 of the Senate bill amends section 289 of title 14 United States Code, eliminating the requirement for dissemination to the service at large of the result of boards convened to recommend captains for continuation on active duty.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH

Section 204 of the Senate bill amends section 712 of title 14, United States Code, to eliminate the requirement to include Coast Guard Reservists ordered to active duty in the calculation of Coast Guard end-of-year personnel strength. This new authority parallels the Secretary of Transportation's existing authority to exceed annual Coast Guard end-of-year strength ceilings in order to respond to national defense emergencies.

Section 202 of the House amendment is similar to the Senate bill.

The Conference substitute adopts the House provision.

SECTION 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE

Section 205 of the Senate bill amends section 283(b) of title 14, United States Code, to allow Coast Guard officers with at least 18 years of service, and who have been passed over for promotion twice, to continue on active duty until they are eligible for retirement after 20 years of service. A similar provision applies to members of the Coast Guard Reserve and the other branches of the armed forces.

Section 205 of the House amendment is identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 206. RECRUITING

Section 207 of the Senate bill expands the Coast Guard's authority to recruit its military work force. Subsection (a) amends the National Defense Authorization Act for Fiscal Year 1995 to extend to the Department of Transportation a provision that denies funds to institutions of higher education that have a policy of denying recruiters from the armed forces access to their campuses or students, or denying access to director information pertaining to students.

Subsection (b) provides specific authority for the Coast Guard to use operating funds for entertainment expenses arising from recruiting activities in the Coast Guard's "centers of influence" program, modeled after the programs of the Navy, Marine Corps, and Air Force.

Subsection (c) expands the Coast Guard's authority to enter into contracts with, and make grants to, public and private organizations and individuals for the purpose of meeting identified personnel resource requirements. Students who successfully qualify for the program would be offered a one-year or two-year scholarship that would pay for all or part of the tuition and related living expenses while enrolled in a college or university.

Section 407 of the House amendment requires the Coast Guard to submit a report to the Committee on Transportation and Infrastructure in the House of Representatives

and the Committee on Commerce, Science, and Transportation in the Senate on efforts to recruit women and minorities, and to make recommendations on the need for future action in this area.

Section 206 of the Conference substitute adopts subsections (a) and (b) of section 207 of the Senate bill. Subsection (a) denies funds to institutions which do not allow Coast Guard recruiters on campus. Subsection (c) allows the Coast Guard to use operating funds to cover advertising and entertainment expenses related to certain recruiting activities. Section 207(c) of the conference substitute includes the study on recruiting women and minorities from section 407 of the House amendment.

SECTION 207. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL

Section 208(a) of the Senate bill amends section 93 of title 14, United States Code, to authorize the Commandant of the Coast Guard to require that Coast Guard military personnel request all information contained in the National Driver Register (NDR) pertaining to the individual and be made available to the Commandant. Current law allows an employer to have access to NDR records of an individual who is seeking employment or is employed as a driver of a commercial vehicle, an individual who has applied for, or has received an airman's medical certificate, an individual who is seeking employment or is employed as an operator of a locomotive, and a holder of, or applicant for, a merchant mariner's license, certificate of registry, or merchant mariner's document.

Subsection (b) of this section amends section 30305 of title 49, United States Code, to allow Coast Guard military personnel to request the chief licensing official of a State to provide information in the National Driver Register about the individual to the Commandant of the Coast Guard, and to allow the Commandant to receive the information.

Section 204 of the House amendment is identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 208. COAST GUARD HOUSING AUTHORITIES

Section 209 of the Senate bill establishes a new financing mechanism for the construction of military family housing and unaccompanied housing units on or near Coast Guard installations. It authorizes the Coast Guard to use direct loans, loan guarantees, long-term leases, rental guarantees, barter, direct government investment, and other financial arrangements to encourage private sector participation in the building of military housing.

A Coast Guard Housing Improvement Fund (Fund) is established to provide these new housing projects. In addition to the amounts appropriated to the Fund, the Fund may receive transfers from other U.S. Department of Transportation housing accounts, receipts from property sales and rents, returns on any capital, and other income operations or transactions connected with the program. The amounts in the Fund are available to acquire housing using the various techniques mentioned above, but the total value of budget authority for all contracts and investments are limited to $60 million.

The House amendment has no comparable provision.

The Conference substitute amends the Senate provision in several ways. The substitute allows the Coast Guard Housing program to use loan guarantees for developers of military family housing and military unaccompanied housing. The substitute also allows the Secretary of Transportation to enter into limited partnerships with nongovernmental entities for the purpose of carrying out projects for the acquisition or construction of housing units for military housing.

Section 208 of the Conference Substitute ensures that amounts available from the Fund are subject to appropriations. This provision does not allow the acquisition or construction of military housing unless the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate have adopted resolutions approving of the plans. The conferees believe the Coast Guard should submit to each committee a prospectus for each project based on OMB Circular A-104, which is used by the General Services Administration for their capital construction and leasing program. Section 208 identifies one housing project on or near Coast Guard Integrated Support Command, Ketchikan, Alaska, to be exempted from the committee approval process.

SECTION 209. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE

Section 210 of the Senate bill is similar to section 404 of the House amendment, except that it requires those affected by the provision to apply for retroactive relief.

Section 404 of the House amendment clarifies the application of section 212 of the Coast Guard Authorization Act of 1989, (Public Law 101-225, 10 U.S.C. 1552 note). This section required the Secretary of Transportation to amend the regulations governing the Coast Guard's Board for the Correction of Military Records (BCMR) to ensure that appeals are processed expeditiously and that final decisions are made within 10 months of their receipt by the BCMR. Section 212 also required the Secretary to appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with the 10-month deadline for final action on the application. Section 404 of the House amendment clarifies that the 10-month deadline established under section 212 of the 1989 Coast Guard Authorization Act was intended to be mandatory. Section 404 also clarifies that section 212 was intended to apply to applications pending before the BCMR or the Secretary of Transportation on June 12, 1990, which was six months after the date of enactment of the 1989 Coast Guard Authorization Act.

Under section 404 of the House amendment, and section 212 of the 1989 Coast Guard Authorization Act, extensions of time granted to applicants by the BCMR do not count toward the 10-month deadline. The purpose of section 212 of the 1989 Coast Guard Authorization Act was to impose a deadline on the Department of Transportation that resulted in timely, meaningful resolution of claims for BCMR applicants. Extensions of the 10-month deadline requested by applicants themselves are not contrary to the purpose of section 212.

Section 209 of the Conference substitute creates a new section 425 of title 46, United States Code, which is similar to the Senate provision. The conferees believe that the lack of prompt resolution of BCMR cases has denied meaningful relief to many BCMR applicants who are found to have been unjustly passed over for promotion. Because the Coast Guard does not convene special selection boards for officers whom the BCMR finds to have been wrongly passed over, it is imperative that the BCMR adhere to the 10-month deadline in each case. Officers who fall behind the regular promotion cycle because of delayed BCMR relief are at a competitive disadvantage when competing for promotion against officers whose careers have progressed at a normal pace.

The conferees direct the BCMR to resolve all cases within the 10-month deadline, eliminating the necessity for Coast Guard special selection boards. The conferees also direct the BCMR to establish a system to monitor the implementation of this section, including a method to easily determine the dates on which applications are filed with the BCMR, and other significant dates related to a BCMR application.

SECTION 210. REPEAL TEMPORARY PROMOTION OF WARRANT OFFICERS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute repeals section 277 of title 14, United States Code, which provides that Coast Guard warrant officers may be temporarily promoted to higher warrant officer grades. Section 541 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) made the Warrant Officer Management Act (WOMA) applicable to the Coast Guard warrant officer corps. There are no temporary warrant officer promotions under WOMA and the repeal of section 277 of title 14, United States Code, is necessary to remove this inconsistent provision.

SECTION 211. APPOINTMENT OF TEMPORARY OFFICERS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute permits the Coast Guard to vacate the appointments of a temporary commissioned officer at any point prior to the officer's becoming a permanent commissioned officer and not just during the period of the original appointment. This provides an important means for managing the size of the Coast Guard officer corps in an era of decreasing budgets, while at the same time allowing individuals to continue a Coast Guard career.

SECTION 212. INFORMATION TO BE PROVIDED TO OFFICER SELECTION BOARDS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute deletes the requirement for the Coast Guard to identify officers who are in the promotion zone of the group. This will allow officers who have failed to be selected for promotion by an earlier board to compete on an equal basis with officers who are being considered for the first time.

SECTION 213. RESCUE DIVER TRAINING FOR SELECTED COAST GUARD PERSONNEL

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute allows the Coast Guard to provide rescue diver training to selected Coast Guard personnel under the helicopter rescue swimming program.

SECTION 214. SPECIAL AUTHORITIES REGARDING COAST GUARD

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adds two provisions which involve Coast Guard reimbursement of expenses for mess operations and severable services contracts.

Subsection (a) of section 214 allows the Secretary of Transportation, when the Coast Guard is not operating as part of the Navy, to establish rates for meals sold at Coast Guard dining facilities and to reimburse mess expense operations for the cost of those meals. This will allow the Coast Guard to operate its mess facilities more efficiently and effectively, in the same manner as the other armed services, which already have this authority.

Subsection (b) of section 214 allows the Secretary of Transportation to enter into contracts for severable services contracts across fiscal years. Severable services are services funded by annual appropriations that can be subdivided by year for performance, such as services performed for equipment and facility maintenance. This provision gives the Coast Guard the same authority previously granted to other Federal agencies under the Federal Acquisition Streamlining Act of 1994.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

SECTION 301. CHANGES TO DOCUMENTATION LAWS

Section 301 of the Senate bill amends section 12122(a) of title 46, United States Code, increasing the maximum civil penalty for violation of documentation laws from $500 to $10,000.

Subsection (b) of this section amends section 12122(b) of title 46, United States Code, broadening the seizure and forfeiture authority within the penalty section. This subsection moves three existing authorities currently in section 12110(c) of title 46, United States Code, to section 12122(b). Consolidating these authorities in this section should clarify those violations of U.S. documentation laws for which seizure and forfeiture authority would be exercised.

In addition, this subsection adds a new substantive basis for seizure and forfeiture when a vessel is placed under the command of a person not a citizen of the United States. The term "under the command of" is intended to have the same meaning as in section 12110(d) of title 46, United States Code. Command of a vessel would include, complete authority and control over and responsibility for all aspects of vessel navigation, stability, cargo loading, and communications; material condition of the vessel; health, welfare, safety, and training of the crews; fishing and fish processing activities; crew hiring, firing, discipline, and pay; maintenance, provisioning, and supplies; and compliance with all applicable U.S. laws and regulations.

Section 301 (c) and (d) makes technical and conforming changes to sections 12122(c) and 12110(d) of title 46, United States Code. Section 301(e) terminates the eligibility for a fisheries endorsement of a vessel purchased by the Secretary of Commerce under a fishing capacity reduction program.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate provision with several technical modifications.

SECTION 302. NONDISCLOSURE OF PORT SECURITY PLANS

Section 302 of the Senate bill amends section 7 of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1226), to exempt information regarding passenger vessels or terminal security plans established by the Coast Guard from the public disclosure requirements of any law. Currently, airline and security plans developed by the Federal Aviation Administration are exempt from disclosure under the Freedom of Information Act. Section 302 of this bill extends the same degree of protection to Coast Guard security plans for passenger vessels and terminals to ensure that safety and security are not compromised at these facilities.

Section 306 of the House amendment contains a provision identical to the Senate bill.

The Conference substitute adopts the Senate provision.

SECTION 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

Section 3034 of the Senate bill amends chapter 21 of title 46, United States Code, to provide for a civil penalty of not more than $1,000 per day for marine employees who violate the Coast Guard's chemical testing regulations.

Section 307 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 304. RENEWAL OF ADVISORY GROUPS

Section 304 of the Senate bill amends sections 18 and 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241, 105 Stat. 2208-2235) to extend the termination dates for the Houston-Galveston Navigation Safety Advisory Committee and the Lower Mississippi River Waterway Advisory Committee until September 30, 2000. This section also amends section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) and section 4508(e)(1) of title 46, United States Code, to extend the termination dates for the Navigation Safety Advisory Council and the Commercial Fishing Industry Vessel Advisory Committee, respectively, until September 30, 2000. The section further extends the Towing Safety Advisory Committee until September 30, 2000.

Sections 303, 304, 305, and 311 of the House amendment also extend the termination dates for these organizations. The House amendment amends section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) to change the name of the Rules of the Road Advisory Council to the Navigational Safety Advisory Council.

The Conference substitute adopts the Senate provision with the House provision related to the Navigation Safety Advisory Council. The substitute also extends the statutory authority for the National Boating Safety Advisory Council until September 30, 2000.

SECTION 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS

Section 305 of the Senate bill amends section 31321(a) of title 46, United States Code, to allow the public to file a bill of sale, conveyance, mortgage, assignment, or related instrument with the Coast Guard electronically. Under the amendments made by this section, the original instrument must be provided to the Secretary of Transportation within 10 days after the electronic transfer.

Section 403 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 306. CIVIL PENALTIES

Section 306(a) of the Senate bill amends section 6103(a) of title 46, United States Code, to increase the civil penalty against an owner, charterer, managing operator, agent, master, or individual in charge of a vessel for failure to report a vessel casualty from $1,000 to not more than $25,000. Section 306(b) amends section 8906 of title 46, United States Code, to increase the civil penalty against an owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of small vessel operator licensing requirements, from $1,000 to not more than $25,000.

Section 309 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES

Section 307 of the Senate bill amends paragraph 7 of section 4502(a) of title 46, United States Code, to require uninspected commercial fishing vessels operating beyond three nautical miles from the coastline of the Great Lakes to carry emergency position indicating radio beacons (EPIRBS).

Section 310 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 308. REPORT ON LORAN-C REQUIREMENTS

Section 308 of the Senate bill requires the Secretary of Transportation, in consultation with users of the LORAN-C radio navigation system, to submit a report on the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system as satellite based technology becomes the sole means of safe and efficient navigation.

This section specifically requires the Secretary to address several issues in the report. These include determining an appropriate timetable for transitioning from groundbased radio navigation technology, and the possible need for all agencies in the Department of Transportation, as well as other government beneficiaries, to share in the Federal government's costs related to LORAN-C technology.

Section 415 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision. The LORAN-C radionavigation system has been operated as a cost-effective, proven, reliable system for millions of marine and other users over the years which provides an important enhancement to user safety. In recent years, numerous steps have been taken to emphasize that the Coast Guard and other agencies in the Department of Transportation should take advantage of the compatibility of LORAN with GPS technology so that the substantial investment made by users can continue to be utilized until satellite technology is available as a sole means of navigation. The Conferees have heard from every segment of the LORAN user community, expressing strong support for continued funding and upgrade of the LORAN infrastructure. Therefore, the Conferees have included a provision requiring the Secretary within 180 days to provide a plan for the future funding and upgrade of the Loran system and infrastructure.

SECTION 309. SMALL BOAT STATIONS

Section 309 in the Senate bill prohibits the Secretary of Transportation from closing any Coast Guard multi-mission small boat station or subunit before October 1, 1996. Section 309 prohibits the Coast Guard from closing any Coast Guard small boat station or subunit after October 1, 1996 unless he certifies that the closure will not result in the degradation of services that would cause a

significantly increased threat to life, property, the environment, public safety, or our national security. The Secretary must also notify the public of the intended closure, make available to the public information used in making the determination and assessment under this section, and provide an opportunity for public meetings and written comments about the closure.

Section 104 of the House amendment prohibits the closure of Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

The Conference substitute also adds a new section 673 to title 14, United States Code, which requires that Coast Guard small boat stations maintain at least one vessel capable of performing off-shore rescue operations.

The Conference substitute adds a new section 674 to title 14, United States Code, which prevents the Secretary of Transportation closing a Coast Guard multi-mission small boat station unless the Secretary determines that the remaining search and rescue capabilities maintain the safety of the maritime public in the area of the station or subunit. The Secretary must also determine that the regional or local prevailing weather and marine conditions, including water temperature or unusual tide and current conditions, do not require continued operation of the search and rescue station. The Secretary must further determine that the Coast Guard search and rescue standards related to search and rescue response times are met. The Secretary must provide an opportunity for public comment and meetings in regard to any proposed station closure.

SECTION 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT

Section 310 of the Senate bill broadens section 3318 of title 46, United States Code, to classify as a felony the knowing alteration of lifesaving, fire fighting, and other marine safety equipment, if the alteration results in equipment that is insufficient to accomplish the purpose for which it is intended.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate bill with an amendment establishing a criminal penalty applicable commercial alteration or serving which intentionally renders the equipment unsafe and unfit for the purpose for which it is intended.

SECTION 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS

Section 311 of the Senate bill amends chapter 5 of title 14, United States Code, to require that all non-emergency repairs of Coast Guard vessels be conducted in shipyards located in the United States. This provision is similar to the current restrictions on the repair of U.S. Navy vessels.

The House amendment contains no comparable provision.

The Conference substitute amends the Senate provision to exempt voyage repairs and vessels that are home ported outside a U.S. State from this section.

SECTION 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS

Section 312 of the Senate bill authorizes the Secretary of the Treasury, at the request of the Secretary of Transportation, to refuse or revoke a vessel's clearance, when that vessel is liable, or reasonable cause exists to believe that the vessel is liable, to the United States Government for certain civil or criminal penalties. Under the amendments made by this section, the Secretary of the Treasury may grant a clearance previously refused or revoked only if the owner of the vessel obtains a bond or other surety satisfaction to the Secretary of Transportation to cover the amount of the potential fine or penalty assessment.

Section 312(a) amends section 5122 of title 49, United States Code, to authorize the Secretary of Treasury to refuse or revoke a vessel's clearance for violations of chapter 51 of title 49, United States Code, formerly the Hazardous Materials Transportation Act. Chapter 51 of title 49 applies to all vessels that transport, ship, maintain, or manufacture hazardous materials in waters subject to the jurisdiction of the United States.

Section 312(b) amends section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) to authorize the Secretary of the Treasury to refuse or revoke a vessel's clearance for violations of that Act. The Ports and Waterways Safety Act promotes port and merchant vessel safety through the establishment of vessel traffic service systems and the requirement to carry certain navigation equipment abroad vessels in waters subject to the jurisdiction of the United States.

Section 312(c) amends section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) to authorize the Secretary of the Treasury to refuse or revoke a vessel's clearance for violations of that Act. The Inland Navigational Rules Act governs the "rules of the road" for vessel navigation for the various inland, Great Lakes, and Western Rivers waters.

Section 312(d) amends section 3718(e) of title 46, United States Code, to authorize the Secretary of Treasury to refuse or revoke a vessel's clearance for violations of chapter 37 of title 46, United States Code, governing the carriage of liquid bulk dangerous cargoes in the navigable waters or a port of place subject to the jurisdiction of the United States.

Section 308 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 313. INFORMATION BARRED IN LEGAL PROCEEDINGS

The Senate bill contains no comparable provision.

Section 414 of the House amendment adds a new section to chapter 63 of title 46, United States Code, to limit the use of certain portions of formal and informal marine casualty investigations in civil judicial, administrative, and state criminal proceedings unless the Secretary of Transportation consents to releasing the report. The section would also prohibit any employee of the United States or member of the Coast Guard investigating a marine casualty or assisting in any such investigation being subject to deposition or other discovery, or to otherwise testify or give information in such proceedings relevant to a marine casualty investigation without the consent of the Secretary. New section 6308 also clarifies that the restriction on the use of the portions of investigations is not an admission of liability by the United States or by a person referred to in the investigation.

Although there are certain statutory and discovery provisions that presently protest parts of an investigation from use in civil and state criminal proceedings, there is no statutory prohibition on the use of opinions, recommendations, deliberations, and conclusions contained in marine casualty investigation reports.

The Conference substitute alters the House provision to completely prohibit a report of a Coast Guard marine casualty investigation from being admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States. The substitute also prohibits any employee of the United or member of the Coast Guard investigating a marine casualty from being subject to deposition or other discovery without the permission and consent of the Secretary of Transportation. The Secretary may not withhold permission for the employee or member to testify on solely factual matters where the information is not available elsewhere.

SECTION 314. MARINE CASUALTY REPORTING

Section 503(a) of the Senate bill requires the Coast Guard to submit a plan to Congress to increase the reporting of vessel accidents to appropriate state law enforcement officials.

Section 503(b) amends section 6130(a) of title 46, United States Code, to establish a $1,000 civil penalty for an owner, charterer, operator, agent, master, or individual in charge of a vessel who has failed to submit a marine casualty report to state authorities as required under existing law.

The House amendment contains no comparable provision.

The Conference adopts the Senate provision.

TITLE IV—COAST GUARD AUXILIARY

SECTION 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY

Section 401 of the Senate bill amends section 821 of title 14, United States Code, to establish an organizational structure for the Coast Guard Auxiliary and to designate the Auxiliary as an "Instrumentality of the United States" only with respect to acts or omissions committed by Auxiliary members performing a Coast Guard function or operation authorized by the Commandant of the Coast Guard, under section 822 of title 14, United States Code. Instrumentality status will allow the U.S. Government to provide legal representation and indemnification for the Auxiliary in litigation in which the Auxiliary is a defendant.

Instrumentality status will also protect Auxiliary assets and members from liability in the event of alleged tortious conduct committed by members while acting within the scope of their official duties. The liability protection provided to the Auxiliary under this section is for noncontractual civil tort liability.

Section 401 of the Senate bill also authorizes the national board of the Auxiliary, Auxiliary districts, and regions of the Auxiliary to incorporate under state law in accordance with policies established by the Commandant. The ability to incorporate will allow the Auxiliary's national board to manage its finances more effectively and to hold auxiliary copyrights, trademarks, and title to property used by the Auxiliary in performing its missions. Regional or district corporations may be formed under this section only for the purpose of holding property for Auxiliary use. Corporations formed under this authority are not considered instrumentalities of the United States.

Section 801 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 402. PURPOSE OF THE COAST GUARD AUXILIARY

Section 402 of the Senate bill provides that the purpose of the Coast Guard Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast

Guard function, power, duty, role, mission, or operation authorized by law. As the functions and operations of the Coast Guard expand in future years, the Auxiliary will have the flexibility to act in support of Coast Guard operations, under the direction of the Commandant. Future uses of the Coast Guard Auxiliary may include the establishment and support of marine safety and security zones; port and harbor patrols; parade and regatta patrols; pollution patrols; transportation of Coast Guard personnel for mission support; training support; and other support missions authorized by the Commandant.

Section 802 of the House amendment is similar to this provision.

The Conference substitute adopts the House provision.

SECTION 403. MEMBERS OF THE AUXILIARY; STATUS

Section 403 of the Senate bill clarifies the status of individual members of the Coast Guard Auxiliary, and affords an Auxiliarist, while acting within the scope of official duties, the same degree of protection from legal liability as is provided to Coast Guard personnel. Under section 403, Auxiliary members are considered Federal employees for limited purposes, and are protected under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) from the claims of a third party who is allegedly harmed by the Auxiliary member while the member is acting within the scope of official duties.

Section 803 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 404. ASSIGNMENT AND PERFORMANCE OF DUTIES

Section 404 of the Senate bill deletes the antiquated term "specific duties" from sections 830, 831, and 832 of title 14, United States Code.

Section 804 of the House amendment is similar to the Senate provision.

The conference substitute adopts the House provision.

SECTION 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS

Section 405 of the Senate bill allows the Commandant to prescribe conditions under which the Coast Guard Auxiliary may assist the States, when requested by proper State authorities. Assistance provided under this section may include supporting and augmenting state safety and security patrols for boat parades, regattas, and other special waterborne events.

Section 805 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 406. VESSEL DEEMED PUBLIC VESSEL

Section 406 of the Senate bill clarifies that an Auxiliary vessel, while assigned to authorized Coast Guard duty, is deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of title 14, United States Code, and other applicable provisions of law, for purposes of resolving third-party claims for damage.

Section 806 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT

Section 407 of the Senate bill clarifies that an Auxiliary aircraft, while assigned to authorized Coast Guard duty, is deemed to be a Coast Guard aircraft, a public aircraft of the United States, and an aircraft of the Coast Guard for purposes of resolving third-party claims for damage. This section also deems Auxiliary pilots to be Coast Guard pilots while assigned to Coast Guard duty.

Section 807 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the House provision.

SECTION 408. DISPOSAL OF CERTAIN MATERIAL

Section 408 of the Senate bill allows the Auxiliary to acquire directly obsolete or other material that is not needed by the Coast Guard, in those states where unincorporated associations may do so, or indirectly, through a corporation formed for purposes of acquiring, owning, and disposing of property.

Section 808 of the House bill is similar to the Senate provision.

The Conference substitute adopts the House provision.

TITLE V—DEEPWATER PORT MODERNIZATION

Title V of the Senate bill contains provisions to: (1) ensure funding for state recreational boating safety grants; (2) improve boating access; and (3) establish age requirements for personal flotation devices.

The House amendment contains no comparable provision.

The Conference substitute includes the Deepwater Port Modernization Act with the following provisions:

SECTION 501. SHORT TITLE

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

Section 501 of the Conference substitute provides that this title shall be cited as "The Deepwater Port Modernization Act".

SECTION 502. DECLARATIONS OF PURPOSE AND POLICY

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute states that this provision's overall purpose is to promote greater construction and use of deepwater ports by improving the statutory and regulatory framework under which deepwater ports operate. This title streamlines governmental regulations so as to address legitimate public concerns, including safety and minimizing risks to the environment, without subjecting deepwater ports to unduly burdensome, unnecessary or duplicative regulations or licensing provisions.

SECTION 503. DEFINITIONS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends certain definitions in the Deepwater Ports Act of 1974 (DWPA) (33 U.S.C. 1502 et seq.).

SECTION 504. LICENSES

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute restructures the current three-tiered approach of licensing, operations manuals, and regulations into an approach that relies on licenses and operations manuals. However, the provision preserves the use of regulations for basic standards and conditions.

SECTION 505. INFORMATION FILINGS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends the procedural provisions of the DWPA to authorize the Secretary of Transportation to waive, under certain circumstances, informational filing requirements for applications under the Act.

SECTION 506. ANTITRUST REVIEW

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute repeals certain provisions in the DWPA that impose antitrust review requirements that are in addition to existing antitrust laws and requirements.

SECTION 507. OPERATION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute clarifies provisions in the DWPA relating to common carrier status and prohibitions against discriminatory acceptance, transport, or conveyance of oil.

SECTION 508. MARINE ENVIRONMENTAL PROTECTION AND NAVIGATIONAL SAFETY

The Senate will contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends the regulatory structure under which deepwater ports operate, including the relationships between regulations and operations manuals.

TITLE VI—COAST GUARD REGULATORY REFORM

SECTION 601. SHORT TITLE

Section 601 of the Senate bill states that this title may be cited as the "Coast Guard Regulatory Reform Act of 1995".

Section 501 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 602. SAFETY MANAGEMENT

Section 602 of the Senate bill adds a new chapter 32 to title 46, United States Code, to authorize the Secretary of Transportation to prescribe regulations regarding shipboard and shorebased management of vessels and personnel. This authority would include conducting examinations and requiring the maintenance of records. The purpose of this section is to implement the International Safety Management (ISM) Code. This agreement, which the United States Government has signed, requires owners of vessels engaged in foreign commerce to manage their vessels in a safe manner. The Secretary currently lacks legal authority to require adoption and use of the ISM Code by the owners and operators of U.S.-flag vessels.

Section 502 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS

Section 603 of the Senate bill adds a new section 3103 to title 46, United States Code. This new section will allow the Secretary to use reports, documents, and certificates issued by persons that the Secretary decides

may be relied on to inspect, examine, or survey vessels.

Section 503 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 604. EQUIPMENT APPROVAL

Section 604 of the Senate bill amends section 3306 of title 46, United States Code, concerning vessel inspection regulations and equipment and material approvals. Subsection (b)(1) contains the same language as the current section 3306(b), except that the language has been broadened to specifically include material subject to regulation. This term is added for clarification only.

Section 504 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 605. FRQUENTLY OF INSPECTION

Section 605 of the Senate bill amends section 3307(1) of title 45, United States Code, to clarify its purpose and to change the period of validity for certificates of inspection from two to five years. No practical changes will result with respect to inspection and examinations that are the basis for issuing the certificates of inspection.

Section 505 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 606. CERTIFICATE OF INSPECTION

Section 606 of the Senate bill eliminates the prohibition of a vessel owner from scheduling an inspection for a vessel more than 60 days in advance of the inspection. This change will allow shipowners to request inspections more than 60 days prior to the expiration of the current certificate of inspection.

Section 506 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES

Section 607 of the Senate bill amends section 3316 of title 46, United States Code, concerning the use of classification societies to inspect vessels. Currently, section 3316 limits delegations to the American Bureau of Shipping (ABS) "or a similar United States classification society." Since there is no similar U.S. classification society, there is, in effect, no delegation under this section other than to ABS.

Section 507 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SECTION 701. AMENDMENT OF INLAND NAVIGATION RULES

Section 701 of the Senate bill adopts the Navigation Safety Advisory Council's (NAVSAC) recommendations for changing a number of the Inland Navigational Rules (Inland Rules) (33 U.S.C. 2001-2071). These changes to the Inland Rules help clarify ambiguities in the practical application of the Rules, as well as to bring them into closer conformity with the International Regulations of Preventing Collisions at Sea (COLREGS), (33 U.S.C. 1602). The Coast Guard agrees with the recommendations of NAVSAC and has proposed amendments to Inland Rules 9, 15, 23, 24, 26, and 34.

Section 701 of the House amendment is identical.

The Conference substitute adopts the Senate provision.

SECTIONS 702–744. ESTABLISHMENT OF ALTERNATE CONVENTION TONNAGE

Section 702–744 of the Senate bill authorize the Secretary of Transportation to establish alternate International Tonnage Convention (ITC) tonnage requirements for the purposes of statutes that contain vessel tonnage thresholds. Tonnage thresholds in existing statutes are based on the regulatory measurement system under chapter 145 of title 46, United States Code, which allows vessel designers to use tonnage reduction techniques to artificially lower the tonnage of a vessel. Since the ITC measurement system, implemented under chapter 143 of title 46, United States Code, became effective for the United States on July 18, 1984, statutory tonnage limits have not been revised to reflect the higher tonnages that often result when a vessel is measured under the ITC system. The availability of alternate ITC tonnages established by the Secretary will discourage vessel designers and operators from using the regulatory measurement system to comply with existing statutory and regulatory requirements to maintain their competitive viability. Alternate ITC tonnages will give the maritime industry the flexibility to build and operate vessels. Alternate tonnages will also enable U.S. vessel designers and operators to be competitive in the international market.

Sections 702 through 744 authorize the Secretary of Transportation to establish alternate ITC tonnage thresholds for the purposes of each of the statutes amended. Under the amendments made by these sections, vessel owners have the option to measure their vessels under the new ITC tonnage system or the regulatory system. The Committee expects that owners of many existing vessels, and virtually all owners of vessels constructed in the future, will exercise this option, leading ultimately to the demise of the antiquated regulatory measurement system. However, the amendments made by sections 702–744 do not effect the option of an "existing vessel" as defined in section 14101(2) of title 46, United States Code, to retain its regulatory tonnage measurement as provided in section 14301(d) of that title.

Finally, sections 702–744 authorize the Secretary to establish an alternate regulatory tonnage for the purposes of statutes enacted after July 18, 1994, that apply the ITC system. Alternate regulatory tonnages must be established to allow vessels entitled to use the regulatory tonnage measurement system to comply with laws enacted after July 18, 1994.

Sections 702–744 of the House amendment are similar to the Senate provisions.

The Conference substitute adopts the Senate provisions with several amendments.

The Conferees have included a sentence in proposed section 14104(b) of title 46, U.S. Code, that states that the regulations prescribing alternate tonnages would be interpretative regulations. The Conferees consider them to be interpretative in that the action the Coast Guard is required to take under this section is to interpret what the threshold tonnage for application of the current shipping laws to a class of vessels, which is currently based on regulatory tonnage, would be under the International Tonnage Convention (ITC). Because these regulations would be interpretative, under the Administrative Procedure Act (APA) (5 U.S.C. 551 et seq.), the notice of proposed rulemaking and comment requirements and the 30 day effective date delay of section 553 of the APA would not be required. Therefore the Conferees believe that these interpretative regulations should be able to be prescribed expeditiously.

SECTION 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS

Section 745 of the Senate bill amends chapter 75 of title 46, United States Code, by adding a new section 7506 to authorize the Secretary to evaluate the service of an individual applying for a license, certificate of registry, or merchant mariners document based on the size of the vessel on which the individual served as measured under the International Tonnage Convention (chapter 143, title 46, United States Code). Eligibility of individuals for licenses, certificates of registry, and merchant mariners' documents issued by the Secretary is based, in part, on the size of the vessel on which the individual has experience.

Section 747 of the House amendment is identified to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 746. TECHNICAL CORRECTIONS

Section 746 of the Senate bill is a technical amendment to chapter 121 and corrects two misspelled words in chapter 131 of title 46, United States Code.

Section 745 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision, with an amendment regarding the FMC's authority over cruise ship bonding regulations. Public Law 89–777, 80 Stat 1356 (November 6, 1966) requires the owners or charterers of certain passenger vessels to establish their financial responsibility for death or injury to passengers or for nonperformance of a voyage. Section 2(d) of Pub. L. 89–777 states in part:

The provisions of the Shipping Act, 1916, shall apply with respect to proceedings conducted by the Commission under this section.

Consequently, since 1966, the Federal Maritime Commission has used provisions of the Shipping Act, 1916 ("1916 Act") to administer its responsibilities under Pub. L. 89–777, including enforcement of the bond requirements. However, recent legislative changes to the Interstate Commerce Commission ("ICC") may have inadvertently affected the FMC's ability to continue to employ the 1916 Act to conduct proceedings under Pub. L. 89–777. The Conference substitute corrected this by allowing the 1984 Act authority to be used in lieu of the identical 1916 Act authority.

SECTION 747. TECHNICAL CORRECTIONS TO REFERENCES TO ICC

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute amends section 27 of the Merchant Marine Act, 1920, to replace the reference to the "Interstate Commerce Commission" with its successor, the "Surface Transportation Board."

TITLE VIII—POLLUTION FROM SHIPS

SECTION 801. PREVENTION OF POLLUTION FROM SHIPS

Section 801 of the Senate bill amends section 6 of the Act to Prevent Pollution from Ships (APPS) to require that the Secretary of Transportation inspect waste reception facilities prior to issuing a certificate of adequacy, and would provide for automatic expiration of certificates after five years, or sooner if there is a change in operator or if

the certificate is suspended or revoked. In addition, this section would encourage public participation by making available a current list of certificates of status at ports and by requiring that ports post placards containing telephone numbers where citizens can call to report inadequate reception facilities.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL

Section 802(a) of the Senate bill amends section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (MPPRCA) (33 U.S.C. 1902 note) to extend indefinitely the requirement that the Secretary report to Congress biennially on compliance with MARPOL Annex V. This subsection would also require that a list of enforcement actions taken against any domestic or foreign ship pursuant to APPS be published in the Register on an annual basis.

Section 802(b) amends section 2203 of the MPPRCA to: (1) establish a Marine Debris Coordinating Committee; and (2) direct the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to use the marine debris data collected under title V of MPPRCA to assist that Committee in ensuring coordination of research, monitoring, education, and regulatory actions and assist the Coast Guard in assessing the effectivenes of MPPRCA and APPS.

Section 802(c) amends section 2204(a) of MPPRCA, extending indefinitely the authorization for cooperative public outreach and educational programs. This subsection also specifies activities that could be included in outreach programs and would require that such programs provide the public with information on how to report violations of the MPPRCA and APPS. In developing these programs, the Committee directs Federal agencies to consult with state or local agencies that have direct contract with recreational and commercial boaters. Finally, this subsection would authorize the Coast Guard, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency to award grants and enter into cooperative agreements for implementing public outreach programs.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

TITLE IX—TOWING VESSEL SAFETY

SECTION 901. REDUCTION OF OIL SPILLS FROM NON-SELF-PROPELLED TANK VESSELS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding towing vessels.

SECTION 902. REQUIREMENT FOR FIRE SUPPRESSION DEVICES

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding fire suppression devices.

SECTION 903. STUDIES ADDRESSING VARIOUS SOURCES OF OIL SPILL RISK

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding oil spills.

TITLE X—CONVEYANCES

SECTION 1001. CONVEYANCE OF LIGHTHOUSES

Section 1001(a)(3)(A) of the Senate bill authorizes the transfer of the Cape Ann Lighthouse and surrounding Coast Guard property located on Thachers Island, Massachusetts, to the Town of Rockport, Massachusetts. Section 1003 of the Senate bill authorizes the transfer of the property comprising Squirrel Point Light located in Arrowsic, Maine, to Squirrel Point Associates, Incorporated. Section 1004 of this bill authorizes the transfer of the property comprising Montauk Light Station located in Montauk, New York, to the Montauk Historical Association. Finally, Section 1005 of the Senate bill authorizes the transfer of the property comprising Point Arena Light Station located in Mendocino County, California to the Point Arena Lighthouse Keepers, Incorporated. In making these transfers, the United States would convey all right, title and interest, except that the Coast Guard retains ownership of any historic artifact. The conveyance of these properties is subject to the condition that the properties are maintained in a manner that ensures their present and future use for Coast Guard aids to navigation and is consistent with the provisions of the National Historic Preservation Act of 1996. In addition, the Coast Guard continues to have access to the properties for the operation and maintenance of aids to navigation.

Section 424 of the House amendment authorizes the transfer of the Cape Ann Lighthouse and section 423 of the House amendment authorizes the transfer Montauk Light Station. The conditions of transfer from the United States are similar to the Senate provisions.

Section 1001 of the Conference substitute combines all of these House and Senate lighthouse transfers into one section. The Conference substitute also transfers the Presque Isle Light Station, Michigan, to Presque Isle Township, Presque Isle County, Michigan, the Saint Helena Island Light Station to the Great Lakes Lighthouse Keepers Association, and the Cove Point Light Station to Calvert County, Maryland. The conditions for the transfer of the property from the United States are similar to the conditions of the Senate provision.

SECTION 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE

Section 1002 of the Senate bill authorizes the transfer of lighthouse properties located in Maine to the Island Institute in Rockland, Maine, and four lighthouse properties located in Maine to the United States Fish and Wildlife Service. In making the transfer of the 31 lighthouse properties to the Island Institute, the United States would convey all right, title and interest, except that the Coast Guard would retain ownership of any historic artifact from any of the 35 lighthouses transferred under this section. The Island Institute is directed to further transfer 29 of the 31 lighthouse properties it receives from the Coast Guard to eligible Federal agencies, Maine state or local government entities, nonprofit corporations, educational agencies, or community development organizations. The further conveyances by the Island Institute would be subject to approval by the Maine Lighthouse Selection Committee the members of which are to be appointed by the Secretary. The conveyance of the 35 lighthouse properties would be subject to the condition that the properties: (1) be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for other uses that the Secretary of Transportation determines are not inconsistent; and (2) are maintained in a manner that ensures their present and future use for Coast Guard aids to navigation and is consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.). In addition, the Coast Guard would continue to have access to the properties for the operation and maintenance of aids to navigation.

The House amendment does not contain a comparable provision.

The Conference substitute amends the Senate proposal to require that the Secretary of Transportation to transfer 30 Maine lighthouses to eligible entities recommended by the Island Institute, and approved by a Selection Committee. The lighthouses must be conveyed within two years of the Act's enactment. The substitute further authorizes the transfer of four lighthouses to the U.S. Fish and Wildlife Service and two lighthouses directly to the Island Institute. The substitute identifies eligible entities for receipt of the 30 lighthouses and establishes a Maine Lighthouse Selection Committee to review and approve the lighthouse transfer recommendations of the Island Institute. The terms of all the lighthouse transfers are similar to the Senate provision's terms of conveyance.

SECTION 1003. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS

Section 1001(a)(3)(B) of the Senate bill authorizes the transfer of the Coast Guard Cuttyhunk Boathouse and Wharf property located in Gosnold, Massachusetts, to the Town of Gosnold, Massachusetts. In making this transfer, the United States would convey all right, title and interest, except that the Coast Guard retains ownership of any historic artifact. The conveyance of this property is subject to the conditions listed in the Senate's section 1001, explained above.

Section 426 of the House amendment also authorizes the transfer of the Coast Guard Cuttyhunk Boathouse and Wharf property to the Town of Gosnold, Massachusetts. This section would condition the conveyance to the Coast Guard retaining the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels. The Coast Guard also retains the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard function.

The Conference substitute adopts the House provision.

SECTION 1004. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA

Section 1006 of the Senate bill transfers approximately ¾ of an acre of excess property in Ketchikan, Alaska, from the United States to the Ketchikan Indian Corporation. The property is adjacent to Ketchikan Hospital and will be used by the Ketchikan Indian Corporation as the site for a new health or social services facility. The property shall transfer to the City of Ketchikan if, within 18 months the Act's enactment, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period. The ownership of this property reverts to the United States if the property ceases to be used by the City of Ketchikan.

Section 402 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision with an amendment.

SECTION 1005. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN

Section 1007 of the Senate bill directs the Secretary of Transportation to transfer approximately 27 acres of excess property located in Traverse City, Michigan, from the Coast Guard to the Traverse City Area Public School District. This property will be used by the School District for athletic fields. The ownership of this property reverts to the United States if the Traverse City Area School District ceases to use the property for the statutorily authorized purposes. The United States shall continue to operate and maintain a pump room located on the property for as long as it is needed by the United States.

Section 401 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1006. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND

Section 1008 of the Senate bill authorizes the Secretary of Transportation to transfer approximately 10.7 acres of property known as Coast Guard Station Block Island located on Block Island, Rhode Island, to the Town of New Shoreham, Rhode Island. The ownership of this property reverts to the United States if the property, or any part of the property, ceases to be used by the Town of New Shoreham, Rhode Island.

Section 427 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1007. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA

Section 1009 in the Senate bill authorizes the Secretary to transfer the Coast Guard property located in Santa Cruz, California, to the Santa Cruz Port District. In making this transfer, the United States would convey all right, title and interest. The conveyance of this property would be subject to the conditions that: the property be available for joint use by the Coast Guard and the Port District; the Port District would be responsible for the cost of maintaining, operating, and replacing the utility systems, buildings, and facilities; the site be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; and the site be returned to the Secretary after 30 days notice that it is needed for national security purposes.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1008. CONVEYANCE OF VESSEL S/S RED OAK VICTORY

Section 1010 of the Senate bill authorizes the Secretary to transfer the National Defense Reserve Fleet (NDRF) vessel *S/S Red Oak Victory* (Victory Ship VCS–AP2; U.S. Navy Hull No. AK235) to the City of Richmond Museum Association, Incorporated, located in Richmond, California. In making this transfer, the United States would convey all right, title and interest. The conveyance of this property would be subject to the condition that: (1) the vessel be used for the purposes of a monument to the wartime accomplishments of the City of Richmond; (2) the vessel not be used for commercial transportation purposes; (3) the recipient agrees to make the vessel available to the government if the Secretary requires the vessel for war or national emergency; (4) the recipient agrees to hold the Federal government harmless for any claims arising from exposure to asbestos after transfer of the vessel, except for claims arising from use by the government for war or national emergency; and (5) and the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or written loan commitment, financial resources of at least $100,000.

The conveyance, if made, would transfer the vessel in its present condition, without any cost to the Federal government, to the recipient. The Secretary also would be authorized to transfer unneeded equipment from other NDRF vessels to restore the vessel to museum quality. Finally, the Secretary would be required to retain the vessel in the NDRF for the earlier of two years from the date of enactment of the reported bill or until the vessel is conveyed, whichever date is earlier.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment.

SECTION 1009. CONVEYANCE OF EQUIPMENT

Section 1011 of the Senate bill conveys any unneeded equipment from other vessels in the National Defense Reserve Fleet to the John W. Brown and other qualified United States memorial ships in order to maintain their operating condition.

The House amendment does not contain a comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1010. PROPERTY EXCHANGE

Section 1012 of the Senate bill authorizes the Secretary of Transportation to accept a property exchange within the limits of the City and Borough of Juneau, Alaska, if the Secretary determines that the exchange is in the best interest of the Coast Guard.

The House amendment does not contain a comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1011. AUTHORITY TO CONVEY WHITEFISH POINT LIGHT STATION LAND

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute authorizes the conveyance of a portion of the land located at the United States Coast Guard Whitefish Point Light Station to the Great Lakes Shipwreck Historical Society. The remainder of the property is split between the U.S. Fish and Wildlife Service and the Michigan Audubon Society. For a description of the property to be transferred, please refer to H.R. 2611, as introduced.

SECTION 1012. CONVEYANCE OF PARRAMORE BEACH COAST GUARD STATION, VIRGINIA

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute conveys the Parramore Beach Coast Guard Station, Virginia, to the Nature Conservancy.

SECTION 1013. CONVEYANCE OF JEREMIAH O'BRIEN

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute authorizes the Secretary of Transportation to convey the obsolete ship *Jeremiah O'Brien* to a nonprofit corporation as a merchant marine memorial museum. To assure the success of the museum, the recipient must have an established track record of maintaining a Liberty Ship for the public's life.

TITLE XI—MISCELLANEOUS

SECTION 1101. FLORIDA AVENUE BRIDGE

Section 1101 of the Senate bill deems the drainage siphon adjacent to the Florida Avenue Bridge in New Orleans, Louisiana, to be an appurtenance of the bridge, pursuant to the Truman-Hobbs Act. In 1992, the Florida Avenue Bridge was declared to be an "unreasonable obstruction to navigation" under the Truman-Hobbs Act. Since that time, funds have been appropriated by Congress to commence planning and engineering for the replacement of the bridge.

The Coast Guard has determined that the drainage siphon, which is connected to the bridge's southern fender, must be removed to widen the channel sufficiently and restore the necessary navigability for commercial vessels on the Gulf Intracoastal Waterway. By declaring the siphon an appurtenance, its removal qualifies for funding under the Truman-Hobbs Act.

Section 302 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision. As a result of the enactment of this provision, and the appropriation of sufficient funds in the current Coast Guard budget, the conferees expect that the Coast Guard will initiate construction on the replacement Florida Avenue Bridge as soon as possible in FY 97. The hazardous conditions that exist as a result of the current bridge must be rectified without delay in order to ensure the free flow of commerce on the Industrial Canal in the Port of New Orleans.

SECTION 1102. OIL SPILL RECOVERY INSTITUTE

Section 1102 of the Senate bill authorizes the Prince William Sound Oil Spill Recovery Institute (OSRI), which is authorized under section 5001 of the Oil Pollution Act of 1990, to fund research using the interest earned on the $22.5 million it is authorized to spend from the Oil Spill Liability Trust Fund, which was transferred from the Trans-Alaska Pipeline Fund in December of 1994.

This section also scales back the size of the OSRI Advisory Board from 18 members to 16 members.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision with amendments.

SECTION 1103. LIMITED DOUBLE-HULL EXEMPTIONS

Section 1103 of the Senate bill amends section 3703a of title 46, United States Code, to exempt certain vessels from the double-hull construction requirements of the Oil Pollution Act of 1990. This section exempts those double-hulled U.S.-flag vessels delivered before August 12, 1992, from the OPA 90 double-hull requirements. This section also exempts barges of less than 1,500 gross tons that are primarily used to carry deck cargo and bulk fuel to Alaska Native villages from the OPA 90 double-hull requirements. The section also exempts vessels in the National Defense Reserve Fleet from the double-hull requirements.

Section 416 of the House amendment differs from the Senate provision by exempting all vessels, not just U.S.-flag vessels, equipped with a double-hull before August 12, 1992, from the OPA 90 double-hull requirements.

The House bill also exempts Alaskan barges of less than 2,000 gross tons, rather than 1,500 gross tons, from the OPA 90 double-hull requirements.

The Conference substitute adopts the Senate provision with several amendments.

SECTION 1104. OIL SPILL RESPONSE VESSELS

Section 1104(a) of the Senate bill amends section 2101 of title 46, United States Code, to define an "oil spill response vessel" (OSRV) as a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material. Under the amendments made by this section, the Coast Guard is required to establish a new regulatory system for OSRVs.

Section 1104(b) adds a new subsection (f) to section 3702 of title 46, United States Code, to exempt OSRVs from the tank vessel requirements of chapter 37 of title 46, United States Code. Section 1104(b) also divides OSRVs into two distinct categories. The first category addresses dedicated response vessels which are used only in spill response related activities. These vessels are not certified for any other type of service other than response. This category includes barges which are not used for carriage of oil in bulk as cargo and in some cases will never contain oil. There is no tonnage limit in this category. The second category recognizes that some vessels are dual-certified. This category exempts vessels from tank vessel requirements only when designated in the certificate for inspection as a response vessel and only when actually engaged in spill response related activities. This category is limited to 500 gross tons.

Section 1104(c) and 1104(d) amend sections 8104 and 8301 of title 46, United States Code, to authorize the Secretary of Transportation to prescribe watch standing and licensing requirements for OSRVs.

Section 1104(e) amends the requirements for Merchant Mariner's Documents (MMDs) under section 8701 of title 46, United States Code, by providing the Secretary with the flexibility to prescribe which, if any, individuals onboard an OSRV should be required to hold an MMD.

Section 1104(f) amends section 8905 of title 46, United States Code, to clarify that a person licensed to operate towing vessels should not be required to operate vessels engaged in oil spill response or training activities. Currently, section 8904 of title 46, United States Code, requires that a towing vessel that is at least 26 feet in length be operated by a licensed individual. These provisions are not intended to apply to vessels towing in an emergency or on an intermittent basis during oil spill response or training.

Section 1104(g)) amends section 3301 of title 46, United States Code, to establish a new vessel inspection category for OSRVs.

Section 417 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1105. SERVICE IN CERTAIN SUITS IN ADMIRALTY

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute corrects the service of process provisions contained in the Suits in Admiralty Act, (46 App. U.S.C. §742). Those provisions are different from the service provision in Rule 4 of the Federal Rules of Civil Procedure. Under the proposed amendments, the general service of process procedures in Civil Rule 4 would apply to all civil cases, including admiralty and non-admiralty cases.

Section 742 was enacted before the Federal Rules of Civil Procedure were adopted, and there is no apparent remaining reason to treat suits in admiralty differently than other civil actions. Rule 4(i) of the Federal Rules of Civil Procedure currently governs service upon the United States in all other civil cases.

The Conference substitute deletes the service of process provisions contained in the Suits in Admiralty Act, which are different from the service provisions in Rule 4 of the Federal Rules of Civil Procedure. The general service of process procedures in Civil Rule 4 would apply to all civil cases, including admiralty and non-admiralty cases.

SECTION 1106. AMENDMENTS TO THE JOHNSON ACT

Section 1106 of the Senate bill resolves a conflict between certain Federal and state laws involving authorized gambling aboard cruise vessels. Section 1106 amends section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(B)(2)), commonly referred to as the "Johnson Act", to prohibit a state from regulating gambling in international waters during the intrastate segment of a voyage that begins or ends in the same state or U.S. possession and is part of a voyage to another state or country. States may still regulate gambling in state waters, on "voyages to nowhere," and on other state voyages. The section does not apply to a voyage within the boundaries of the State of Hawaii.

Section 408 of the House amendment is identical to the Senate section 1106. In addition, section 425 of the House amendment amends the Johnson Act to allow the State of Indiana to permit gambling aboard vessels that begin voyages within the territorial waters of Indiana and that do not leave the territorial jurisdiction of that state.

The Conference substitute adopts the House provision, with an amendment that allows gambling on vessels which provide sleeping accommodations for all of its passengers if the vessel is on a voyage (or the segment of a voyage) that is of at least 60 hours and that includes a stop in Canada or in a State other than the State of Alaska and also includes stops in at least 2 different ports in Alaska. The amendment only applies to traditional cruises, not so called "cruises to nowhere".

SECTION 1107. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES

Section 1107 of the Senate bill authorizes the Secretary to expend out of amounts appropriated for the Coast Guard for fiscal year 1996 not more than $491,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association.

The House amendment contains no comparable provision.

The Conference substitute authorizes $940,000 to complete the activities of the Maritime Fire and Safety Association.

SECTION 1108. OIL POLLUTION RESEARCH TRAINING

Section 1108 of the Senate bill amends section 7001(c)(2)(D) of Oil Pollution Act of 1990 to allow research and training to be conducted at the Center for Marine Training and Safety in Galveston, Texas, which is Texas A&M University facility. Currently, OPA 90 authorizes oil pollution research and training on innovative oil pollution technology to be conducted using, as appropriate, the National Spill Control School in Corpus Christi, Texas, another Texas A&M University facility.

The House amendment contains no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES

Section 1109 of the Senate bill prohibits the Secretary of Transportation from relocating the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

Section 421 of the House amendment prohibits the consolidation and relocation of the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

The Conference substitute adopts the Senate provision.

SECTION 1110. UNINSPECTED FISH TENDER VESSELS

Section 1110 of the Senate bill clarifies section 3302 of title 46, United States Code, relating to the carriage of cargo in uninspected fish-tender vessels providing service outside the Aleutian trade geographic region. Section 3302(c)(3) of title 46, United States Code, permits uninspected fish-tender vessels of not more than 500 gross tons to carry: (1) cargo to or from a place in Alaska that does not receive weekly common carrier service by water from a place in the United States; or (2) cargo which is of the type not accepted by that common carrier service. The Coast Guard has interpreted this weekly common carrier test to apply only to general cargo. Section 1110 applies the weekly common carrier service test to all cargo which is of the type accepted by common carriers. Such cargo includes frozen fish products, canning components, cardboard, salt, and other materials directly related to fishing or the preparation of fish.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision with several amendments. The Conferees have sought to clarify the law governing the carriage of cargo for hire by uninspected fish tender vessels to ports in Alaska outside of the Aleutian trade geographic region. The Conferees agree that such uninspected vessels are to be limited to the carriage of proprietary cargo and any cargo of a type not accepted by common carriers to communities being served weekly by common carriers, and a definition of "proprietary cargo" has been provided in the statute. The Conferees understand that there is at least one company in Alaska which owns both uninspected tender vessels and a number of marine supply stores. These vessels are currently being used to carry retail marine supplies for the affiliated marine supply stores. The bill language is drafted to permit the proprietary carriage of the retail inventory for these affiliated marine supply stores by the uninspected tender vessels.

SECTION 1111. FOREIGN PASSENGER VESSEL USER FEES

Section 1111 of the Senate bill authorizes the Coast Guard to collect user fees for the full cost of inspecting foreign passenger vessels. Section 3303(b) of title 46, United States Code, currently requires the Secretary of Transportation to collect the same fees for the inspection of foreign passenger vessels that a foreign country charges U.S. vessels

at the ports of that country. Because the United States currently has no passenger vessels that call at foreign ports, the Coast Guard is prohibited from charging foreign passenger vessels fees to recover the costs of examining those vessels in U.S. ports. Section 1111 of this bill strikes subsection (b) of section 3303, title 46, United States Code, to allow the Coast Guard to collect user fees for examining foreign passenger vessels.

Section 301 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1112. COAST GUARD USER FEES

Section 1112 of the Senate bill sets upper limits on user fees of $300 annually for small passenger vessels under 65 feet in length and $600 annually for passenger vessels 65 feet or longer. In addition, section 1112 exempts publicly-owned ferries these fees.

Section 431 of the House amendment prohibits the Secretary of Transportation from assessing or collecting a fee or charge from any ferry vessel.

The Conference substitute adopts the Senate provision with a technical amendment.

SECTION 1113. VESSEL FINANCING

Section 1113(a) of the Senate bill amends section 31322 of title 46, United States Code, to broaden the categories of persons eligible to be mortgagees for U.S.-flag vessels without the approval of the Secretary.

Section 1113(b) of the Senate bill amends section 31328 of title 46, United States Code, to broaden the categories of persons eligible to act as trustees for ship mortgage purposes to include persons eligible to own a documented vessel under chapter 121 of the title.

Section 1113(c) of the Senate bill differs from section 409(d) of the House amendment in several important ways. The Senate section eliminates the citizenship requirement for leasing companies only when the leasing company is primarily engaged in leasing or other financing transactions. Section 1113(c) further differs from the House amendment by not allowing vessels with coastwise fishery endorsements from using a foreign leasing agent.

Section 409(a) of the House amendment amends section 31322 of title 46, United States Code, to eliminate all restrictions on persons that may be a mortgagee for a U.S.-flag vessel. This amendment is intended to promote vessel financing.

Section 409(b) of the House amendment repeals section 31328 of title 46, United States Code, which provided for the establishment of Westhampton Trusts. This section is no longer needed since all restrictions on mortgagees have been eliminated.

Section 409(c) of the House amendment makes conforming changes to section 9(c) of the Shipping Act, 1916, (46 App. U.S.C. 808) to eliminate the need to obtain permission from the Secretary before using a foreign mortgagees.

Section 409(d) of the House amendment amends section 12106 of title 46, United States Code, to promote lease financing for vessels engaged in the coastwise trade by eliminating citizenship requirements for leasing companies. Currently, there are no citizenship requirements on leasing companies that finance vessels that have Great Lakes or Registry endorsements. Section 409(d) will also allow these companies to finance vessels that have coastwise endorsements.

Section 409(d) amends section 12106 of title 46, United States Code, to authorize the Secretary to issue coastwise endorsements for vessels owned by any leasing company that is eligible to own a documented vessel. However, if the leasing company is not a U.S. citizen under section 2 of the Shipping Act, 1916, the vessel may only be operated in the coastwise trade if the vessel is operated under a demise charter to a section 2 citizen for a period of at least three years. It is expected that most of the charters will be long-term charters. However, once the initial long-term charter has expired, the leasing company may find it necessary to enter into short-term charters until another long-term charter is obtained. The lease agreement need not remain in effect for the full three years if there is a default by the lessee or a casualty or other event where the lease might be terminated by the vessel owner or lessee prior to the expiration of that period.

The Secretary of Transportation may also authorize leases for a period shorter than three years under appropriate circumstances such as when a vessel's remaining useful life would not support a lease of three years or to preserve the use or possession of the vessel. The section also provides that on termination of a demise charter, the coastwise endorsement may be continued for a period not to exceed six months on any terms and conditions that the Secretary may prescribe. This will allow the leasing company to move the vessel, maintain it, have it repaired, or layed-up, but does not allow the vessel to be used in the coastwise trade since it is not under a charter to a section 2 citizen.

The Conference substitute adopts the House amendment with several amendments. The provision also requires the Department of Transportation to conduct a study on the methods for leasing and financing of vessels operating in the coastal trades of other countries and whether the laws of other countries provide reciprocity for U.S. banks, leasing companies or other financial institutions with respect to the new leasing provisions in this section.

In 1988, Congress began easing the restrictions on persons that can be mortgagees for U.S.-flag vessels by eliminating all restrictions on mortgagees for recreational vessels and fishing industry vessels. Additionally, the Secretary of Transportation was authorized to approve any other person to be a mortgagee for vessels with coastwise and registry endorsements.

Section 1113(a) of the Conference substitute amends section 31322 of title 46, United States Code, to eliminate all restrictions on persons that may be a mortgagee for a U.S.-flag vessel. This amendment is intended to promote vessel financing. U.S. vessel owners should be able to obtain the cheapest financing available anywhere in the world in the same manner as their foreign competition without having to get approval from the Secretary. In the past, U.S. operators could obtain this financing by setting up a trust in a U.S. bank. These trusts, called "Westhampton Trusts," resulted in additional costs to the U.S. vessel owners without giving any real protection to the Government to control the vessel.

Section 1113(b) repeals section 31328 of title 46, United States Code, which provided for the establishment of Westhampton Trusts. This section is no longer needed since all restrictions on mortgagees have been eliminated.

Section 1113(c) makes conforming changes to section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808) to eliminate the need to obtain permission from the Secretary before using a foreign mortgagee.

Section 1113(d) of the Conference substitute amends section 12106 of title 46, United States Code, to promote lease financing for vessels engaged in the coastwide trade by eliminating citizenship requirements for leasing companies. Lease financing has become a very common way to finance capital assets in many industries, including the maritime industry. Many vessel operators choose to acquire or build vessels through lease financing instead of traditional mortgage financing. Currently, there are no citizenship requirements on leasing companies that finance vessels that have registry endorsements. Section 1113(d) will also allow these companies to finance vessels that have coastwise endorsements.

The overall purpose of section 1113(d) of the Conference substitute is to eliminate technical impediments to using various techniques for financing vessels operating in the domestic trades. At the same time, the Conferees do not intend to undermine a basic principle of U.S. maritime law that vessels operated in domestic trades must be built in a shipyard in the United States and be operated and controlled by American citizens, which is vital to United States military and economic security.

Ownership of vessels endorsed with a coastwise endorsement must reside either with a person who qualifies as an American citizen under section 2 of the Shipping Act, 1916 946 App. U.S.C. section 802), or with a person otherwise qualified under 46 U.S.C. §12106. Current law permits oil spill response vessels to be owned by non-profit entities which may not meet the technical requirements for U.S. citizenship. 46 U.S.C. §12106(d).

Section 1113(d) of the Conference substitute adds a new subsection (e) to section 12106 which would permit a coastwise endorsement for non-U.S. citizen vessel ownership where (1) ownership is primarily a financial investment in the vessel without the ability and intent to control the vessel's operations by a person not primarily engaged in the direct operation or management of vessels and (2) where the owner has transferred to a qualified American citizen full possession, control and command of the U.S. built vessel in a demise charter and the demise charterer is considered the owner pro hac vice during the charter term. It is intended that banks, leasing companies or other financial institutions qualify as owners of U.S.-flag vessels under this section even if they have a vessel owning and operating affiliate so long as the majority of the aggregate revenues of any such group are not derived from the operation or management of vessels by group members. Groups primarily engaged in the operation or management of commercial foreign-flag vessels used for the carriage of cargo for unrelated third parties will not qualify under this section.

Section 1113(d) of the Conference substitute amends section 12106 of title 46, United States Code, to authorize the Secretary to issue coast wise endorsements for vessels owned by any leasing company that is eligible to own a documented vessel. However, if the leasing company is not a U.S. citizen under section 2 of the Shipping Act, 1916, the vessel may only be operated in the coast trade if the vessel is operated under a demise charter to a section 2 citizen for a period of at least three years. It is expected that most of the charters will be long-term charters until another long-term charter is obtained. The lease agreement need not remain in effect for the full three years if there is a default by the lessee or a casualty or other event where the lease might be terminated by the vessel owner or lessee prior to the expiration of that period.

The Secretary may also authorize leases for a period shorter than three years under appropriate circumstances such as when a vessel's remaining useful life would not support a lease of three years or to preserve the use of possession of the vessel. The section also provides that on termination of a demise charter, the coastwise endorsement may be continued for a period not to exceed six months on any terms and conditions that the Secretary may prescribe. This will allow the leasing company to move the vessel, maintain it, have it repaired, or layed-up, but does not allow the vessel to be used in the coastwise trade since it is not under a charter to a section 2 citizen.

The Secretary shall establish as part of the vessel documentation procedures administered by the Coast Guard, or its successor, the necessary regulations to administer new subsection (e) and the filing of demise charter, and any amendments thereto, for vessels issued a coastwise endorsement under this provision. Provision shall also be made so that proprietary information contained in a demise charter shall not be disclosed to the public under this new subsection (e). The Coast Guard is directed to develop regulations governing the filing of false certifications under (e)(12)(C) with an application for documentation for a coastwise endorsement of a U.S. built vessel. The Coast Guard is also directed to conduct a study regarding reciprocity of foreign leasing laws.

SECTION 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES

Section 1114 of the Senate bill amends section 8104 of title 46, United States Code, to conform the manning requirements for Great Lakes towing vessels to the requirements for towing vessels operating in other parts of the country. Section 1114(a) of this section amends section 8104(c) of title 46 to permit licensed individuals and seamen aboard Great Lakes towing vessels to work no more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period. Section 1114 also amends section 8104(e) of title 46 to allow crewmen to work in both the deck and engine departments of a towing vessel operating on the Great Lakes. Finally, the section amends section 8104(g) of title 46, United States Code, to allow the licensed individuals and crewmembers aboard Great Lakes towing vessels to be divided in two watches, rather than the current three watch requirement.

Section 419 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1115. REPEAL OF GREAT LAKES ENDORSEMENTS

Section 1115 of the Senate bill corrects an error in the Coast Guard Authorization Act of 1989 (Public Law 101–225) which made technical changes to the Coast Guard vessel documentation scheme. These changes reflect the conversion from a system of separate and distinct types of documents based on the use of the vessel to a system of multiple endorsements for a particular trade or use. These changes unintentionally added all of the requirements of the U.S. coastwise trade (Jones Act) to all vessels operating on the Great Lakes, even those only trading between the United States and Canada. This section permits U.S.-flag vessels to trade between the United States and Canada with a certificate of documentation with a registry endorsement. However, a vessel engaged in the coastwise trade or fisheries on the Great Lakes must meet all the requirements necessary to obtain coastwise or fisheries endorsements.

Section 746 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision with an amendment.

SECTION 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS

Section 1116 of the Senate bill would authorize nine specific vessels to be sold to a person that is not a citizen of the United States and to be transferred or placed under foreign registry, notwithstanding the Construction-Differential Subsidy requirements. Currently, U.S.-flag vessels built with the assistance of a Construction-Differential Subsidy are required to be owned by United States citizens and documented under the laws of the United States for a period of 25 years.

Section 609 of the House amendment allows the vessel *MV Platte* to be sold to a non U.S. citizen.

The Conference substitute amends the Senate provision by deleting the vessels *Rainbow Hope*, *Iowa Trader*, and *Kansas Trader*, and adding the vessels *Bay Ridge* and *Coastal Golden*.

SECTION 1117. USE OF FOREIGN REGISTRY OIL SPILL RESPONSE AND RECOVERY VESSELS

Section 1117 of the Senate bill allows oil spill response and recovery vessels of Canadian registry to operate in waters of the United States adjacent to the border between Canada and the State of Maine, on an emergency basis, in the event of an oil spill. These vessels could only be used if there were not enough U.S.-flag recovery vessels available during an oil spill.

The House amendment does not contain a comparable provision.

The Conference substitute expands the Senate provision to the use of any foreign registered oil spill response vessel throughout the United States.

SECTION 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS

Section 1118 of the Senate bill amends section 31329 of title 46, United States Code, to allow for the sale, by order of a District Court, of recreational vessels to non-U.S. citizens. This would conform the conditions for the judicial sale of these vessels to the conditions for their private sale under section 9(c) of the Shipping Act of 1916 (46 App. U.S.C. 808(c)). In the past, the provisions of section 31329 of title 46 have unreasonably restricted the foreign sales of recreational vessels and the ability of subsequent U.S. owners to document the vessels.

Section 405 of the House amendment is similar to the Senate provision, but also allows the sale, by an order of a court, of documented fishing industry vessels.

The Conference substitute adopts the House amendment with several technical amendments.

SECTION 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL

Section 1119 of the Senate bill amends section 641(c)(2) of title 14, United States Code, to exempt sales by the Coast Guard of recyclable materials for which the proceeds of sale will not exceed $5,000 from current excess property disposal requirements for the sale of recyclable materials. This section also authorizes the Coast Guard to make these small sales under regulations prescribed by the Commandant.

Section 406 of the House amendment is identical.

The Conference substitute adopts the Senate provision.

SECTION 1120. DOCUMENTATION OF CERTAIN VESSELS

Section 1120 of the Senate bill waives certain U.S. coastwise trade laws for 65 individually listed vessels.

Section 601 of the House amendment authorizes the Secretary of Transportation to issue a certificate of documentation with a coastwise endorsement for a vessel that is less than 200 gross tons, is eligible for documentation, was built in the United States, and was sold foreign or placed in a foreign registry. Section 602 of the amendment provides a limited U.S. coastwise trade waiver for the *Gallant Lady*. Section 603 extends the deadline under section 601(d) of the Coast Guard Authorization Act of 1993 for the major conversion of the vessel *M/V Twin Drill* from June 30, 1995, to June 30, 1996. Section 604 grants a U.S. coastwise trade waiver to the vessel *Rainbow's End*. Section 605 of the House amendment grants a U.S. coastwise trade waiver to the vessel *Gleam*. Section 606 of the House amendment grants a U.S. coastwise trade waiver to 25 individually listed vessels. Section 607 grants a U.S. coastwise trade waiver to four barges owned by McLean Contracting Company.

The Conference substitute adopts all the House and Senate provisions. The substitute also allows an additional number of individually listed vessels to engage in the U.S. coastwise trade. Subsection (f) entitles any vessel that either is foreign built prior to the date of enactment of this Act and documented under the U.S. registry or is documented under the U.S.-flag before the date of enactment, placed under foreign registry and subsequently redocumented under U.S. registry, to transport liquefied natural gas or liquefied petroleum gas to Puerto Rico. Subsection (g) deems the coastwise qualified vessels *Coastal Sea* and *Coastal Merchant* to have been constructed in the United States.

Section 608 grants a U.S. coastwise trade waiver for the *Enchanted Isle* and the *Enchanted Seas*. The Conferees applaud the efforts to reinvigorate the U.S. coastwise cruise vessel market with the re-entry of these U.S.-built vessels. The Conferees are hopeful that these vessels will prove the economic viability of U.S.-built, U.S.-documented vessels in the U.S. coastwise trade and will serve as the foundation for the re-emergency of a U.S.-built, U.S.-flag cruise vessel industry.

The Conferees believe strongly, however, that the re-entry into the U.S. coastwise trade of older vessels, albeit vessels originally constructed in the United States, is merely an interim step in the promotion of a U.S.-flag cruise vessel industry. Further vessels obtaining eligibility to operate in the U.S. coastwise trade should not only be U.S.-built vessels, but also vessels new built in the United States.

The United States is strongly encouraging construction of commercial vessels in U.S. shipyards. U.S. Navy shipbuilding orders over the next few years are not projected to be sufficient to sustain the U.S. shipyard defense mobilization base this country needs in the event of a national emergency. Other means of maintaining that mobilization base must also be employed.

Fortunately, U.S. shipyards are showing renewed vigor with regard to their international commercial competitiveness. U.S. shipyards are winning orders for the export of a number of commercial vessels. And the conferees understand that U.S. shipyards are developing designs for highly marketable

cruise vessels that can be constructed by such yards and offered at prices competitive with European shipyards, the leaders in cruise vessel construction. U.S. government programs, including the National Defense Features Program, Maritech, and MARAD Title XI should be helpful in assisting U.S. shipyards in offering competitive prices for cruise vessels.

The Conferees, therefore, intend the coastwise re-flagging permissions contained in this provision to be strictly limited. Moreover, the Conferees strongly encourage persons affected by this section to replace their vessels as soon as practicable with newly constructed U.S.-built cruise vessels and to take advantage of U.S. Navy and other government incentives in such new construction.

Section 1120(g) of the Conference substitute simply deems three forfeiture vessels to be considered to be "constructed in the United States" for the limited purpose of the Merchant Marine Act of 1936, as amended.

Section 1120(h) of the Conference substitute inserts a new section in the Coast Guard Authorization Act for Fiscal Year 1996 which authorizes the repayment to the Secretary of Transportation of the remaining unamortized construction-differential subsidy on the tug *M/V Janis Guzzle*. The repayment of the unamortized portion of the construction-differential subsidy for the vessel will permanently release it from the domestic trading restrictions.

SECTION 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL

Section 1121 of the Senate bill deems an approximately 96 meter twin screw motor yacht, to be named the *Limitless*, to be a recreational vessel under chapter 43 of title 46, United States Code, as along as the vessel does not carry passengers for hire or engage in commercial fishing.

Section 428 of the House amendment is similar to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA

Section 1122 of the Senate bill allows the Secretary of Transportation to enter into an agreement with the State of Minnesota under which the state may inspect small passenger vessels operating in the waters of Minnesota under certain conditions.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision. As a matter of Constitutional law, the Federal Government has responsibility for requirements pertaining to vessel structure, design, equipment, and operation. (See Ray v. Atlantic Richfield Co., 435 U.S. 151 (1978) and Kelly v. Washington, 302 U.S. 1 (1937)). Authority to make such regulations are vested in the Secretary of Transportation under sections 3306 and 3307 of title 46, United States Code. Federal uniformity in these matters is critical to maintain interstate and international commerce, and because the absence of uniformity hinders the United States' ability to seek increased international vessel standards to better protect the environment.

However, the Coast Guard is allowed to delegate its' authority to non-Federal entities and has delegated its' authority to inspect vessels to private classification societies such as the American Bureau of Shipping. This section establishes a new type of delegation—to a State. However, the State must enter into an agreement that will ensure that the State will apply the Federal standards to the inspection of these vessels. This will guarantee that there will continue to be uniformity in the application of the law to all vessels subject to Federal jurisdiction in Minnesota.

SECTION 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING

Section 1123 of the Senate bill allows an alien employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) to be employed on a fishing vessel in the CNMI if the vessel is permanently stationed at a port within the Commonwealth.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES UPON DEFAULT OF PREFERRED MORTGAGE LIENS ON VESSELS

Section 1124 of the Senate bill establishes a nonjudicial alternative for lenders to take possession of a vessel after a default.

Under current law, marine lenders seeking to foreclose loans secured by mortgaged vessels must pursue their rights in the courts to clearly preserve their right to recover a deficiency after the sale of the vessel.

Section 31325 of title 46, United States Code, provides for the foreclosure of a preferred mortgage on a documented vessel by an in rem arrest action against the vessel within the district court's admiralty jurisdiction. This remedy establishes the priority for the mortgage lien as against any maritime lien or land-based lien on the vessel and permits the vessel to be sold free and clear of liens.

Under the Uniform Commercial Code in effect in almost every state, a secured creditor may take possession of the collateral security for the loan upon a default and sell it in foreclosure of the creditor's lien. For many years, lender's holding preferred mortgages on documented vessels regularly exercised this type of "self-help" remedy to sell mortgaged vessels upon a loan default. Particularly for smaller loans secured by recreational vessels, when the debtor raised no opposition to repossession and there was little likelihood of an adverse maritime lien claim against the vessel, there was no reason to go through the time-consuming, expensive procedures of an action in court.

In 1985, the decision in Bank of America National Trust and Savings Association v. Fogle, 637 F. Supp. 305, 1986 AMC 205 (N.D. Cal. 1985) was rendered. In Fogle, the court held that in providing for an in rem admiralty remedy in law, Congress must have intended to preclude a "self-help" remedy under state law. The Fogle decision has forced lenders seeking to foreclose defaulted loans secured by documented vessels to use a court action, even when no controversy requiring judicial action is necessary.

Section 1124(a) of the Senate bill adds a new paragraph (3) to section 31325(b) of title 46, United States Code, to clarify that the remedies currently available under section 31325(b) do not preclude the exercise of other lawful rights and remedies available to mortgagees, including extrajudicial, "self-help" remedies. New paragraph 31325(b)(3) also supports the international recognition of vessel mortgage foreclosures under principles of comity and permits a preferred mortgage on a U.S.-flag vessel to be foreclosed in a foreign court having jurisdiction over the vessel.

Consistent with existing law, the rights of any maritime lien claimant or holder of a preferred mortgage are expressly preserved under the amendments made by this section, notwithstanding the use of a self-help remedy under state law.

The amendment will also not affect the remedies available under state law to the holder of a security interest which is deemed to be a preferred mortgage pursuant to section 31322(d) of title 46, United States Code, when the Vessel Identification System established under chapter 125 of title 46 is effective.

Section 1124(b) of this bill requires the person exercising the extrajudicial remedy to give notice of the remedy to the Coast Guard, to any other mortgage whose mortgage is recorded, and to any maritime claimant who has recorded a notice of a claim of a lien with the Coast Guard.

Section 412 of the House amendment is identical to the Senate provision.

The Conference substitute adopts the Senate provision.

SECTION 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS

The Senate bill contains a provision regarding offshore oil spill evidence of financial responsibility.

The House amendment also contains a provision.

The Conference substitute contains a compromise amendment.

1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS

Section 1126 of the Senate bill deauthorizes a portion of the navigation project in Cohasset Harbor, Massachusetts.

The House amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

SECTION 1127. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

The Senate bill contains no comparable provision.

Section 410 of the House amendment expresses the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased by the Coast Guard should be American-made.

The Conference substitute adopts the House provision.

SECTION 1128. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN

The Senate bill does not contain a comparable provision.

Section 429 of the House amendment requires that the Coast Guard purchase buoy chain manufactured in the United States.

The Conference substitute adopts the House provision with an amendment.

SECTION 1129. CRUISE SHIP LIABILITY

The Senate bill contains no comparable provision.

Section 430 of the House amendment makes three changes in current maritime law: The first allows foreign ship owners to provide that foreign crew members must bring lawsuits for damages involving injury or death in appropriate foreign courts. The second provision allows a shipowner to invoke a state's cap on medical malpractice damages when the shipowner is held vicariously liable for a doctor's medical malpractice. The third provision prohibits cruise vessel passengers from recovering damages for psychological injuries that are not accompanied by physical injury or actual risk of physical injury.

The Conference substitute adopts two subsections of the House amendment, with

amendments. Section 1129(a) of the conference substitute provides that in a civil action by any person in which the operator or owner of a vessel is claimed to have vicarious liability for medical malpractice involving a crewmember that occurs to a shoreside facility, to the extent the damages resulted from the conduct of any shoreside doctor, hospital, medical facility, or other health care provider, the owner or operator of the vessel is entitled to rely upon statutory limitations applicable to the doctor or other health care provider in the state in which the shoreside medical care was provided. Section 1129(b) allows an owner or operator of a vessel to be relieved from liability for infliction of emotional distress under certain conditions. This relief does not apply if the emotional distress was the result of physical injury to the claimant caused by negligence of the owner, the result of the claimant having been at actual risk of physical injury, or intentionally inflicted by a crewmember or the owner or operator of the vessel (or his manager, agent, or master). Nothing in the Conference substitute limits the liability of a crewmember or the manager, agent, master, owner or operator of a vessel in a case involving sexual harassment, sexual assault, or rape.

SECTION 1130. SENSE OF CONGRESS ON THE IMPLEMENTATION OF REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

In enacting the Edible Oil Regulatory Reform Act, Public Law 104–55, the Congress intended that the agencies recognize the differences between animal fats and vegetable oils from other oils and provide regulatory relief from the burdens of various environmental statutes, such as the Oil Pollution Act of 1990 and the Federal Water Pollution Control Act. Those statutes were enacted to regulate petroleum oil and other toxic oils and hazardous substances. Because of the over broad definition of oil, those statutes applied to animal fats and vegetable oils as well. This provision expresses the sense of Congress that agencies responsible for the regulation of animal fats and vegetable oils under those laws should consider and recognize the differences in these oils and structure different regulatory requirements based on those differences. This provision also requires the submission of an annual report to Congress on the implementation of this policy.

The Conference substitute expresses the sense of Congress that agencies responsible for the regulation of animal fats and vegetable oils should consider and recognize the differences between these oils and petroleum-based oils and implement regulatory requirements reflective of those differences. This provision also requires the submission of an annual report to Congress on the implementation of this policy.

SECTION 1131. TERM OF DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute provides that when the term of the Director of the Bureau of Transportation Statistics (BTS) expires, the Director may continue to serve until his or her successor is appointed and confirmed. It is important to provide for continuity in the leadership of BTS, due to the important work that BTS performs.

SECTION 1132. WAIVER OF CERTAIN REQUIREMENTS FOR HISTORIC FORMER PRESIDENTIAL YACHT SEQUOIA

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The SEQUOIA was originally constructed in 1925 and served as a presidential yacht for over half a century. It is a national treasure listed on the Register of the National Trust for Historic Preservation. The vessel has been completely refurbished and restored in a manner in which its historic value has been preserved and the vessel has recently been brought up to date. The Conferees intend for the Coast Guard to work with the vessel's owners to allow the SEQUOIA to carry passengers for hire without imposing requirements that compromise the historic integrity of the restoration of the vessel or the safety of its passengers.

SECTION 1133. VESSEL REQUIREMENTS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute (1) extends the original expiration date by ten years from 1998 to 2008; (2) expands the term "a vessel"; and (3) modestly expands the permissible area of operation beyond inland rivers to include that narrow band shoreward of the boundary Line.

The Conferees urge the Coast Guard to work with the owners of the *Delta King* to assist them in meeting the inspection standards in the most cost effective manner possible.

SECTION 1134. EXISTING TANK VESSEL RESEARCH

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute requires the Secretary of Transportation to fully fund certain research projects intended to evaluate double-hull alternatives by the end of Fiscal Year 1997. The substitute also permits the Secretary to use public vessels for research in oil pollution technologies which prevent or mitigate oil discharges and protect the environment. This public vessel use is restricted to projects sponsored by the U.S. government so that the status of the vessel as a public vessel will not be lost, and so that no additional cost will be added to the project.

SECTION 1135. PLAN FOR THE ENGINEERING, DESIGN, AND RETROFITTING OF THE ICEBREAKER MACKINAW

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute requires the Coast Guard to submit by May 1, 1997, a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker *Mackinaw*.

SECTION 1136. CROSS BORDER FINANCING

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

Currently U.S. companies wanting to purchase vessels and then place those vessels under United States registry cannot take full advantage of modern financing methods available to their foreign competition and other domestic transportation sectors. For example, the U.S. airline industry frequently acquires aircraft by chartering them from ownership trusts that have non-citizen beneficiaries. Many investors view ownership trusts as more secure than debt instruments (such as mortgages) and trusts sometimes receive favorable treatment under foreign tax codes. Furthermore, there is no reason why these trusts cannot be structured in a way that preserves U.S. citizen control of vessels.

Under current U.S. law, a vessel owned by a trust is eligible for documentation only if all its "members" are U.S. citizens and it is capable of holding title to a vessel under the Laws of the United States or a State. The U.S. Coast Guard has interpreted this requirement to mean that a trust arrangement is a citizen if each of its trustees and each beneficiary with an enforceable interest in the trust is a citizen. In contrast, a corporation is a documentation citizen if it was established under U.S. law and the CEO, Chairman of its board and a sufficient number of board members sufficient to establish a quorum are all U.S. Citizens. There is no requirement that the stock of the corporation be owned by citizens, because the purpose of the law is satisfied so long as the vessel is controlled by U.S. citizens. Unfortunately, the ambiguity of the law with respect to passive beneficiaries of trusts is impeding the revitalization of our fleet.

Under present law, the Secretary of Transportation may grant the right to sell or transfer a vessel foreign generally only after it is documented under the U.S. flag. Investors will not participate in financing vessels using these trusts unless they can first be assured that a particular trust instrument will meet the documentation test and they have the option to sell or transfer the vessel world-wide if the vessel charterer subsequently defaults or the charter terminates. It is not realistic to expect much enthusiasm from investors unless they have reasonable option to protect their assets.

Section 1136(a) of the Conference substitute amends section 12102 of Title 46 to permit documentation of vessels subject to ownership trusts under which not all of the beneficiaries are U.S. citizens, provided that the trust document permits not more than 25% of the authority to direct or remove a trustee is held by non-citizens, and the trustee(s) gives certain assurances. The conferees intend this section to be implemented in the same manner as similar cross border leasing transactions as for aircraft administered by the FAA. New section 12102(d)(4) provides that a vessel chartered by the trust to a citizen of the United States under section 2 of the Shipping Act, 1916 is deemed to be a citizen of the United States for purposes of that section and related laws such as the Capital Construction Fund Program. However, the charterer is not considered a section 2 citizen for purposes of new subtitle B of title VI of the Merchant Marine Act, 1936 which is dealt with separately in this section. The purpose of this section is to allow greater flexibility for section 2 citizens to use widely used international financing practices to decrease the acquisition cost of new vessels.

Section 1136(b) amends Section 9 of the Shipping Act, 1916 to permit the Secretary of Transportation to grant, prior to the documentation of a vessel, approval for prospective sale or transfer foreign of a vessel owned by these trusts. This amendment codifies current practices of the Secretary.

Section 1136(c) provides that for purposes of determining whether a vessel is owned and operated by a citizen of the United States for participation the program established under subtitle B of title VI of the Merchant Marine

Act, 1936, a vessel chartered by a trust under section 12102(d)(2) of title 46, United States Code (as enacted by subsection (a) of this section) is a citizen of the United States under section 2 of the Shipping Act, 1916 if: (1) the vessel is delivered by a shipbuilder on or after May 1, 1995 and before January 31, 1996; (2) the vessel is owned by a section 2 citizen on September 1, 1996 or is a replacement for such a vessel; or (3) payments have been made with respect to the vessel under subtitle B of title VI of that Act for at least one year.

Section 1136(d) provides that, for purposes of determining whether a vessel is owned and operated by a citizen of the United States for participation the program established under subtitle B of title VI of the Merchant Marine Act, 1936, a vessel is deemed to be owned and operated by a section 2 citizen if the vessel is owned "directly or indirectly" by a section 2 citizen and the vessel was: (1) built under a shipbuilding contract signed on December 21, 1995 and having hull number 3077, 3078, 3079, or 3080; (2) delivered by a shipbuilder on or after May 1, 1995 and before January 31, 1996; owned by a section 2 citizen on September 1, 1996 or is a replacement for such a vessel; or (4) the beneficiary of under subtitle B of title VI of the Merchant Marine Act, 1936 for at least 1 year.

Nothing in the amendments made by this section diminishes the authority of the Secretary to impose reasonable conditions, such as requisition of the vessel in time of emergency under Section 902 of the Merchant Marine Act, 1936, on the foreign transfer of a vessel.

SECTION 1137. VESSEL STANDARDS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute provides for Certification of Inspection provisions, and for reliance on non-governmental classification societies. Subsection (b) applies only for the period of time that the vessel fails to comply with the applicable standards.

SECTION 1138. VESSELS SUBJECT TO THE JURISDICTION OF THE UNITED STATES

The Senate bill contains a provision enhancing law enforcement authorities related to vessels and aircraft.

The House amendment contains no comparable provision.

The Conference substitute establishes new law enforcement provisions which expand the Government's prosecutorial effectiveness in drug smuggling cases. Claims of foreign registry must be "affirmatively and unequivocally" verified by the nation of registry to be valid. People arrested in these international situations would not be able to use as a defense that the U.S. was acting in violation of international law regarding recognition of registry at the time of the arrest. The Secretary of State's certification as to the content of discussions with foreign nations about matters of registry would be considered "fact", irrespective of the statements or certifications of the foreign nation at a later time. Jurisdictional issues would always be issues of law to be decided by the trial judge, not issues of fact to be decided by the jury.

SECTION 1139. REACTIVATION OF CLOSED SHIPYARDS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute establishes the basis for the Secretary of Transportation to assist certain closed shipyards by supporting projects for the reactivation and modernization of those yards and the construction of ships at those yards. Subsection (a) authorizes the Secretary to provide loan guarantees under the shipping laws to assist in the reactivation and modernization of a currently closed shipyard that (1) historically built vessels and intends to compete in international commercial shipbuilding; (2) is either a designated public-private partnership project or has an approved reuse plan and revolving economic conversion fund; and (3) involves a State or State-chartered agency that makes a significant investment in the project.

Subsection (b) waives the application of certain factors designed to apply to existing yards but subsection (c) directs the Secretary to impose appropriate standards for a reactivation and modernization project to protect the United States from the risk of default. Included in subsection (c) is a provision regarding shipyard and shipbuilding project interdependency. This provision was added to give the Maritime Administration guidance when considering whether to issue a guarantee or a commitment to guarantee obligations for the construction of vessels in connection with and as an integral part of the reactivation or modernization of closed shipyards. It recognizes that vessels integral to the reactivation of a closed shipyard may request approval of a loan guarantee at the same time the closed shipyard is requesting approval of a loan guarantee and that due consideration and weight should be afforded the vessel's application. This interdependency language is intended to facilitate the Maritime Administration's review and approval of closed shipyard and vessel loan guarantee applications simultaneously as part of the total shipyard reactivation and modernization project. This is not intended, however, to be a limiting provision allowing the Maritime Administration to precondition the issuance of a guarantee or commitment to guarantee for a closed shipyard on the approval of related vessel loan guarantees.

Subsection (d) limits the aggregate guarantees for shipyards only under this section to $100 million, requires a State or State-agency to provide to the Secretary the amount of funds needed to cover the risk factor cost under the Federal Credit Reform Act for the Secretary to deposit into a financing account in the Treasury, and provides for the reversion of the deposited amount to the State or State-agency if, on the expiration of the guarantee, no obligation is to be paid from the deposited funds under the terms of the guarantee. Other factors related to the cost of a guarantee are established in this section.

Subsection (e) sets an expiration date of one year after the date of enactment and subsection (f) contains a definition.

SECTION 1140. SAKONNET POINT LIGHT

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute states that an action for damage or injury arising from the operation, maintenance, or malfunctioning of an aid to navigation, at Sakonnet Point, Little Compton, Rhode Island shall be determined by State law.

SECTION 1141. DREDGING OF RHODE ISLAND WATERWAYS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding Rhode Island dredging.

SECTION 1142. INTERIM PAYMENTS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding interim payments.

SECTION 1143. OIL SPILL INFORMATION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding oil spill information.

SECTION 1144. COMPLIANCE WITH OIL SPILL RESPONSE PLANS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding oil spill response plans.

SECTION 1145. CLARIFICATION OF TANK VESSEL REQUIREMENTS

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference substitute adopts an amendment regarding tank vessel requirements.

SECTION 1146. FISHING VESSEL EXEMPTION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

Section 1146 clarifies that the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) does not apply to fishing vessels, including fishing vessels when they are operating as fish tender vessels. The STCW sets qualifications for masters, officers, and watchkeeping personnel on seagoing merchant ships, including the approximately 350 large U.S. merchant ships, and is not appropriate for fishing vessels or traditional fish tender operations.

SECTION 1147. BRIDGE DEEMED TO UNREASONABLY OBSTRUCT NAVIGATION

The Senate bill contains no comparable provision.

The House amendment contains no comparable provision.

The Conference Substitute deems the Sooline & Milwaukee Road Swing Bridge in Oshkosh, Wisconsin as an "unreasonable obstruction to navigation". This makes the vessel eligible for funding under the Truman-Hobbs Act, a program to fund the removal of these types of bridges that pose a threat to safe navigation of vessels.

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

BUD SHUSTER,
DON YOUNG,
HOWARD COBLE,
TILLIE K. FOWLER,
BILL BAKER,
JAMES L. OBERSTAR,
BOB CLEMENT,
GLENN POSHARD,

From the Committee on the Judiciary, for consideration of sec. 901 of the Senate bill,

and sec. 430 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BILL MCCOLLUM,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

LARRY PRESSLER,
TED STEVENS,
SLADE GORTON,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
JOHN ASHCROFT,
SPENCER ABRAHAM,
FRITZ HOLLINGS,
DANIEL INOUYE,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,

From the Committee on Environment and Public Works:

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
LAUCH FAIRCLOTH,
JIM INHOFE,
MAX BAUCUS,
FRANK R. LAUTENBERG,
JOE LIEBERMAN,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY), for today after 4:30 p.m., on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT), for today after noon, on account of official business.

Mr. THOMPSON (at the request of Mr. GEPHARDT), for today, on account of an emergency in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, on September 28.

Mr. BURTON of Indiana, for 5 minutes, on September 28.

Mr. MCINNIS, for 5 minutes, on September 28.

Mr. LONGLEY, for 5 minutes, on September 28.

Mr. DICKEY, for 5 minutes, on September 28.

Mr. HUTCHINSON, for 5 minutes, on September 28.

Mr. PACKARD, for 5 minutes, September 28.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. BACHUS, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. COX of California, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. DICKEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LATHAM, 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. MCDERMOTT) and to include extraneous matter:)

Mr. JACOBS.
Mr. FILNER.
Mr. DELLUMS.
Ms. DELAURO.
Mr. WILLIAMS.
Ms. PELOSI.
Mr. SCHUMER.
Ms. KAPTUR.
Mr. GIBBONS.
Ms. SLAUGHTER.
Mr. KANJORSKI.
Ms. LOFGREN.
Mr. BONIOR.
Mr. CARDIN.
Mr. LEVIN.
Ms. ESHOO.
Mr. REED.
Mr. PALLONE.
Mr. LANTOS.
Mr. CONDIT.
Mrs. MALONEY.
Mr. STOKES.
Mr. FAZIO.
Mr. DURBIN.
Mr. SANDERS.
Mr. HOYER.
Mr. TRAFICANT.
Mr. PASTOR.
Ms. MCCARTHY.
Mr. CLAY.
Ms. WATERS.
Mr. BREWSTER.
Mr. DOOLEY of California.
Mr. BARCIA.
Mr. KLINK.
Mr. ENGEL.
Mr. STARK.
Mr. ORTIZ.
Mr. ROEMER.
Mr. UNDERWOOD.
Mr. RICHARDSON.
Ms. HARMAN.
Mr. TORRES.
Mr. BENTSEN.

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. PETRI in three instances.
Mr. MILLER of Florida.
Mr. CUNNINGHAM in two instances.
Mr. TALENT.
Mr. RAMSTAD in two instances.
Mr. SCHAEFER.
Mr. MANZULLO.
Mr. GUNDERSON in two instances.
Mr. SCARBOROUGH.
Mr. SHUSTER.
Mr. GOODLING in three instances.
Mr. RADANOVICH.
Mr. SKEEN.
Mr. GINGRICH.
Mr. PACKARD.
Mr. SOLOMON in two instances.
Mr. SMITH of New Jersey in two instances.
Mr. HOUGHTON.
Mr. BUYER.
Mr. LEWIS of California.
Mr. SEASTRAND.
Mr. CHABOT.
Mr. QUINN.
Mr. NEY in three instances.
Mr. BUNNING of Kentucky.
Mrs. MORELLA.
Mr. BURTON of Indiana.
Mr. ARCHER.
Mr. COBLE.
Mr. BEREUTER.
Mr. KING in two instances.
Mr. MCCOLLUM.
Mr. ROBERTS.
Mr. HYDE.
Mr. OXLEY.
Mr. FOLEY.
Mr. HEFLEY.
Mr. JONES.
Mr. FUNDERBURK.
Mrs. FOWLER.
Mr. YOUNG of Alaska.
Mr. SPENCE.
Mr. SENSENBRENNER.
Mr. ROTH.
Mr. MCDADE.
Mr. LAZIO of New York.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2508. An act to amend the Federal Food, Drug and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes;

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes;

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes; and

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes;

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes;

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes;

S. 2085. An act to authorize the Capitol Guide Service to accept voluntary services; and

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.) the House adjourned until Saturday, September 28, 1996, at 9 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee of Conference. Conference report on S. 1004. An act to authorize appropriations for the United States Coast Guard, and for other purposes (Rept. 104–854). Ordered to be printed.

Ms. PRYCE: Committee on Rules. House Resolution 546. Resolution providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die (Rept 104–855). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4067. A bill to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives; with an amendment (Rept. 104–856). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Year 2000 Computer Software Conversion: Summary of Oversight Findings and Recommendations (Rept. 104–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Crude Oil Undervaluation: The Ineffective Response of the Minerals Management Service (Rept. 104–858). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 3158. The Committee of the Whole House on the State of Union discharged, and referred to the Committee on Science for a period ending not later than October 11, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee on Science pursuant to clause 1(n), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2740. Referral of the Committee on Commerce extended for a period ending not later than October 2, 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. YOUNG of Alaska:

H.R. 4228. A bill to provide a process leading to full self-government for Puerto Rico; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 4229. A bill to amend title XVIII of the Social Security Act to provide for prospective payment for home health services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky (for himself, Mr. JACOBS, Mr. GIBBONS, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mr. PORTMAN, Mr. LAUGHLIN, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, and Ms. DUNN of Washington):

H.R. 4230. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the rehabilitation programs provided for disabled individuals under such Act, and for other purposes; to the Committee on Ways and Means.

By Mr. ORTON (for himself and Mr. GIBBONS):

H.R. 4231. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from tax for gain on sale of a principal residence; to the Committee on Ways and Means.

By Mr. PETE GEREN of Texas:

H.R. 4232. A bill to designate the U.S. post office building located at 251 West Lancaster Street in Fort Worth, TX, as the "Jim Wright Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. COX (for himself, Mr. WALKER, Mrs. MORELLA, and Mr. HASTERT);

H.R. 4233. A bill to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes; to the Committee on Science.

By Mr. PALLONE (for himself, Mr. ANDREWS, Mr. TORRICELLI, and Mr. MARKEY):

H.R. 4234. A bill to require reporting on toxic chemicals, to protect children's health, and for other purposes; to the Committee on Commerce.

By Mr. FOX:

H.R. 4235. A bill to amend the Fair Housing Act to prevent certain abuses; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska.

H.R. 4236. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes; to the Committee on Resources.

By Mr. BARRETT of Wisconsin:

H.R. 4237. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or substantial reduction of retiree health benefits, to require a preponderance of evidence for termination or substantial reduction of retiree health benefits, and to allow court to use extrinsic evidence in determining the intent of a plan; to the Committee on Economic and Educational Opportunities.

By Mr. BOEHNER:

H.R. 4238. A bill to amend the Internal Revenue Code of 1986 to enhance tax incentives for charitable contributions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Transportation and Infrastructure, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 4239. A bill to provide for the licensing of commercial space reentry vehicles and reentry sites, and for other purposes; to the Committee on Science.

By Mr. CUNNINGHAM:

H.R. 4240. A bill to amend the Tariff Act of 1930 with respect to the marking of golf clubs and golf club components; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. GROSS):

H.R. 4241. A bill to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness, to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Earnest F. Coe Visitor Center, and for other purposes to the Committee on Resources.

By Mr. DOOLITTLE (for himself, Mr. HERGER, Mrs. SEASTRAND, Mr. POMBO, Mr. CALVERT, Mr. PACKARD, Mr. DORNAN, Mr. CUNNINGHAM, Mrs. CHENOWETH, and Mr. COOLEY)

H.R. 4242. A bill to amend the act commonly known as the Antiquities Act to limit further extension or establishment of national monuments in California; to the Committee on Resources.

By Ms. DUNN of Washington (for herself, Ms. FURSE, Mr. BUNN of Oregon, and Mr. BLUMENAUER):

H.R. 4243. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Ways and Means.

By Mr. DURBIN (for himself and Mr. ENSIGN):

H.R. 4244. A bill to require the Secretary of Health and Human Services to waive the 3-day prior hospitalization requirement for coverage of skilled nursing facility services in the case of individuals classified within certain diagnosis-related groups; to the Committee on Ways and Means.

By Mr. FOX:

H.R. 4245. A bill to restrict the access of youth to tobacco products, and for other purposes; to the Committee on Commerce.

H.R. 4246. A bill to require a study by the U.S. Sentencing Commission of sentencing for drug offenses where domestic violence has been found to occur; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 4247. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Economic and Educational Opportunities.

By Ms. GREENE of Utah:

H.R. 4248. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain antibiotics that are parenterally administered in a home setting; 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. GUNDERSON:

H.R. 4249. A bill to amend and strengthen the Animal Welfare Act; to the Committee on Agriculture.

By Mr. GUNDERSON (for himself and Mr. GINGRICH):

H.R. 4250. A bill to amend title XIX of the Social Security Act to permit a State the option of covering community-based attendant services under the Medicaid Program; to the Committee on Commerce.

By Mr. HASTINGS of Washington:

H.R. 4251. A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the required use of the electronic fund transfer system for depository taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 4252. A bill to establish labor provision and tax provisions for small-business concerns; to the Committee on Economic and Educational Opportunities, 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. HOUGHTON (for himself and Mrs. KENNELLY):

H.R. 4253. A bill to enhance the financial security of children by providing for contributions by the Federal Government to child retirement accounts; to the Committee on Ways and Means.

By KLECZKA:

H.R. 4254. A bill to amend the Community Services Block Grant Act with respect to the composition of the boards of community action agencies, and of nonprofit private organizations, that receive funds under such act; to the Committee on Economic and Educational Opportunities.

By KLINK:

H.R. 4255. A bill to encourage the States to streamline the adoption process and make their adoption laws more uniform; to the Committee on Ways and Means.

By LAUGHLIN:

H.R. 4256. A bill to amend the Internal Revenue Code of 1986 to provide for the abatement of interest on deficiencies attributable to certain partnership items; to the Committee on Ways and Means.

By LAZIO of New York:

H.R. 4257. A bill to amend the Public Health Service Act to provide a one-stop shopping information service for individuals with serious or life-threatening diseases; to the Committee on Commerce.

By McCOLLUM:

H.R. 4258. A bill to establish the U.S. Immigration Court; to the Committee on the Judiciary.

By Mr. McHALE (for himself, Mr. BONIOR, Mr. MURTHA, Mr. KILDEE, Mr. FAZIO of California, Mr. EVANS, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. HOLDEN, Mr. TEJEDA, Mr. ANDREWS, and Ms. HARMAN):

H.R. 4259. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all secondary school students in the top 5 percent of their graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. METCALF:

H.R. 4260. A bill to require uniform appraisals of certain leaseholds of restricted Indian lands, and for other purposes; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mrs. MEEK of Florida, and Mr. GOSS):

H.R. 4261. A bill to require the Director of the U.S. Fish and Wildlife Service to expedite issuance of and implement a contingency plan for responding to red tide events involving Florida Manatees, and to authorize the Director to make grants for research and evaluation of potential methods of therapeutic intervention for manatees intoxicated by red tide brevetoxins; to the Committee on Resources.

By Mrs. MORELLA:

H.R. 4262. A bill to save lives and prevent injuries to children in motor vehicles through improved national, State, and local child passenger protection program; to the Committee on Transportation and Infrastructure.

By Mr. MURTHA:

H.R. 4263. A bill to reinstate the emergency unemployment compensation program; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Mr. WELDON of Pennsylvania, Mr. GINGRICH, Mr. WATTS of Oklahoma, Mr. BONILLA, and Mr. BILIRAKIS):

H.R. 4264. A bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes; 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. NEUMANN (for himself and Ms. KAPTUR):

H.R. 4265. A bill to apply the Buy American Act to articles, materials, and supplies for use outside the United States; to the Committee on Government Reform and Oversight.

By Mr. PETRI:

H.R. 4266. A bill to amend the Fair Labor Standards Act of 1938 to prescribe a salary base for an exemption of an employee from the wage requirements of such act, and for other purposes; to the Committee on Economic and Educational Opportunities.

H.R. 4267. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device, and for other purposes; to the Committee on House Oversight, 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. RANGEL (for himself and Mr. HOUGHTON):

H.R. 4268. A bill to provide for a project to demonstrate the application of telemedicine and medical informatics to improving the quality and cost-effectiveness in the delivery of health care services under the Medicare Program and other health programs; 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. ROMERO-BARCELO:

H.R. 4269. A bill to relieve the Puerto Rico Housing Bank and Finance Agency and its assignees of liability for certain loans subject to the Truth-in-Lending Act; to the Committee on Banking and Financial Services.

By Mr. SANDERS:

H.R. 4270. A bill to require reporting on research and development expenditures for drugs approved for marketing, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 4271. A bill to amend title XVIII of the Social Security Act to continue full-time-equivalent resident reimbursement for an additional 1 year under Medicare for direct graduate medical education for residents enrolled in combined approved primary care medical residency training programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4272. A bill to amend the Solid Waste Disposal Act to improve public accountability and public safety in the management of hazardous waste facilities; to the Committee on Commerce.

By Mr. KIM (for himself, Mr. BEREUTER, and Mr. DORNAN):

H. Con. Res. 224. Concurrent resolution concerning the infiltration of North Korean commandos into the sovereign territory of the Republic of Korea on September 18, 1996; to the Committee on International Relations.

By Ms. ESHOO (for herself, Mr. TORRES, Mr. LANTOS, Mr. HOUGHTON, Mr. LEACH, Mr. DELLUMS, Mrs. MORELLA, Mr. ENGEL, Mrs. MALONEY, Mr. RANGEL, Mr. ACKERMAN, Mr. HINCHEY, Mr. BROWN of California, Mrs. LOWEY, Mr. PAYNE of New Jersey, Mr. HALL of Ohio, Mr. MILLER of California, Mr. SERRANO, Mr. NADLER, and Mr. BERMAN):

H. Con. Res. 225. Concurrent resolution expressing the commitment of the Congress to continue the leadership of the United States in the United Nations by honoring the financial obligations of the United States to the

United Nations; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. FRELINGHUYSEN, Mr. GILMAN, Mr. TORRICELLI, Mr. PAYNE of New Jersey, Mr. PALLONE, Mr. ZIMMER, Mr. MARTINI, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, and Mr. ANDREWS):

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress that a model curriculum designed to educate elementary and secondary school-aged children about the Irish famine should be developed; to the Committee on Economic and Educational Opportunities.

By Mr. SCHIFF (for himself, Mrs. SCHROEDER, Mr. BOEHLERT, Ms. HARMAN, Mr. HEINEMAN, Mr. SCHUMER, Mrs. KENNELLY, and Mr. WAMP):

H. Con. Res. 227. Concurrent resolution expressing the sense of Congress that the technology program at the National Institute of Justice of the Department of Justice, should be designated as the national focal point for law enforcement technology programs; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PORTER, Mr. WOLF, Mr. FUNDERBURK, Mr. SALMON, Mr. HOYER, Mr. MARKEY, and Mr. CARDIN):

H. Con. Res. 228. Concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Res. 544. Resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3378; considered under suspension of the rules and agreed to.

By Mr. ARCHER:

H. Res. 545. Resolution returning to the Senate the bill S. 1311; considered and agreed to.

By Ms. KAPTUR:

H. Res. 547. Resolution expressing the sense of the House of Representatives that any extension of fast-track negotiating authority to the executive branch for the expansion of the North American Free Trade Agreement [NAFTA] be tied solely to negotiations with the European Union on creation of a Trans-Atlantic Free Trade Area [TAFTA]; to the Committee on Ways and Means.

By Mr. MINGE (for himself, Mr. SHAYS, Mr. STENHOLM, and Mr. KLUG):

H. Res. 548. Resolution amending the Rules of the House of Representatives to allow floor consideration of amendments that are supported by at least 20 percent of the membership of the majority and minority parties of the House; to the Committee on Rules.

By Ms. PRYCE (for herself, Mr. DREIER, Mr. MCINNIS, Mr. DIAZ-BALART, and Ms. GREEN of Utah):

H. Res. 549. Resolution amending the Rules of the House of Representatives to impose the Ramseyer requirement on conference reports; to the Committee on Rules.

By Mr. SHAYS (for himself and Mr. BARRETT of Wisconsin):

H. Res. 550. Resolution amending the Rules of the House of Representatives to permit standing committees and subcommittees to designate members to question witnesses for periods not to exceed 30 minutes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. JONES introduced a bill (H.R. 4273) to provide for the liquidation or reliquidation of certain entries of pharmaceutical grade phospholipids; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. CALLAHAN.
H.R. 218: Mr. CREMEANS.
H.R. 500: Mr. CHABOT.
H.R. 820: Mr. RUSH.
H.R. 878: Mr. JACKSON.
H.R. 895: Mr. KILDEE.
H.R. 974: Mr. WYNN.
H.R. 997: Mr. MCHALE.
H.R. 1000: Mr. JACKSON.
H.R. 1010: Mr. NADLER.
H.R. 1046: Mr. PAYNE of Virginia.
H.R. 1136: Mr. CLAY, Miss COLLINS of Michigan, Mr. CONYERS, Mr. DEFAZIO, Mr. FATTAH, Ms. FURSE, Mr. HILLIARD, Mr. RUSH, Ms. VELAZQUEZ, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Mr. COYNE, Mr. FIELDS of Louisiana, Mr. FORD, Mr. STOKES, Ms. WATERS, Mr. BEILENSON, Mr. THORNTON, Mr. BROWN of Ohio, Mr. COLEMAN, Mr. BRYANT of Texas, Mr. STUPAK, Mr. CALVERT, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, and Mr. THOMPSON.
H.R. 1386: Mr. HEFNER.
H.R. 1462: Mr. BARRETT of Wisconsin.
H.R. 1853: Mr. MINGE.
H.R. 1889: Mr. OLVER.
H.R. 2011: Mr. SABO.
H.R. 2089: Ms. FURSE.
H.R. 2152: Mr. SMITH of New Jersey, Ms. RIVERS, Mr. HORN, Mr. KINGSTON, and Mr. VOLKMER.
H.R. 2167: Mr. FIELDS of Louisiana.
H.R. 2185: Mr. WELDON of Florida.
H.R. 2223: Ms. NORTON, Ms. FURSE, Mr. KENNEDY of Rhode Island, Mr. REED, and Mr. FRELINGHUYSEN.
H.R. 2400: Mr. MCHALE.
H.R. 2416: Mr. KLUG.
H.R. 2434: Mr. MCNULTY.
H.R. 2582: Mr. DELLUMS.
H.R. 2610: Mr. TORKILDSEN.
H.R. 2655: Mr. JOHNSON of South Dakota.
H.R. 2734: Mr. GILCHREST.
H.R. 2777: Mr. SERRANO.
H.R. 2877: Ms. DELAURO.
H.R. 2976: Mr. FATTAH, Mr. PAYNE of New Jersey, and Mr. ZIMMER.
H.R. 2999: Mr. SMITH of New Jersey.
H.R. 3077: Mr. ENSIGN and Mr. QUINN.
H.R. 3142: Mr. BALDACCI.
H.R. 3187: Mr. OLVER.
H.R. 3200: Mr. FRELINGHUYSEN and Mr. LEWIS of Kentucky.
H.R. 3311: Mr. PETERSON of Minnesota, Mr. HILLIARD, Mr. GREEN of Texas, and Mr. CUMMINGS.
H.R. 3401: Mr. SERRANO and Mrs. MORELLA.
H.R. 3413: Mr. FOGLIETTA.
H.R. 3426: Mr. EHLERS, Ms. DELAURO, Mr. RAMSTAD, Mr. LEWIS of Georgia, Mr. RAHALL, and Ms. KAPTUR.
H.R. 3434: Mr. HAYWORTH.
H.R. 3455: Ms. ESHOO and Mr. MARTINI.
H.R. 3482: Mr. NADLER, Mr. FOGLIETTA, and Ms. BROWN of Florida.
H.R. 3518: Mr. THOMAS.
H.R. 3531: Mr. GOODLATTE and Mr. HOKE.
H.R. 3538: Mr. CRAMER and Mr. BALDACCI.
H.R. 3566: Mrs. MALONEY.
H.R. 3621: Ms. VELAZQUEZ and Mr. HOKE.
H.R. 3636: Mr. BILBRAY.
H.R. 3654: Mr. BLUTE and Mr. FILNER.
H.R. 3714: Mrs. KENNELLY.
H.R. 3747: Mr. DELLUMS, Ms. WATERS, Mr. CUMMINGS, Mr. CONYERS, Mr. BENTSEN, Mr. FOGLIETTA, Mr. TOWNS, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. SERRANO, Mr. WATT of North Carolina, and Mr. JACKSON.
H.R. 3753: Mr. HASTINGS of Washington.
H.R. 3785: Ms. SLAUGHTER, Mrs. THURMAN, and Mr. WAXMAN.
H.R. 3786: Mr. HASTERT, Mr. EWING, Mr. NUSSLE, Mr. CALVERT, Mr. HAYES, Mr. DICKEY, Mr. HUTCHINSON, and Mr. BARRETT of Nebraska.
H.R. 3807: Mr. SERRANO.
H.R. 3817: Ms. PRYCE and Mr. KING.
H.R. 3830: Mr. HINCHEY.
H.R. 3835: Mr. CONDIT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. THURMAN.
H.R. 3838: Mr. WICKER and Mr. VOLKMER.
H.R. 3839: Mr. SHAYS.
H.R. 3849: Mr. DAVIS.
H.R. 3860: Ms. NORTON.
H.R. 3891: Mr. LAZIO of New York.
H.R. 3901: Ms. FURSE, Mr. CLEMENT, Mr. KINGSTON, Mr. BAKER of Louisiana, Mr. NORWOOD, Mr. GUTKNECHT, and Mr. LIPINSKI.
H.R. 3927: Mr. NEUMANN.
H.R. 3938: Mr. CRAMER and Mr. BALDACCI.
H.R. 4016: Mr. BARTON of Texas, Mr. HASTERT, and Mr. CHRYSLER.
H.R. 4028: Ms. KAPTUR.
H.R. 4047: Mr. SHAYS, Mr. FOGLIETTA, Mrs. KENNELLY, Mr. LOBIONDO, Mr. NEY, Mr. NADLER and Mr. HOUGHTON.
H.R. 4056: Mr. PASTOR, Mr. SERRANO, Mr. STARK, Mr. TOWNS, Mr. FALEOMAVAEGA, and Mr. DELLUMS.
H.R. 4090: Mr. CRANE and Mr. POMEROY.
H.R. 4100: Mr. KENNEDY of Rhode Island.
H.R. 4106: Mr. OLVER.
H.R. 4122: Mr. BROWN of California.
H.R. 4124: Mr. FRANK of Massachusetts.
H.R. 4133: Mr. LEWIS of California.
H.R. 4145: Mr. SHAYS, Mr. FATTAH, Mr. COLEMAN, Mr. SCHUMER, and Mr. ZIMMER.
H.R. 4148: Mr. BARRETT of Wisconsin, Mr. BLUTE, Mr. CAMPBELL, Mr. DEUTSCH, Mr. EHLERS, Mr. FORBES, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. HOKE, Mr. HOUGHTON, Mrs. KELLY, Mr. MANZULLO, Mrs. MYRICK, Mr. OXLEY, Mr. QUINN, Mr. RUSH, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. TORKILDSEN, Mr. WELDON of Pennsylvania, Mr. BASS, Mr. BOEHLERT, Mr. DAVIS, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. FRELINGHUYSEN, Mr. FUNDERBURK, Mr. GILLMOR, Mr. HOBSON, Mr. HORN, Mr. JONES, Mr. LAHOOD, Ms. MOLINARI, Mr. NEY, Ms. PRYCE, Mrs. ROUKEMA, Mr. SANDERS, Mr. SMITH of New Jersey, Mr. THOMPSON, Mr. UPTON, and Mr. YATES.
H.R. 4166: Mr. SANDERS.
H.R. 4170: Mr. WATTS of Oklahoma, Mr. MARTINI, Mr. STUMP, Mr. KIM, and Mr. TATE.
H.R. 4174: Mr. GILLMOR.
H.R. 4183: Mr. LIPINSKI.
H.R. 4217: Mr. MINGE.
H.J. Res. 171: Mr. MARKEY.
H. Con. Res. 21: Mr. CONYERS.
H. Con. Res. 128: Ms. FURSE.
H. Con. Res. 164: Mr. ACKERMAN, Mr. BROWN of California, Mr. DEAL of Georgia, Mr. EVANS, and Mr. MCHUGH.
H. Con. Res. 190: Mr. HOSTETTLER, Mr. HASTINGS of Washington, and Mr. BARRETT of Wisconsin.
H. Con. Res. 205: Mr. PORTER and Mr. FROST.
H. Con. Res. 209: Ms. FURSE.
H. Con. Res. 220: Mr. MORAN.

H. Res. 30: Mr. RUSH, Mr. HOKE, Mr. STUPAK, Mrs. FOWLER, Mrs. CHENOWETH, Mr. LAUGHLIN, Mr. BARTLETT of Maryland, Mr. MILLER of California, Ms. BROWN of Florida, Mr. QUILLEN, and Mr. VOLKMER.

H. Res. 49: Mr. STOKES.

H. Res. 478: Mr. BARRETT of Wisconsin and Ms. FURSE.

H. Res. 490: Mr. HASTINGS of Washington, Mr. YATES, and Mr. WELLER.

H. Res. 491: Ms. FURSE.

H. Res. 520: Mr. HILLIARD, Mr. RANGEL, Mr. DEFAZIO, Mr. FRAZER, and Mr. CLAY.

H. Res. 521: Mr. SERRANO, Mr. CARDIN, Mr. VENTO, Mr. PAYNE of New Jersey, and Mr. BLUMENAUER.

H. Res. 537: Mr. HINCHEY, Mr. FARR, Mr. CAMPBELL, Ms. LOFGREN, and Mr. NEAL of Massachusetts.

H. Res. 541: Mr. BEREUTER and Mr. SMITH of Michigan.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3937: Mr. SANDERS.