

H.R. 1312: Mr. HANSEN, Mr. DORNAN of California, Mr. HOBSON, Mr. MAZZOLI, and Mr. MORAN.

H.R. 1317: Mr. JAMES and Mr. COX of California.

H.R. 2797: Mr. CLAY.

H.R. 3122: Mr. DARDEN.

H.R. 4045: Mr. HAYES of Illinois and Mr. COX of Illinois.

H.R. 4124: Mr. SHAYS.

H.R. 5053: Mr. ALLEN.

H.R. 5179: Mr. RINALDO.

H.R. 5250: Mr. MOODY and Mr. RAHALL.

H.R. 5276: Mr. SPRATT, Mr. TALLON, and Mr. BUNNING.

H.R. 5325: Mr. SHAYS and Mr. STUMP.

H.R. 5326: Mr. FOGLIETTA, Mr. CONYERS, Mr. PETERSON of Minnesota, Mrs. COLLINS of Illinois, Mr. RANGEL, Mr. ATKINS, Mr. FROST, Mr. DEFAZIO, Mr. MAZZOLI, Mr. DYMALLY, and Mr. OWENS of Utah.

H.R. 5497: Mr. BEREUTER, Mr. SCHAEFER, and Mr. BOEHNER.

H.R. 5828: Mr. QUILLEN, Mr. HENRY, and Mr. SANTORUM.

H.R. 5896: Mr. SWETT.

H.R. 5948: Mr. ARMEY.

H.R. 5977: Mr. SHAYS.

H.R. 6023: Mr. MACHTLEY.

H.J. Res. 471: Ms. KAPTUR, Mr. PICKETT, Ms. HORN, Mr. LARROCCO, Mr. PAYNE of Virginia, Mrs. JOHNSON of Connecticut, Mr. BREWSTER, Mr. HOYER, Mr. KLUG, Mr. MACHTLEY, Mr. OWENS of Utah, Mr. SAWYER, Mr. CLEMENT, Mr. LEVIN of Michigan, Mr. MANTON, Mr. BLACKWELL, Mr. MILLER of Washington, Mr. PRICE, Mr. PAYNE of New Jersey, Mr. COLORADO, Mr. MFUME, Mr. BACCHUS, Mr. BILBRAY, Ms. DELAURO, Mrs. VUCANOVICH, Mr. FALCOMA, Mr. SMITH of Oregon, Mr. BILIRAKIS, Mr. BERMAN, Mr. MCGRATH, Mr. RAY, Mr. STARK, Mr. NAGLE, Mrs. KENNELLY, Mr. OWENS of New York, Mr. MILLER of Ohio, Mr. DARDEN, and Mr. FISH.

H.J. Res. 479: Mr. COSTELLO.

H.J. Res. 489: Mr. KOLTER, Mr. GAYDOS, and Mr. JENKINS.

H.J. Res. 495: Mr. LEWIS of Georgia, Mr. PERKINS, and Mr. LANTOS.

H.J. Res. 529: Mr. ANDREWS of New Jersey, Mr. ANDREWS of Texas, Mr. BILBRAY, Mr. BROWN, Mr. CARR, Mr. CHAPMAN, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CARDIN, Mr. CLAY, Mr. COLORADO, Mr. DEFAZIO, Mr. DE LUGO, Mr. DOOLITTLE, Mr. EDWARDS of California, Mr. DOOLEY, Mr. FRANK of Massachusetts, Mr. GLICKMAN, Mr. GORDON, Mr. HARRIS, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HERTEL, Mr. HYDE, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KLUG, Mr. JACOBS, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Mr. LARROCCO, Mr. LEVIN of Michigan, Mr. MARTIN, Mr. MINETA, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MAZZOLI, Mr. MOODY, Mr. NATCHER, Ms. OAKAR, Mr. PANETTA, Mr. PARKER, Mr. PETRI, Mr. RIGGS, Mr. PICKLE, Mr. RINALDO, Mr. SISISKY, Mr. SKEEN, Mr. SARPALIUS, Mr. SIKORSKI, Mr. SKELTON, Mr. STAGGERS, Mr. TANNER, Mr. TOWNS, Mr. STENHOLM, Mr. TAUZIN, Mr. THOMAS of Wyoming, Mr. TRAFICANT, Mr. VALENTINE, Mr. VOLKMER, Mr. YOUNG of Alaska, Mr. APPELEGATE, Mr. MANTON, Mr. KENNEDY, Mr. CRAMER, Mr. LEACH, Mr. TORRICELLI, Mr. RITTER, Mr. SMITH of Texas, Mr. HUGHES, Mr. CLEMENT, Mr. BORSKI, Mr. ESPY, Mr. BILIRAKIS, Mr. ROBERTS, Ms. MOLLINARI, Mr. DUNCAN, Mr. CARPER, Mr. CONYERS, Mr. LEWIS of California, Mr. LEVINE of California, Mr. BOUCHER, Mr. ASPIN, Mr. ECKART, Mr. WASHINGTON, Mrs. PATTERSON, Mr. NEAL of North Carolina, Ms. LONG, Mr. JEFFERSON, and Mr. SLATTERY.

H.J. Res. 534: Ms. HORN.

H.J. Res. 543: Mr. RAY, Mr. SMITH of New Jersey, Mr. WOLF, and Mr. RIDGE.

H.J. Res. 544: Mr. VENTO, Mr. BROWN, Mr. BUSTAMANTE, Mr. DICKS, Mr. DYMALLY, Mr. ENGEL, Mr. ESPY, Mr. EWING, Mr. FROST, Mr.

GUARINI, Mr. HERTEL, Ms. HORN, Mr. HUBBARD, Mr. KLECZKA, Mrs. MINK, Ms. NORTON, Mr. PASTOR, Mr. POSHARD, Mr. QUILLEN, Mr. RANGEL, Mr. RAY, Mr. REED, Mr. RHODES, Mr. SANGMEISTER, Mr. SAWYER, and Mr. SHAYS.

H.J. Res. 549: Mr. HALL of Ohio.

H.J. Res. 550: Mr. BROOMFIELD, Mr. CALAHAN, Ms. DELAURO, Mr. DIXON, Mr. GINGRICH, Mr. JOHNSON of South Dakota, Mr. LANCASTER, Mr. LEWIS of California, Mr. LIPINSKI, Ms. LONG, Mrs. LOWEY of New York, Mr. NEAL of Massachusetts, Mr. PARKER, Mr. RHODES, Mr. SAXTON, Mr. SERRANO, Mr. SHAYS, Mr. STAGGERS, Mr. TALLON, Mr. VALENTINE, Mr. WASHINGTON, Mr. WOLF, and Mr. YOUNG of Alaska.

H.J. Res. 552: Mrs. MEYERS of Kansas, Mr. JACOBS, and Mr. STARK.

H. Con. Res. 233: Mrs. KENNELLY, Mr. DURBIN, Mr. CAMPBELL of Colorado, and Mr. REED.

H. Con. Res. 363: Mr. MORAN and Mr. BRUCE.

SUNDAY, OCTOBER 4, 1992 (120)

The House was called to order by the SPEAKER.

¶120.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Saturday, October 3, 1992.

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

¶120.2 WAIVING POINTS OF ORDER

AGAINST CONFERENCE REPORT ON

H.R. 5427

Mr. DERRICK, by direction of the Committee on Rules, reported (Rept. No. 102-1008) the privileged resolution (H. Res. 599) waiving points of order against the conference report to accompany the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes, and against the consideration of such conference report.

When said resolution and report were referred to the House Calendar and ordered printed.

¶120.3 WAIVING POINTS OF ORDER

AGAINST CONFERENCE REPORT ON

H.R. 5427

Mr. DERRICK, by direction of the Committee on Rules, called up the following privileged resolution (H. Res. 599):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, 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.

When said resolution was considered. After debate,

On motion of Mr. DERRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶120.4 LEGISLATIVE BRANCH APPROPRIATIONS

Mr. FAZIO, pursuant to House Resolution 599, called up the following conference report (Rept. No. 102-1007):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5427) "Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, 11, 14, 26, 33, 34, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 9, 10, 12, 13, 15, 17, 19, 22, 24, 29, 30, 31, 32, and 40.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Retain the matter inserted by said amendment, amended as follows:

Under the heading "Official Mail Costs", after "\$20,000,000" insert: *, to remain available until September 30, 1994*

And under the heading "Administrative Provisions", add the following new sections:
SEC. 5. Section 10 of Senate Resolution 144, agreed to June 13, 1989 (101st Congress, 1st Session) as amended by Senate Resolution 352, agreed to October 27, 1990 (101st Congress, 2d Session), is amended by striking "one hundred and second Congress" and inserting "one hundred and third Congress".

Effective with this reauthorization, Commission shall support objectives of P.L. 100-696 and be renamed accordingly.

SEC. 6. Section 105(a) of the Legislative Branch Appropriations Act 1965 (2 U.S.C. 104a) is amended by adding at the end the following new paragraph:

"(3) The report requirement relating to quantity, as contained in subparagraph (2) of paragraph (1), does not apply with respect to the Senate."

Amendment numbered 16:

That the House recede from its disagreement to amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$23,955,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$5,600,000, of which \$200,000 shall remain available until expended*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$57,291,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *\$4,906,000, of which \$2,000,000 shall remain available until expended*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to amendment of the Senate numbered

23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$203,163,000; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$26,228,000; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 207. (a)(1) None of the funds appropriated for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement of any printing related to the production of Government publications (including printed forms, unless such procurement is by or through the Government Printing Office.

(2) Paragraph (1) does not apply to (A) individual printing orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, cannot be provided more economically through the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (C) printing from other sources that is specifically authorized by law.

(3) As used in this subsection, the term "printing" means the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the end items of such processes.

(b) Section 206 of the Legislative Branch Appropriations Act, 1991 (44 U.S.C. 501 note) is repealed.

And the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$435,167,000; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of "SEC. 316" named in said amendment insert: SEC. 314; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of "SEC. 318" named by said amendment insert: SEC. 315; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of "SEC. 319" named in said amendment insert: SEC. 316; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 317. The provisions of House Concurrent Resolution 192 (102d Congress), agreed to August 6, 1992 (relating to the Joint Committee on

the Organization of Congress), shall continue in effect until December 31, 1993.

SEC. 318. Section 6(a) of the Judiciary Office Building Development Act (40 U.S.C. 1205(a)) is amended by adding at the end of the following new paragraphs:

"(7) LEASE AUTHORITY.—The Architect of the Capitol is authorized to lease and occupy not more than 75,000 square feet of space in the Federal Judiciary Building. Payments under any such lease shall be made upon vouchers approved by the Architect of the Capitol. There are authorized to be appropriated—

"(A) to the Architect of the Capitol such sums as may be necessary to carry out this paragraph, including sums for the acquisition and installation of furniture and furnishings for space leased under this paragraph; and

"(B) to the Sergeant at Arms of the Senate such sums as may be necessary for the planning, acquisition, and installation of tele-communications equipment and services for the Architect of the Capitol with respect to space leased under this paragraph.

"(8) LEASE APPROVAL.—Any lease under paragraph (7) shall be subject to approval by the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the House Office Building Commission, and the Committee on Rules and Administration of the Senate."

SEC. 319. (a) Section 312(d)(2) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(2)) is amended to read as follows:

"(2) With respect to employees of the center, the House of Representatives shall make Government contributions and payments for health insurance, retirement, employment taxes, and similar benefits and programs in the same manner as such contributions and payments are made for other employees of the House of Representatives."

(b) The amendment made by subsection (a) shall apply to fiscal year beginning after September 30, 1992.

SEC. 320. (a) The provisions of this section shall apply to any individual who—

(1)(A) on the date of the enactment of this Act is employed by the Senate day care center (known as the "Senate Employee Child Care Center") established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 3 of the Act entitled "An Act to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986, and for other purposes", approved August 21, 1984 (40 U.S.C. 214b; Public Law 98-392; 98 Stat. 1362); and

(B) makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after the day of the enactment of the Act; or

(2) is hired by the Center after the date of the enactment of this Act and makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after the date such individual begins employment.

(b)(1) Any individual described under subsection (a) may be credited under section 8411 of title 5, United States Code, for service as an employee of the Senate day care center before the date of the enactment of this Act, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of the provisions of section 8411(b)(3) of such title.

(2) An individual described under subsection (a) shall be credited under section 8411 to title 5, United States Code for any service as an employee of the Senate day care center on or after the date of the enactment of this section, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management (in accordance with regulations prescribed by such Office subject to subsection (h) of this section) which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5, United States Code.

(c) Notwithstanding any other provision of this section, any service performed by an indi-

vidual described under subsection (a) as an employee of the Senate day care center is deemed to be civilian service creditable under section 8411 of title 5, United States Code, for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5, United States Code, for such period so credited, together with interest thereon.

(d) An individual described under subsection (a) shall be deemed a congressional employee for purposes of chapter 84 of title 5, United States Code, including subchapter III thereof and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after the date of the enactment of this section.

(e) An individual described under subsection (a) shall be deemed an employee under section 8701(a)(3) of title 5, United States Code, for purposes of life insurance coverage under chapter 87 of such title.

(f) Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, and 8708, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(g) The Office of Personnel Management shall accept the certification of the Secretary of the Senate concerning creditable service for the purpose of this section.

(h) The Center shall—

(1) consult with the Secretary of the Senate on the administration of this section;

(2) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes;

(3) make deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, and 8707 of title 5, United States Code; and

(4) transmit such deductions and withholdings to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(i) The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

SEC. 321. Effective as of the enactment of the Act entitled "An Act to add to the area in which the Capitol Police have law enforcement authority, and for other purposes" (S. 1766, One Hundred Second Congress), section 104 of such Act is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

SEC. 322. Of the funds appropriated in the Legislative Branch Appropriations Act, 1992, for the House of Representatives under the headings "SALARIES AND EXPENSES" and "OFFICIAL MAIL COSTS" there is rescinded the sum of \$21,000,000.

SEC. 323. Section 814(i) of Public Law 99-93 (99 Stat. 405) is amended by striking "September 30, 1988" and inserting in lieu thereof "September 30, 1997."

SEC. 324. (a) There is established in the Congress the Commission on the Bicentennial of the United States Capitol (hereafter in this section referred to as the "Commission") for the purposes of—

(1) overseeing the development of appropriate projects and activities to observe in 1993 the 200th anniversary of the laying of the cornerstone of the United States Capitol;

(2) taking actions to appropriately bring this anniversary date to the attention of the public; and

(3) conducting other activities that facilitate, encourage, or otherwise support any purposes specified in paragraph (1) or (2), including the coordination of such activities as necessary with appropriate organizations outside the Congress.

(b) The Commission shall be composed of the following Members of Congress:

(1) The Majority Leader of the Senate and the Minority Leader of the Senate shall be the Senate Co-chairmen. The Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall be the House Co-chairmen.

(2) The President pro tempore of the Senate.

(3) The Majority Leader of the House of Representatives.

(4) The Chairman and the Ranking Minority Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Minority Member of the Committee on House Administration of the House of Representatives.

(5) One Senator appointed by the Majority Leader of the Senate and one Senator appointed by the Minority Leader of the Senate.

(6) One Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(c) Each member of the Commission specified under subsection (b) (other than a member under paragraph (5) or (6) of such subsection) may designate a Senator or Member of the House of Representatives, as the case may be, to serve as a member of the Commission in place of the member so specified.

(d) In addition to the members under subsection (b), the Architect of the Capitol shall participate in the activities of the Commission, ex officio, and without the right to vote.

(e) The Co-chairmen may designate staff to work on Commission projects; however, no additional staff shall be employed by the Commission under the authority of this section.

(f) The Commission may utilize such voluntary and uncompensated staff and services as it deems necessary and may utilize the services, information, facilities, and personnel of the Secretary of the Senate and the Clerk of the House of Representatives. The Commission shall also receive such support and assistance as it deems necessary from the United States Capitol Preservation Commission, the United States Senate Commission on Art, the House of Representatives Fine Arts Board, the Library of Congress and other agencies of the legislative branch. The Co-chairmen shall each designate an Executive Secretary of the Commission for the Senate and the House of Representatives, respectively, to keep records and perform all necessary administrative tasks.

(g) As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(h) The expenses of the Commission, including official reception and representation expenses, shall be paid out of the contingent funds of the Senate and the House of Representatives, and shall be authorized on vouchers approved by the Co-chairmen of the Commission or their designees. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this section.

SEC. 325. WORKERS' COMPENSATION.

(a) AMENDMENT.—Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding any other provision of this Act, where a State workers' compensation law is applicable and coverage is provided for a migrant or seasonal agricultural worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this Act in the case of bodily injury or death.

"(2) The exclusive remedy prescribed by paragraph (1) precludes the recovery under subsection (c) of actual damages for loss from an injury or death but does not preclude recovery

under subsection (c) for statutory damages or an injunction."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to all actions commenced after the date of the enactment of this Act but shall not apply after the expiration of 9 months after such date.

(2) REVIVAL.—Notwithstanding any applicable statute of limitations, an action for actual damages brought by a migrant or seasonal worker for loss from bodily injury or death under section 504 of the Migrant and Seasonal Agricultural Worker Protection Act which may not be brought during the 9-month period referred to in paragraph (1) may be commenced, either as part of an earlier action or as an action by itself, after the expiration of such period. A statute of limitations which is waived by the preceding sentence shall be extended for only 9 months from the date of expiration of such statute of limitations.

And the Senate agree to the same.

VIC FAZIO,
LAWRENCE SMITH,
DAVID R. OBEY,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
JAMIE L. WHITTEN,
JERRY LEWIS,
JOHN EDWARD PORTER,
BARBARA F. VUCANOVICH,
JOSEPH M. MCDADE,

Managers on the Part of the House.

HARRY REID,
BROCK ADAMS,
ROBERT C. BYRD,
SLADE GORTON,
MARK O. HATFIELD,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. FAZIO, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that the yeas had it.

Mr. DANNENMEYER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 253
Nays 143

¶120.5

[Roll No. 463]

YEAS—253

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert

Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carr
Chapman
Clay
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper

Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbn
Dymally
Early

Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Klecicka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)

Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Porter
Poshard
Price
Rahall
Rangel

Ray
Reed
Richardson
Riggs
Rinaldo
Ritter
Roe
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Scheuer
Schiff
Schroeder
Schumer
Serrano
Siskorski
Sisisky
Skaggs
Skeem
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Trafciant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—143

Allard
Allen
Archer
Armey
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Clinger
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson

Erdreich
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Hubbard
Hughes
Hunter
Hyde
Inhofe

Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
Machtley
Marlenee
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Moorhead
Nichols
Nussle
Oxley
Packard
Pallone
Paxon
Petri
Pickett
Pursell
Quillen
Ramstad
Ravenel

Horn
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kildee
Klecicka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody

Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (UT)
Pallone
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister

Sarpalius
Saxton
Scheuer
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Whitten
Wilson
Wolpe
Wyden
Yates
Yatron
Zimmer

NAYS—146

Allard
Allen
Archer
Armey
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doollittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo

Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Boehner
Henry
Herger
Hobson
Hopkins
Horton
Houghton
Hubbard
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
LaRocco
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McEwen
McGrath

McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Olin
Orton
Oxley
Packard
Pastor
Paxon
Porter
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Santorum
Schaefer
Schiff
Schroeder
Schulze
Shaw
Shuster
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stallings
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torres

Upton
Vander Jagt
Vucanovich
Walker

Walsh
Weber
Weldon
Williams

Wolf
Young (AK)
Zeliff

NOT VOTING—35

Alexander
Andrews (NJ)
Anthony
Baker
Barnard
Beilenson
Boxer
Carper
Chandler
Clement
Coleman (TX)
Dwyer

Flake
Gaydos
Hayes (LA)
Holloway
Huckaby
Kennedy
Kennelly
Levine (CA)
Lipinski
Livingston
McCrary
McDade

Neal (MA)
Owens (NY)
Panetta
Roukema
Savage
Sawyer
Staggers
Towns
Wheat
Wylie
Young (FL)

So the resolution was agreed to.
A motion to reconsider the vote whereby the resolution was agreed to was, by unanimous consent, laid on the table.

120.11 MINING LAW REFORM

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 574 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 918) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, designated Mr. MFUME as Chairman of the Committee of the Whole; and after some time spent therein,

120.12 CALL IN COMMITTEE

Mr. MFUME, Chairman, announced that the Committee, having had under consideration said bill, finding itself without a quorum, directed the Members to record their presence by electronic device, and the following-named Members responded—

120.13 [Roll No. 466] ANSWERED "PRESENT"—386

Abercrombie
Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barrett
Barton
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield

Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carr
Chapman
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro

DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)

Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klecicka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Long

Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen

Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

Thereupon, Mr. MFUME, Chairman, announced that 386 Members had been recorded, a quorum.

The Committee resumed its business. After some further time,

120.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DEFAZIO:

Page 100, in lines 14 and 16 after "located" insert "or converted".

Page 100, line 17, strike "royalty of not less than 8 percent" and insert "royalty of not less than 12 and one-half percent".

It was decided in the Yeas 161 negative Nays 237

120.15 [Roll No. 467] AYES—161

- Abercrombie, Ackerman, Andrews (ME), Andrews (NJ), Aspin, Atkins, AuCoin, Bacchus, Beilenson, Bennett, Berman, Blackwell, Boehlert, Bonior, Boucher, Brooks, Brown, Bruce, Bryant, Carr, Clay, Collins (IL), Collins (MI), Conyers, Cox (IL), Coyne, DeFazio, DeLauro, Dellums, Dingell, Dixon, Donnelly, Dooley, Dorgan (ND), Downey, Durbin, Dymally, Early, Eckart, Edwards (CA), Engel, Evans, Fascell, Fish, Flake, Foglietta, Frank (MA), Frost, Gejdenson, Gilman, Glickman, Goodling, Green, Hall (OH), Hayes (IL), Hefner, Hertel, Hoagland, Hochbrueckner, Horn, Hughes, Jacobs, Johnston, Jontz, Kennedy, Kennelly, Kildee, Kleczka, Klug, Kopetski, Kostmayer, LaFalce, Lancaster, Lantos, Leach, Lehman (FL), Levin (MI), Levine (CA), Lewis (GA), Lowey (NY), Luken, Markey, Matsui, Mavroules, McCurdy, McDermott, McHugh, McMillan (NC), McMillen (MD), McNulty, Meyers, Mfume, Miller (CA), Mineta, Mink, Moody, Moran, Morella, Murphy, Nagle, Neal (MA), Neal (NC), Oberstar, Glickman, Goodling, Green, Hall (OH), Patterson, Payne (NJ), Payne (VA), Pease, Pelosi, Penny, Peterson (MN), Porter, Price, Ramstad, Rangel, Ravenel, Reed, Rinaldo, Ros-Lehtinen, Rostenkowski, Roybal, Russo, Sabo, Sanders, Sangmeister, Sawyer, Scheuer, Schumer, Serrano, Sharp, Shays, Sikorski, Slattery, Slaughter, Smith (FL), Snow, Solarz, Spratt, Stark, Stokes, Studds, Synar, Tallon, Torricelli, Unsoeld, Valentine, Vento, Visclosky, Washington, Waters, Waxman, Weldon, Wheat, Wolpe, Wyden, Yates, Zimmer

NOES—237

- Allard, Allen, Anderson, Andrews (TX), Applegate, Archer, Arney, Baker, Ballenger, Barrett, Barton, Bateman, Bentley, Bereuter, Bevil, Bilbray, Bilirakis, Biley, Boehner, Borski, Brewster, Broomfield, Browder, Bunning, Burton, Bustamante, Byron, Callahan, Camp, Campbell (CA), Campbell (CO), Chapman, Clinger, Coble, Coleman (MO), Combust, Condit, Cooper, Costello, Coughlin, Cox (CA), Cramer, Crane, Cunningham, Dannemeyer, Darden, Davis, de la Garza, DeLay, Derrick, Dickinson, Dicks, Doolittle, Dornan (CA), Dreier, Duncan, Edwards (OK), Edwards (TX), Emerson, English, Erdreich, Ewing, Fawell, Fazio, Fields, Ford (MI), Franks (CT), Gallegly, Gallo, Gaydos, Gekas, Gephardt, Geren, Gibbons, Gilchrist

- Gillmor, Gingrich, Gonzalez, Gordon, Goss, Gradison, Grandy, Guarini, Gunderson, Hall (TX), Hamilton, Hammerschmidt, Hancock, Hansen, Harris, Hastert, Hatcher, Hefley, Henry, Herger, Hobson, Hopkins, Horton, Houghton, Hoyer, Hubbard, Hunter, Hutto, Hyde, Inhofe, James, Jefferson, Jenkin, Johnson (CT), Johnson (SD), Johnson (TX), Jones, Kanjorski, Kaptur, Kasich, Kolbe, Kolter, Kyl, Lagomarsino, LaRocco, Laughlin, Lehman (CA), Lent, Lewis (CA), Lewis (FL), Lightfoot, Livingston, Lloyd, Long, Machtley, Manton, Marlenee, Martin, Martinez, Mazzoli, McCandless, McCloskey, McCollum, McEwen, McGrath, Michel, Miller (OH), Miller (WA), Molinari, Mollohan, Montgomery, Moorhead, Morrison, Murtha, Myers, Natcher, Nichols, Nowak, Nussle, Oakar, Olin, Ortiz, Orton, Owens (UT), Oxley, Packard, Pastor, Paxon, Perkins, Peterson (FL), Petri, Pickett, Pickle, Poshard, Pursell, Quillen, Rahall, Ray, Regula, Rhodes, Richardson, Ridge, Riggs, Ritter, Roberts, Roemer, Rogers, Rohrabacher, Rose, Roth, Rowland, Santorum, Sarpalius, Schaefer, Schiff, Schroeder, Sensenbrenner, Shaw, Shuster, Sisisky, Skaggs, Skee, Skelton, Smith (IA), Smith (NJ), Smith (OR), Smith (TX), Solomon, Spence, Stallings, Stearns, Stenholm, Stump, Sundquist, Swett, Swift, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (GA), Thomas (WY), Thornton, Traficant, Upton, Vander Jagt, Volkmer, Vucanovich, Walker, Walsh, Weber, Whitten, Williams, Wilson, Wise, Wolf, Wylie, Yatron, Young (AK), Young (FL), Zeliff

NOT VOTING—34

- Alexander, Annunzio, Anthony, Barnard, Boxer, Cardin, Carper, Chandler, Clement, Coleman (TX), Dwyer, Espy, Feighan, Ford (TN), Hayes (LA), Holloway, Huckaby, Ireland, Lipinski, Visclosky, Lowery (CA), McCrery, McDade, Mrazek, Owens (NY), Panetta, Roe, Roukema, Savage, Saxton, Schulze, Staggers, Torres, Towns, Traxler

So the amendment was not agreed to. After some further time,

120.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mrs. VUCANOVICH that the Committee do now rise.

It was decided in the Yeas 134 negative Nays 257

120.17 [Roll No. 468] AYES—134

- Allard, Allen, Archer, Arney, Baker, Ballenger, Barrett, Barton, Bateman, Bentley, Bereuter, Bilbray, Biley, Boehner, Broomfield, Browder, Bunning, Burton, Cramer, Ewing, Fawell, Fields, Ford (MI), Franks (CT), Gallegly, Gallo, Gekas, Gilchrist, Gillmor, Gingrich, Goodling, Goss, Gradison, Duncan, Emerson, Ewing, Fawell, Fields, Franks (CT), Gallegly, Gallo, Gekas, Gilchrist, Gillmor, Gingrich, Goodling, Goss, Gradison

- Grandy, Gunderson, Hancock, Hansen, Hastert, Hefley, Henry, Herger, Hopkins, Horton, Houghton, Hubbard, Hunter, Hyde, Inhofe, James, Johnson (CT), Johnson (TX), Klug, Kolbe, Lagomarsino, LaRocco, Lent, Lewis (CA), Lewis (FL), Lightfoot, Livingston, Marlenee, McCandless, McCollum, McEwen, McGrath, Molinari, Mollohan, Morella, Morrison, Myers, Nichols, Nussle, Oxley, Packard, Pastor, Paxon, Pursell, Quillen, Rhodes, Ridge, Riggs, Rinaldo, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Santorum, Schaefer, Schiff, Sensenbrenner, Shaw, Shuster, Skee, Smith (NJ), Smith (OR), Smith (TX), Solomon, Spence, Stallings, Stearns, Stump, Sundquist, Taylor (NC), Thomas (CA), Thomas (WY), Upton, Vander Jagt, Vucanovich, Walker, Weldon, Whitten, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOES—257

- Abercrombie, Ackerman, Anderson, Andrews (ME), Andrews (NJ), Andrews (TX), Anthony, Aspin, Atkins, AuCoin, Bacchus, Beilenson, Bennett, Berman, Bevil, Blackwell, Boehlert, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown, Bruce, Bryant, Bustamante, Byron, Callahan, Campbell (CA), Campbell (CO), Carper, Carr, Chapman, Clay, Collins (IL), Collins (MI), Condit, Conyers, Cooper, Costello, Cox (IL), Coyne, Cramer, Darden, Davis, de la Garza, DeFazio, DeLauro, Dellums, Derrick, Dickinson, Dicks, Dingell, Dixon, Donnelly, Dooley, Dorgan (ND), Durbin, Dymally, Early, Eckart, Edwards (CA), Edwards (TX), Engel, English, Erdreich, Espy, Evans, Fascell, Fazio, Feighan, Fish, Flake, Foglietta, Ford (MI), Ford (TN), Frost, Gaydos, Gejdenson, Gephardt, Geren, Gibbons, Gilman, Glickman, Gonzalez, Gordon, Mrazek, Green, Guarini, Hall (OH), Hall (TX), Hamilton, Hammerschmidt, Harris, Hayes (IL), Hefner, Hertel, Hoagland, Hobson, Hochbrueckner, Horn, Hoyer, Hughes, Hutto, Jacobs, Jefferson, Jenkins, Johnson (SD), Johnston, Penney, Perkins, Peterson (FL), Peterson (MN), Petri, Pickett, Pickle, Porter, Poshard, Price, Rahall, Ramstad, Rangel, Ray, Reed, Regula, Richardson, Ritter, Roemer, Rose, Rostenkowski, Roth, Roukema, Rowland, Roybal, Russo, Sabo

Sanders	Snowe	Unsoeld	Gunderson	Marlenee	Schaefer	Sawyer	Stark	Volkmer
Sangmeister	Solarz	Vento	Hall (TX)	McCandless	Schiff	Schroeder	Stokes	Walsh
Sarpalius	Spratt	Visclosky	Hammerschmidt	McCollum	Schulze	Schumer	Studds	Washington
Sawyer	Stark	Volkmer	Hancock	McEwen	Sensenbrenner	Serrano	Swett	Waters
Scheuer	Stenholm	Walsh	Hansen	McGrath	Shaw	Sharp	Swift	Waxman
Schroeder	Stokes	Washington	Hastert	McMillan (NC)	Shuster	Shays	Synar	Weldon
Schumer	Studds	Waters	Hefley	Miller (OH)	Skeen	Sikorski	Tallon	Wheat
Serrano	Swett	Waxman	Henry	Molinari	Smith (OR)	Sisisky	Tanner	Williams
Sharp	Swift	Wheat	Heger	Montgomery	Smith (TX)	Skaggs	Thomas (GA)	Wilson
Shays	Synar	Williams	Hobson	Moorhead	Solomon	Skelton	Thornton	Wise
Sikorski	Tallon	Wilson	Hopkins	Morrison	Spence	Slattery	Torricelli	Wolf
Sisisky	Tanner	Wise	Houghton	Myers	Stallings	Slaughter	Trafficant	Wolpe
Skaggs	Tauzin	Wolpe	Hubbard	Nichols	Stearns	Smith (FL)	Unsoeld	Wyden
Skelton	Taylor (MS)	Wyden	Hunter	Nussle	Stenholm	Smith (IA)	Upton	Wylie
Slattery	Thornton	Wylie	Hutto	Orton	Stump	Smith (NJ)	Valentine	Yatron
Slaughter	Torres	Yates	Hyde	Oxley	Sundquist	Snowe	Vento	Zimmer
Smith (FL)	Torricelli	Yatron	Inhofe	Packard	Tauzin	Spratt	Visclosky	
Smith (IA)	Trafficant		James	Paxon	Taylor (MS)			

NOT VOTING—41

Alexander	Frank (MA)	Owens (NY)
Annunzio	Hatcher	Panetta
Applegate	Hayes (LA)	Ravenel
Barnard	Holloway	Roe
Boxer	Huckaby	Savage
Cardin	Ireland	Saxton
Chandler	Kolter	Schulze
Clement	Lipinski	Staggers
Coleman (TX)	Lowery (CA)	Thomas (GA)
Coughlin	Martin	Towns
Dannemeyer	Mavroules	Traxler
Downey	McCrery	Valentine
Dwyer	McDade	Weber
Edwards (OK)	Moody	

So the motion was not agreed to.
After some further time,

¶120.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. VUCANOVICH to the amendment submitted by Mr. OWENS of Utah:

Amendment submitted by Mrs. VUCANOVICH:

Strike the first two lines of the Owens amendment which read: Page 100, in lines 14 and 16 after "located" insert "or converted."

Amendment submitted by Mr. OWENS of Utah:

Page 100, in lines 14 and 16 after "located" insert "or converted".

Page 100, line 17, strike "royalty of not less than 8 percent" and all that follows down through line 19 and insert "royalty of not less than 5 percent of the net income from mining on such claim."

Page 102, strike lines 4 through 7 and insert:

"(g) REGULATIONS.—The Secretary shall promulgate regulations to ensure compliance with this section and regulations establishing the methods for computing net income from mining for purposes of subsection (a). Rentals paid under section 104 shall be deductible in determining net income from mining for such purposes."

It was decided in the

Yeas	136
Nays	254

¶120.19 [Roll No. 469]
AYES—136

Allard	Burton	Duncan
Allen	Callahan	Emerson
Archer	Camp	Ewing
Armey	Campbell (CO)	Fawell
Baker	Clinger	Fields
Ballenger	Coble	Fish
Barrett	Coleman (MO)	Franks (CT)
Barton	Combust	Gallegly
Bateman	Cox (CA)	Gallo
Bentley	Crane	Gekas
Bereuter	Cunningham	Geren
Bilbray	DeLay	Gilman
Bilirakis	Dickinson	Gringich
Bliley	Doolittle	Goodling
Boehner	Dornan (CA)	Gradison
Bunning	Dreier	Grandy

Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Kolbe
Kyl
Lagomarsino
LaRocco
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)

NOES—254

Abercrombie	Evans
Ackerman	Fascell
Anderson	Fazio
Andrews (ME)	Feighan
Andrews (NJ)	Flake
Andrews (TX)	Foglietta
Anthony	Ford (MI)
Applegate	Ford (TN)
Aspin	Frank (MA)
Atkins	Frost
AuCoin	Gaydos
Bacchus	Gejdenson
Beilenson	Gephardt
Bennett	Gibbons
Berman	Gilchrest
Bevill	Gillmor
Blackwell	Glickman
Boehlert	Gonzalez
Bonior	Gordon
Borski	Goss
Boucher	Green
Brewster	Guarini
Brooks	Hamilton
Browder	Harris
Brown	Hayes (IL)
Bruce	Hefner
Bryant	Hertel
Bustamante	Hoagland
Byron	Hochbrueckner
Campbell (CA)	Horn
Carper	Horton
Carr	Hoyer
Chapman	Hughes
Clay	Jacobs
Collins (IL)	Jefferson
Collins (MI)	Jones
Condit	Jontz
Conyers	Kanjorski
Cooper	Kaptur
Costello	Kasich
Coughlin	Kennedy
Cox (IL)	Kennelly
Coyne	Kildee
Cramer	Klecza
Darden	Klug
Davis	Kolter
de la Garza	Kopetski
DeFazio	Kostmayer
DeLauro	LaFalce
Dellums	Lancaster
Derrick	Lantos
Dicks	Laughlin
Dingell	Leach
Dixon	Lehman (CA)
Donnelly	Levin (MI)
Dooley	Levine (CA)
Dorgan (ND)	Lewis (CA)
Downey	Lewis (GA)
Durbin	Lloyd
Dymally	Long
Early	Lowey (NY)
Eckart	Luken
Edwards (CA)	Machtley
Edwards (TX)	Manton
Engel	Markey
English	Martinez
Erdreich	Matsui
Espy	Mavroules

Mazzoli
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (UT)
Pallone
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Roemer
Ros-Lehtinen
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius

NOT VOTING—42

Alexander	Hayes (LA)	Panetta
Annunzio	Holloway	Pursell
Barnard	Huckaby	Roe
Boxer	Ireland	Rose
Broomfield	Jenkins	Savage
Cardin	Lehman (FL)	Saxton
Chandler	Lent	Scheuer
Clement	Lipinski	Solarz
Coleman (TX)	Martin	Staggers
Dannemeyer	McCrery	Torres
Dwyer	McDade	Towns
Edwards (OK)	McHugh	Traxler
Hall (OH)	Michel	Weber
Hatcher	Owens (NY)	Whitten

So the amendment to the amendment was not agreed to.

After some further time,
The SPEAKER pro tempore, Mr. RAY, assumed the Chair.

When Mr. MFUME, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶120.20 WAIVING CERTAIN ENROLLMENT REQUIREMENTS

Mr. GEPHARDT, by unanimous consent, submitted the following joint resolution (H.J. Res. 560) waiving certain enrollment requirements with respect to any appropriation bill for the remainder of the one One Hundred Second Congress.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶120.21 SUBMISSION OF CONFERENCE REPORT—H.R. 5739

Ms. OAKAR submitted a conference report (Rept. No. 102-1010) on the bill (H.R. 5739) to reauthorize the Export-Import Bank of the United States; together with a statement thereon, for printing in the Record under the rule.

¶120.22 HOUR OF MEETING

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 o'clock a.m. on Monday, October 5, 1992.

¶120.23 PRODUCTIVITY IN GOVERNMENT AWARDS

On motion of Mr. SIKORSKI, by unanimous consent, the bill (H.R. 2263) to amend title 5, United States Code,

with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Strike out all the enacting clause and insert:

SECTION 1. AWARDS FOR COST SAVINGS DISCLOSURES.

(a) REPEAL OF LIMITATION.—Section 4514 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by striking out the item relating to section 4514.

(c) AUTHORITY TO MAKE AWARDS.—Awards may be made under subchapter II of chapter 45 of title 5, United States Code, on and after the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend chapter 45 of title 5, United States Code, to authorize awards for cost savings disclosures."

On motion of Mr. SIKORSKI, said Senate amendments were agreed to.

A motion to reconsider the vote whereby said Senate amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶120.24 CHRISTOPHER COLUMBUS
QUINCENTENARY

On motion of Mr. PASTOR, by unanimous consent, the Committee on Foreign Affairs was discharged from further consideration of the joint resolution (H.J. Res. 529) supporting the planting of 500 redwood trees from California in Spain in commemoration of the quincentenary of the voyage of Christopher Columbus and designating the trees as a gift to the people of Spain.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶120.25 FARM CREDIT SYSTEM FINANCIAL
SAFETY

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 6125) entitled, "An Act to enhance the financial safety and soundness of the banks and associations of the Farm Credit System, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.26 FHA OPERATION IMPROVEMENT

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 6129) to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration, and to amend the Farm Credit Act of 1972, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.27 ELECTRONIC COTTON WAREHOUSE
RECEIPTS

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 6128) to amend the United States Warehouse Act to provide for the use of electronic cotton warehouse receipts, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.28 PERISHABLE AGRICULTURAL
COMMODITIES

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 6127) to amend the Perishable Agricultural Commodities Act, 1930, to prescribe conditions under which a transferee shall be deemed to have received trust assets with notice of the breach of the trust, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.29 HEALTH CARE AND EDUCATIONAL
SERVICES THROUGH
TELECOMMUNICATION

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 6124) to amend the Food, Agriculture, Conservation, and Trade Act of 1990, to improve health care services and educational services through telecommunications, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read

a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.30 PROVIDING FOR THE
CONSIDERATION OF S. 2681

Mr. BEILENSEN, by direction of the Committee on Rules, called up the following resolution (H. Res. 593):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (S. 2681) relating to Native Hawaiian Health Care, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. BEILENSEN, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶120.31 ORDER OF BUSINESS—PRIVATE
CALENDAR

On motion of Mr. BOUCHER, by unanimous consent,

Ordered, That business in order under clause 6, rule XXIV, the Private Calendar be in order today.

¶120.32 PRIVATE CALENDAR

Pursuant to clause 6, rule XXIV and the foregoing special order,

The SPEAKER pro tempore, Mr. RAY, directed the Private Calendar to be called.

When,

¶120.33 BILLS PASSED AND RESOLUTION
AGREED TO

The bill of the following title was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed:

H.R. 5923. A bill for the relief of Anna C. Massari.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

The bill of the Senate of the following title was considered, read twice, ordered to be read a third time, was read a third time by title, and passed:

S. 1181. An Act for the relief of Christy Carl Hallien of Arlington, Texas.

Ordered, That the Clerk notify the Senate thereof.

The bills of the following titles were severally considered, read twice; the amendments following each were agreed to, and the bills, as amended, were ordered to be engrossed and read a third time, were severally read a third time by title, and passed:

H.R. 3336. A bill for the relief of Florence Adeboyeku.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

Strike out all after the enacting clause and insert the following:

SECTION 1. PERMANENT RESIDENCE STATUS FOR FLORENCE ADEBOYEKU.

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Florence Adeboyeku shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall only apply if she applies to the Attorney General for permanent residence status under such subsection within two years after the date of the enactment of this Act.

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

Strike out all after the enacting clause and insert:

SECTION 1. PERMANENT RESIDENT STATUS FOR FLORENCE ADEBOYEKU

(a) IN GENERAL.—Subject to subsection (b), for the purposes of section 204 of the Immigration and Nationality Act, Florence Adeboyeku shall be considered to be an immediate relative within the meaning of section 201(b) of such Act upon the filing of a petition under section 204 of such Act.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Florence Adeboyeku files such petition on her own behalf within two years after the date of enactment of this Act.

(c) ADJUSTMENT OF STATUS.—Florence Adeboyeku shall be considered to have been lawfully admitted to the United States and, notwithstanding section 245(c) of the Immigration and Nationality Act, shall be eligible for processing under section 245 of such Act upon approval of the petition filed under subsection (a).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Florence Adeboyeku shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

H.R. 5164. A bill for the relief of Craig B. Sorensen and Nita M. Sorensen.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

Strike out all after the enacting clause and insert the following:

Notwithstanding the time limitation set forth in the item relating to "DEPARTMENT OF AGRICULTURE—FOREST SERVICE—SETTLEMENT OF CLAIMS, FOREST SERVICE" in Public Law 101-302 (104 Stat. 230), the claim against the United States filed by Craig B. Sorensen, and Nita M. Sorensen of Salt Lake City, Utah, for damages resulting from the Clover-Mist Fire, dated March 17, 1989, but not received by the Forest Service until September of 1990, shall be considered to have been timely filed.

H.R. 5749. A bill for the relief of Krishanthi Sava Kopp.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

Strike out all after the enacting clause and insert the following:

SECTION 1. CITIZENSHIP FOR KRISHANTHI SAVA KOPP.

(a) IN GENERAL.—Notwithstanding any other provisions of law, and subject to subsection (b), Krishanthi Sava Kopp may be naturalized and issued a certificate of naturalization as a citizen of the United States by taking the oath required by section 337 of the Immigration and Nationality Act in the manner prescribed by such section.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Krishanthi Sava Kopp applies to take the oath referred to in such subsection by submitting the required form within the 2-year period beginning on the date of the enactment of this Act.

(c) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Krishanthi Sava Kopp shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Ordered, That the Clerk request the concurrence of the Senate in said bills, severally.

The following resolution (H. Res. 568) was considered, read twice; the amendments following were agreed to, and the resolution, as amended, was agreed to:

Resolved, That the bill (H.R. 5953) entitled "A bill for the relief of Donald W. Sneed, Mary S. Sneed, and Henry C. Best", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the United States Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with section 2509 of such title.

Amendments offered by the Committee on the Judiciary:

Page 1, line 1, strike "5953" and insert "6012".

Page 1, line 1, insert "(a)" after "That".

Page 1, add the following after line 8:

(b) In conducting its proceedings concerning H.R. 6012 in accordance with section 2509 of title 28, United States Code, the United States Claims Court may recommend the payment of money under the bill, notwithstanding provisions in an agreement dated June 5, 1986, between the United States and the contractor, J. Lawson Jones Construction Co., Inc., on behalf of its subcontractor, Lincoln Construction Company, Inc., that the contractor agreed to release the Government from all claims arising out of the contract dispute and that the agreement con-

stituted a full accord and satisfaction of all the contractors' claims against the United States. In determining whether such provisions in the agreement should bar the award of any additional money, the Claims Court shall determine whether the United States acted in bad faith in settling the claim, knowing that at the time of the settlement negotiations Lincoln Construction Company, Inc., because of its obligations to pay debts pursuant to a bankruptcy proceeding, was constrained to accept even an unreasonable settlement offer.

The title of the resolution was amended so as to read: "Resolution referring the bill (H.R. 6012) for the relief of Donald W. Sneed, Mary S. Sneed, and Henry C. Best, to the chief judge of the United States Court."

¶120.34 BILLS RECOMMITTED

Two objections being made against the consideration of the bills of the following titles, said bills were recommitted to the Committee on the Judiciary:

H.R. 1100. A bill for the relief of Luis Fernando Bernate Christopher.

H.R. 1123. A bill for the relief of Howard W. Waite.

H.R. 1280. A bill for the relief of Earl B. Chappell, Jr.

¶120.35 BILLS PASSED OVER

By unanimous consent, the bills of the following titles were severally passed over without prejudice and retain their places on the Private Calendar:

H.R. 760. A bill to permit Willie C. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes.

H.R. 2345. A bill for the relief of William A. Kubrick.

H.R. 3005. A bill to clear impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 3086. A bill to clear impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 4191. A bill to clear certain impediments to the licensing of a vessel SOUTHERN YANKEE for employment in the coastwise trade of the United States.

H.R. 4469. A bill to clear certain impediments to the licensing of a vessel HAZANA for employment in the coastwise trade of the United States.

H.R. 4719. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel 50-50.

H.R. 4802. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel MARIPOSA.

H.R. 4987. A bill to clear impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5094. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel A WEIGH OF LIFE.

H.R. 5128. A bill to authorize a certificate of documentation for the vessel REDDY JANE.

H.R. 5148. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5163. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel WILD GOOSE.

H.R. 5190. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5197. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5226. A bill to authorize a certificate of documentation for the vessel TOUCH OF CLASS.

H.R. 5227. A bill to authorize a certificate of documentation for the vessel LIQUID GOLD.

H.R. 5228. A bill to authorize a certificate of documentation for the vessel DELPHINUS II.

H.R. 5358. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel CAMINANTE.

H.R. 5359. A bill for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, Idaho.

H.R. 5410. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5425. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel HIGH CALIBRE.

Motions severally made to reconsider the votes whereby each bill and resolution on the Private Calendar was disposed of today were, by unanimous consent, laid on the table.

¶120.36 PROVIDING FOR THE CONSIDERATION OF H.R. 2321

Mr. HALL of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 596):

Resolved, That upon the adoption of this resolution the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to.

When said resolution was considered. After debate,

On motion of Mr. HALL of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶120.37 DRIFTNET FISHERY CONSERVATION PROGRAM

Mr. STUDDS moved to suspend the rules and agree to the following amendment of the Senate to the House amendments to the amendment of the Senate to the bill (H.R. 2152) to enhance the effectiveness of the United Nations international driftnet fishery conservation program:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Seas Driftnet Fisheries Enforcement Act".

SEC. 2. FINDINGS AND POLICY.

(a) *FINDINGS.*—Congress makes the following findings:

(1) *Large-scale driftnet fishing on the high seas is highly destructive to the living marine resources and ocean ecosystems of the world's oceans, including anadromous fish and other living marine resources of the United States.*

(2) *The cumulative effects of large-scale driftnet fishing pose a significant threat to the marine ecosystem, and slow-reproducing species like marine mammals, sharks, and seabirds may require many years to recover.*

(3) *Members of the international community have reviewed the best available scientific data on the impacts of large-scale pelagic driftnet fishing, and have failed to conclude that this practice has no significant adverse impacts which threaten the conservation and sustainable management of living marine resources.*

(4) *The United Nations, via General Assembly Resolutions numbered 44-225, 45-197, and most recently 46-215 (adopted on December 20, 1991), has called for a worldwide moratorium on all high seas driftnet fishing by December 31, 1992, in all the world's oceans, including enclosed seas and semi-enclosed seas.*

(5) *The United Nations has commended the unilateral, regional, and international efforts undertaken by members of the international community and international organizations to implement and support the objectives of the General Assembly resolutions.*

(6) *Operative paragraph (4) of United Nations General Assembly Resolution numbered 46-215 specifically "encourages all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations on the high seas of the world's oceans and seas".*

(7) *The United States, in section 307(1)(M) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)), has specifically prohibited the practice of large-scale driftnet fishing by United States nationals and vessels both within the exclusive economic zone of the United States and beyond the exclusive economic zone of any nation.*

(8) *The Senate, through Senate Resolution 396 of the 100th Congress (approved on March 18, 1988), has called for a moratorium on fishing in the Central Bering Sea and the United States has taken concrete steps to implement such moratorium through international negotiations.*

(9) *Despite the continued evidence of a decline in the fishery resources of the Bering Sea and the multiyear cooperative negotiations undertaken by the United States, the Russian Federation, Japan, and other concerned fishing nations, some nations refuse to agree to measures to reduce or eliminate unregulated fishing practices in the waters of the Bering Sea beyond the exclusive economic zones of the United States and the Russian Federation.*

(10) *In order to ensure that the global moratorium on large-scale driftnet fishing called for in United Nations General Assembly Resolution numbered 46-215 takes effect by December 31, 1992, and that unregulated fishing practices in the waters of the Central Bering Sea are re-*

duced or eliminated, the United States should take the actions described in this Act and encourage other nations to take similar action.

(b) *POLICY.*—It is the stated policy of the United States to—

(1) *implement United Nations General Assembly Resolution numbered 46-215, approved unanimously on December 20, 1991, which calls for an immediate cessation to further expansion of large-scale driftnet fishing, a 50 percent reduction in existing large-scale driftnet fishing effort by June 30, 1992, and a global moratorium on the use of large-scale driftnets beyond the exclusive economic zone of any nation by December 31, 1992;*

(2) *bring about a moratorium on fishing in the Central Bering Sea, or an international conservation and management agreement to which the United States and the Russian Federation are parties that regulates fishing in the Central Bering Sea; and*

(3) *secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone of any nation.*

TITLE I—HIGH SEAS LARGE-SCALE DRIFTNET FISHING

SEC. 101. DENIAL OF PORT PRIVILEGES AND SANCTIONS FOR HIGH SEAS LARGE-SCALE DRIFTNET FISHING.

(a) *DENIAL OF PORT PRIVILEGES.*—

(1) *PUBLICATION OF LIST.*—Not later than 30 days after the date of enactment of this Act and periodically thereafter, the Secretary of Commerce, in consultation with the Secretary of State, shall publish a list of nations whose nationals or vessels conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation.

(2) *DENIAL OF PORT PRIVILEGES.*—The Secretary of the Treasury shall, in accordance with recognized principles of international law—

(A) *withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any large-scale driftnet fishing vessel that is documented under the laws of the United States or of a nation included on a list published under paragraph (1); and*

(B) *deny entry of that vessel to any place in the United States and to the navigable waters of the United States.*

(3) *NOTIFICATION OF NATION.*—Before the publication of a list of nations under paragraph (1), the Secretary of State shall notify each nation included on that list regarding—

(A) *the effect of that publication on port privileges of vessels of that nation under paragraph (1); and*

(B) *any sanctions or requirements, under this Act or any other law, that may be imposed on that nation if nationals or vessels of that nation continue to conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation after December 31, 1992.*

(b) *SANCTIONS.*—

(1) *IDENTIFICATIONS.*—

(A) *INITIAL IDENTIFICATIONS.*—Not later than January 10, 1993, the Secretary of Commerce shall—

(i) *identify each nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation; and*

(ii) *notify the President and that nation of the identification under clause (i).*

(B) *ADDITIONAL IDENTIFICATIONS.*—At any time after January 10, 1993, whenever the Secretary of Commerce has reason to believe that the nationals or vessels of any nation are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation, the Secretary of Commerce shall—

(i) *identify that nation; and*

(ii) *notify the President and that nation of the identification under clause (i).*

(2) *CONSULTATIONS.*—Not later than 30 days after a nation is identified under paragraph

(1)(B), the President shall enter into consultations with the government of that nation for the purpose of obtaining an agreement that will effect the immediate termination of large-scale driftnet fishing by the nationals or vessels of that nation beyond the exclusive economic zone of any nation.

(3) PROHIBITION ON IMPORTS OF FISH AND FISH PRODUCTS AND SPORT FISHING EQUIPMENT.—

(A) PROHIBITION.—The President—

(i) upon receipt of notification of the identification of a nation under paragraph (1)(A); or

(ii) if the consultations with the government of a nation under paragraph (2) are not satisfactorily concluded within 90 days,

shall direct the Secretary of the Treasury to prohibit the importation into the United States of fish and fish products and sport fishing equipment (as that term is defined in section 4162 of the Internal Revenue Code of 1986 (26 U.S.C. 4162)) from that nation.

(B) IMPLEMENTATION OF PROHIBITION.—With respect to an import prohibition directed under subparagraph (A), the Secretary of the Treasury shall implement such prohibition not later than the date that is 45 days after the date on which the Secretary has received the direction from the President.

(C) PUBLIC NOTICE OF PROHIBITION.—Before the effective date of any import prohibition under this paragraph, the Secretary of the Treasury shall provide public notice of the impending prohibition.

(4) ADDITIONAL ECONOMIC SANCTIONS.—

(A) DETERMINATION OF EFFECTIVENESS OF SANCTIONS.—Not later than 6 months after the date the Secretary of Commerce identifies a nation under paragraph (1), the Secretary shall determine whether—

(i) any prohibition established under paragraph (3) is insufficient to cause that nation to terminate large-scale driftnet fishing conducted by its nationals and vessels beyond the exclusive economic zone of any nation; or

(ii) that nation has retaliated against the United States as a result of that prohibition.

(B) CERTIFICATION.—The Secretary of Commerce shall certify to the President each affirmative determination under subparagraph (A) with respect to a nation.

(C) EFFECT OF CERTIFICATION.—Certification by the Secretary of Commerce under subparagraph (B) is deemed to be a certification under section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)), as amended by this Act.

SEC. 102. DURATION OF DENIAL OF PORT PRIVILEGES AND SANCTIONS.

Any denial of port privileges or sanction under section 101 with respect to a nation shall remain in effect until such time as the Secretary of Commerce certifies to the President and the Congress that such nation has terminated large-scale driftnet fishing by its nationals and vessels beyond the exclusive economic zone of any nation.

SEC. 103. REQUIREMENTS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.

Section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended—

(1) in subparagraph (E)(i) by striking "July 1, 1992" and inserting in lieu thereof "January 1, 1993"; and

(2) in the last sentence by inserting ", except that, until January 1, 1994, the term 'driftnet' does not include the use in the northeast Atlantic Ocean of gillnets with a total length not to exceed 5 kilometers if the use is in accordance with regulations adopted by the European Community pursuant to the October 28, 1991, decision by the Council of Fisheries Ministers of the Community" immediately after "(16 U.S.C. 1822 note)".

SEC. 104. DEFINITIONS.

In this title, the following definitions apply:

(1) FISH AND FISH PRODUCTS.—The term "fish and fish products" means any aquatic species (including marine mammals and plants) and all

products thereof exported from a nation, whether or not taken by fishing vessels of that nation or packed, processed, or otherwise prepared for export in that nation or within the jurisdiction thereof.

(2) LARGE-SCALE DRIFTNET FISHING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "large-scale driftnet fishing" means a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, with a total length of two and one-half kilometers or more is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(B) EXCEPTION.—Until January 1, 1994, the term "large-scale driftnet fishing" does not include the use in the northeast Atlantic Ocean of gillnets with a total length not to exceed 5 kilometers if the use is in accordance with regulations adopted by the European Community pursuant to the October 28, 1991, decision by the Council of Fisheries Ministers of the Community.

(3) LARGE-SCALE DRIFTNET FISHING VESSEL.—The term "large-scale driftnet fishing vessel" means any vessel which is—

(A) used for, equipped to be used for, or of a type which is normally used for large-scale driftnet fishing; or

(B) used for aiding or assisting one or more vessels at sea in the performance of large-scale driftnet fishing, including preparation, supply, storage, refrigeration, transportation, or processing.

TITLE II—FISHERIES CONSERVATION PROGRAMS

SEC. 201. IMPORT RESTRICTIONS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) PRODUCTS SUBJECT TO RESTRICTION.—Section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) in subsection (a)(4) by striking "fish products" and all that follows through "such duration", and inserting in lieu thereof "any products from the offending country for any duration";

(2) in subsection (c) by striking "fish products or wildlife products" and inserting in lieu thereof "products";

(3) in subsection (e)(2) by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(4) in subsection (f)—

(A) in paragraph (1) by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(B) in paragraph (5)—

(i) in the first sentence by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(ii) in the second sentence by striking "Fish products and wildlife products" and inserting in lieu thereof "Products".

(b) DEFINITIONS.—Section 8(h) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(h)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The term 'United States' means the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and every other territory and possession of the United States.";

(2) in paragraph (3)—

(A) by inserting "bilateral or" immediately before "multilateral"; and

(B) by inserting "including marine mammals" immediately after "protect the living resources of the sea";

(3) by striking paragraphs (4) and (6);

(4) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(5) by amending paragraph (5), as so redesignated, to read as follows:

"(5) The term 'taking', as used with respect to animals to which an international program for

endangered or threatened species applies, means to—

"(A) harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or

"(B) attempt to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect.".

SEC. 202. ENFORCEMENT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Secretary of Defense shall enter into an agreement under section 311(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(a)) in order to make more effective the enforcement of domestic laws and international agreements that conserve and manage the living marine resources of the United States.

(b) TERMS.—The agreement entered into under subsection (a) shall include—

(1) procedures for identifying and providing the location of vessels that are in violation of domestic laws or international agreements to conserve and manage the living marine resources of the United States;

(2) requirements for the use of the surveillance capabilities of the Department of Defense; and

(3) procedures for communicating vessel locations to the Secretary of Commerce and the Coast Guard.

SEC. 203. TRADE NEGOTIATIONS AND THE ENVIRONMENT.

It is the sense of the Congress that the President, in carrying out multilateral, bilateral, and regional trade negotiations, should seek to—

(1) address environmental issues related to the negotiations;

(2) modify articles of the General Agreement on Tariffs and Trade (referred to in this section as "GATT") to take into consideration the national environmental laws of the GATT Contracting Parties and international environmental treaties;

(3) secure a working party on trade and the environment within GATT as soon as possible;

(4) take an active role in developing trade policies that make GATT more responsive to national and international environmental concerns;

(5) include Federal agencies with environmental expertise during the negotiations to determine the impact of the proposed trade agreements on national environmental law; and

(6) periodically consult with interested parties concerning the progress of the negotiations.

TITLE III—FISHERIES ENFORCEMENT IN CENTRAL BERING SEA

SEC. 301. SHORT TITLE.

This title may be cited as the "Central Bering Sea Fisheries Enforcement Act of 1992".

SEC. 302. PROHIBITION APPLICABLE TO UNITED STATES VESSELS AND NATIONALS.

(a) PROHIBITION.—Vessels and nationals of the United States are prohibited from conducting fishing operations in the Central Bering Sea, except where such fishing operations are conducted in accordance with an international fishery agreement to which the United States and the Russian Federation are parties.

(b) CIVIL PENALTIES AND PERMIT SANCTIONS.—A violation of this section shall be subject to civil penalties and permit sanctions under section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858).

SEC. 303. PORT PRIVILEGES DENIAL FOR FISHING IN CENTRAL BERING SEA.

(a) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, after December 31, 1992, in accordance with recognized principles of international law—

(1) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any fishing vessel documented under the laws of a nation that is included on a list published under subsection (b); and

(2) deny entry of such fishing vessel to any place in the United States and to the navigable waters of the United States.

(b) PUBLICATION OF LIST.—Not later than 35 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating, shall publish in the Federal Register a list of nations whose nationals or vessels conduct fishing operations in the Central Bering Sea, except where such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties. The Secretary shall publish as an addendum to the list the name of each vessel documented under the laws of each listed nation which conducts fishing operations in the Central Bering Sea. A revised list shall be published whenever the list is no longer accurate, except that a nation may not be removed from the list unless—

(1) the nationals and vessels of that nation have not conducted fishing operations in the Central Bering Sea for the previous 90 days and the nation has committed, through a bilateral agreement with the United States or in any other manner acceptable to the Secretary of Commerce, not to permit its nationals or vessels to resume such fishing operations; or

(2) the nationals and vessels of that nation are conducting fishing operations in the Central Bering Sea that are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties.

(c) NOTIFICATION OF NATION.—Before the publication of a list of nations under subsection (b), the Secretary of State shall notify each nation included on that list and explain the requirement to deny the port privileges of fishing vessels of that nation under subsection (a) as a result of such publication.

SEC. 304. DURATION OF PORT PRIVILEGES DENIAL.

Any denial of port privileges under section 303 with respect to any fishing vessel of a nation shall remain in effect until such nation is no longer listed under section 303(b).

SEC. 305. RESTRICTION ON FISHING IN UNITED STATES EXCLUSIVE ECONOMIC ZONE.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, after notice and public comment, the Secretary of Commerce shall issue regulations, under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and any other applicable law, to prohibit—

(1) any permitted fishing vessel from catching, taking, or harvesting fish in a fishery under the geographical authority of the North Pacific Fishery Management Council if such vessel is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b);

(2) any processing facility from receiving any fish caught, taken, or harvested in a fishery under the geographical authority of the North Pacific Fishery Management Council if such facility is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b); and

(3) any permitted fishing vessel from delivering fish caught, taken, or harvested in a fishery under the geographic authority of the North Pacific Fishery Management Council to a processing facility that is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b).

(b) REQUIREMENT FOR SUBMISSION OF DOCUMENTS.—The Secretary of Commerce shall require under any regulations issued under subsection (a) the submission of any affidavits, financial statements, corporate agreements, and other documents that the Secretary of Commerce determines, after notice and public comment, are necessary to ensure that all vessels and processing facilities are in compliance with this section.

(c) APPEALS; DURATION OF PROHIBITIONS.—The regulations issued under subsection (a) shall—

(1) establish procedures for a person to appeal a decision to impose a prohibition under subsection (a) on a vessel or processing facility owned or controlled by that person; and

(2) specify procedures for the removal of any prohibition imposed on a vessel or processing facility under subsection (a)—

(A) upon publication of a revised list under section 303(b), and a revised addendum which does not include a fishing vessel owned or controlled by the person who also owns or controls the vessel or facility to which the prohibition applies; or

(B) on the date that is 90 days after such person terminates ownership and control in fishing vessels that are listed on the addendum under section 303(b).

SEC. 306. DEFINITIONS.

In this title, the following definitions apply:

(1) CENTRAL BERING SEA.—The term “Central Bering Sea” means the central Bering Sea area which is more than 200 nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured.

(2) FISHING VESSEL.—The term “fishing vessel” means any vessel which is used for—

(A) catching, taking, or harvesting fish; or

(B) aiding or assisting one or more vessels at sea in the performance of fishing operations, including preparation, supply, storage, refrigeration, transportation, or processing.

(3) OWNS OR CONTROLS.—When used in reference to a vessel or processing facility—

(A) the term “owns” means holding legal title to the vessel or processing facility; and

(B) the term “controls” includes an absolute right to direct the business of the person owning the vessel or processing facility, to limit the actions of or replace the chief executive officer (by whatever title), a majority of the board of directors, or any general partner (as applicable) of such person, to direct the transfer or operations of the vessel or processing facility, or otherwise to exercise authority over the business of such person, but the term does not include the right simply to participate in those activities of such person or the right to receive a financial return, such as interest or the equivalent of interest, on a loan or other financing obligation.

(4) PERMITTED FISHING VESSEL.—The term “permitted fishing vessel” means any fishing vessel that is subject to a permit issued by the Secretary of Commerce under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) PERSON.—The term “person” means any individual (whether or not a citizen of the United States), any corporation, partnership, association, cooperative, or other entity (whether or not organized under the laws of any State), and any State, local, or foreign government, or any entity of such government or the Federal Government.

(6) PROCESSING FACILITY.—The term “processing facility” means any fish processing establishment or fish processing vessel that receives unprocessed fish.

SEC. 307. TERMINATION.

This title shall cease to have force and effect after the date that is 7 years after the date of enactment of this Act, except that any proceeding with respect to violations of section 302 occurring prior to such termination date shall be conducted as if that section were still in effect.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. INTERMEDIARY NATIONS INVOLVED IN EXPORT OF CERTAIN TUNA PRODUCTS.

(a) INTERMEDIARY NATION DEFINED.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

“(5) The term ‘intermediary nation’ means a nation that exports yellowfin tuna or yellowfin

tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(2)(B).”.

(b) EMBARGO ON IMPORTS FROM INTERMEDIARY NATIONS.—Section 101(a)(2)(C) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)(C)) is amended to read as follows:

“(C) shall require the government of any intermediary nation to certify and provide reasonable proof to the Secretary that it has not imported, within the preceding six months, any yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation to the United States under subparagraph (B).”.

SEC. 402. AUTHORITY TO EXTEND REEMPLOYMENT RIGHTS.

For purposes of employee rights and entitlements conferred by or pursuant to subchapter IV of chapter 35 of title 5, United States Code, the Secretary of State may, notwithstanding any other law or regulation, extend the reemployment rights of an employee of the United States who, as of January 1, 1992, was serving with the Intergovernmental Panel on Climate Change. Such extension may be made for 2 years, and may be further extended for 1 year, if the Secretary of State determines that such service is in the national interest and is necessary to facilitate the activities of the Intergovernmental Panel on Climate Change or any successor organization.

SEC. 403. LIMITATION ON TERMS OF VOTING MEMBERS OF REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302(b)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(b)(3)) is amended by striking “January 1, 1986” the second place it appears and inserting in lieu thereof “December 31, 1987”.

SEC. 404. OBSERVER FEE FOR NORTH PACIFIC FISHERIES RESEARCH PLAN.

Section 313(b)(2)(E) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1862(b)(2)(E)) is amended by striking “one percentum, of the” and inserting in lieu thereof “2 percent, of the unprocessed ex-vessel”.

TITLE V—FEES

SEC. 501. RECREATIONAL BOAT TAX REPEAL.

(a) IN GENERAL.—

(1) SCOPE OF FEE.—Section 2110(b)(1) of title 46, United States Code, is amended—

(A) by striking “1991, 1992, 1993, 1994, and 1995”, and inserting in lieu thereof “1993 and 1994”; and

(B) by striking “that is greater than 16 feet in length” and inserting in lieu thereof “to which paragraph (2) of this subsection applies”.

(2) AMOUNT OF FEE.—Section 2110(b)(2) of title 46, United States Code, is amended to read as follows:

“(2) The fee or charge established under paragraph (1) of this subsection is as follows:

“(A) in fiscal year 1993—

“(i) for vessels of more than 21 feet in length but less than 27 feet, not more than \$35;

“(ii) for vessels of at least 27 feet in length but less than 40 feet, not more than \$50; and

“(iii) for vessels of at least 40 feet in length, not more than \$100.

“(B) in fiscal year 1994—

“(i) for vessels of at least 37 feet in length but less than 40 feet, not more than \$50; and

“(ii) for vessels of at least 40 feet in length, not more than \$100.”;

(b) EFFECTIVE DATE.—The amendments made by this section are effective October 1, 1992.

SEC. 502. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMISSION.—The term “Commission” means the Federal Maritime Commission.

(2) COMMON CARRIER.—The term “common carrier” means a common carrier under section 3 of the Shipping Act of 1984 (46 App. U.S.C.

1702), a common carrier by water in interstate commerce under the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), or a common carrier by water in intercoastal commerce under the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(3) CONFERENCE.—The term “conference” has the meaning given that term under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702).

(4) ESSENTIAL TERMS OF SERVICE CONTRACTS.—The term “essential terms of service contracts” means the essential terms that are required to be filed with the Commission and made available under section 8(c) of the Shipping Act of 1984 (46 App. U.S.C. 1707(c)).

(5) TARIFF.—The term “tariff” means a tariff of rates, charges, classifications, rules, and practices required to be filed by a common carrier or conference under section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707), or a rate, fare, charge, classification, rule, or regulation required to be filed by a common carrier or conference under the Shipping Act, 1916 (46 U.S.C. 801 et seq.), or the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(b) TARIFF FORM AND AVAILABILITY.—

(1) REQUIREMENT TO FILE.—Notwithstanding any other law, each common carrier and conference shall, in accordance with subsection (c), file electronically with the Commission all tariffs, and all essential terms of service contracts, required to be filed by that common carrier or conference under the Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.), the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), and the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(2) AVAILABILITY OF INFORMATION.—The Commission shall make available electronically to any person, without time, quantity, or other limitation, both at the Commission headquarters and through appropriate access from remote terminals—

(A) all tariff information, and all essential terms of service contracts, filed in the Commission’s Automated Tariff Filing and Information System database; and

(B) all tariff information in the System enhanced electronically by the Commission at any time.

(c) FILING SCHEDULE.—New tariffs and new essential terms of service contracts shall be filed electronically not later than July 1, 1992. All other tariffs, amendments to tariffs, and essential terms of service contracts shall be filed not later than September 1, 1992.

(d) FEES.—

(1) AMOUNT OF FEE.—The Commission shall charge, beginning July 1 of fiscal year 1992 and in fiscal years 1993, 1994, and 1995—

(A) a fee of 46 cents for each minute of remote computer access by any individual of the information available electronically under this section; and

(B)(i) for electronic copies of the Automated Tariff Filing and Information System database (in bulk), or any portion of the database, a fee reflecting the cost of providing those copies, including the cost of duplication, distribution, and user-dedicated equipment; and

(ii) for a person operating or maintaining information in a database that has multiple tariff or service contract information obtained directly or indirectly from the Commission, a fee of 46 cents for each minute that database is subsequently accessed by computer by any individual.

(2) EXEMPTION FOR FEDERAL AGENCIES.—A Federal agency is exempt from paying a fee under this subsection.

(e) ENFORCEMENT.—The Commission shall use systems controls or other appropriate methods to enforce subsection (d).

(f) PENALTIES.—

(1) CIVIL PENALTIES.—A person failing to pay a fee established under subsection (d) is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation.

(2) CRIMINAL PENALTIES.—A person that willfully fails to pay a fee established under subsection (d) commits a class A misdemeanor.

(g) AUTOMATIC FILING IMPLEMENTATION.—

(1) CERTIFICATION OF SOFTWARE.—Software that provides for the electronic filing of data in the Automated Tariff Filing and Information System shall be submitted to the Commission for certification. Not later than 14 days after a person submits software to the Commission for certification, the Commission shall—

(A) certify the software if it provides for the electronic filing of data; and

(B) publish in the Federal Register notice of that certification.

(2) REPAYABLE ADVANCE.—

(A) AVAILABILITY AND USE OF ADVANCE.—Upon the date of enactment of this Act, the Secretary of the Treasury shall make available to the Commission, as a repayable advance, not more than \$4,000,000, to remain available until expended. The Commission shall spend these funds to complete and upgrade the capacity of the Automated Tariff Filing and Information System to provide access to information under this section.

(B) REQUIREMENT TO REPAY.—

(i) IN GENERAL.—Any advance made to the Commission under subparagraph (A) shall be repaid, with interest, to the general fund of the Treasury not later than September 30, 1995.

(ii) INTEREST.—Interest on any advance made to the Commission under subparagraph (A)—

(I) shall be at a rate determined by the Secretary of the Treasury, as of the close of the calendar month preceding the month in which the advance is made, to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding; and

(II) shall be compounded annually.

(3) USE OF RETAINED AMOUNTS.—Out of amounts collected by the Commission under this section, amounts shall be retained and expended by the Commission for each fiscal year, without fiscal year limitation, to carry out this section and pay back the Secretary of the Treasury for the advance made available under paragraph (2).

(4) DEPOSIT IN TREASURY.—Except for the amounts retained by the Commission under paragraph (3), fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts.

(h) RESTRICTION.—No fee may be collected under this section after fiscal year 1995.

(i) CONFORMING AMENDMENT.—Section 2 of the Act of August 16, 1989 (46 App. U.S.C. 1111c), is repealed.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. STUDDS and Mr. DAVIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate to the House amendments to the Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶120.38 INTERMODAL SAFE CONTAINER TRANSPORTATION

Mr. MINETA moved to suspend the rules and pass the bill (H.R. 3598) to

amend title 49, United States Code, to provide for verification of weights, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. MINETA and Mrs. BENTLEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.39 ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. SAWYER moved to suspend the rules and pass the bill (H.R. 5572) to designate May of each year as “Asian/Pacific American Heritage Month”.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. SAWYER and Mr. HORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶120.40 JOHN J. WILLIAMS POST OFFICE BUILDING

Mr. MCCLOSKEY moved to suspend the rules and pass the bill of the Senate (S. 2834) to designate the United States Post Office Building located at 100 Main Street, Millsboro, Delaware, as the “John J. Williams Post Office Building”.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. MCCLOSKEY and Mr. HORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

120.41 AMTRAK AUTHORIZATION

Mr. SWIFT moved to suspend the rules and agree to the following conference report (Rept. No. 102-990):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4250), to authorize appropriations for the National Railroad Passenger Corporation, 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 House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Authorization and Development Act".

SEC. 2. SAFETY IMPROVEMENTS.

Title VIII of the Railroad Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end the following new section:

"SEC. 811. RAIL AT-GRADE CROSSINGS.

"(a) ELIMINATION.—The Secretary, in consultation with the States along the main line of the Northeast Corridor, shall develop a plan by September 30, 1993, for the elimination of all highway at-grade crossings of such main line by December 31, 1997.

"(b) EXCEPTIONS.—The plan developed under subsection (a) may provide that the elimination of a highway at-grade crossing not be required if eliminating such crossing is impracticable or unnecessary and the use of the crossing will be consistent with such conditions as the Secretary considers appropriate to ensure safety.

"(c) FUNDING.—The Corporation shall pay 20 percent of the cost of the elimination of each highway at-grade crossing pursuant to the plan."

SEC. 3. EXPERIMENTATION WITH NEW TECHNOLOGIES.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 2) is amended by adding at the end the following new section:

"SEC. 812. EXPERIMENTATION WITH NEW TECHNOLOGIES.

"(a) PLAN.—The Corporation shall develop a plan for the demonstration of new technologies in rail passenger equipment. Such plan shall provide that any new equipment procured by the Corporation that may significantly increase train speeds over existing rail facilities shall be demonstrated, to the extent practicable, throughout the national intercity rail passenger system.

"(b) REPORT TO CONGRESS.—The Corporation shall, not later than September 30, 1993, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report summarizing the plan developed under subsection (a), including its goals, locations for technology demonstration, and a schedule for implementation of the plan.

"(c) COOPERATION.—The Corporation, in order to facilitate efforts to increase train speeds throughout the national intercity rail passenger system, shall upon request by eligible applicants, consult and cooperate, to the extent feasible, with such applicants proposing technology demonstrations authorized and funded pursuant to Federal law.

SEC. 4. NORTHEAST CORRIDOR PROGRAM MASTER PLAN.

"(a) AMENDMENT.—Title VII of the Railroad Revitalization and Regulatory Reform Act of

1976 (45 U.S.C. 851 et seq.) is amended by adding at the end the following new section:

"SEC. 708. PROGRAM MASTER PLAN.

"Within 1 year after the date of enactment of this section, the Secretary, in consultation with the Corporation and the commuter and freight railroads operating over the Northeast Corridor main line between Boston, Massachusetts, and New York, New York, shall develop and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a program master plan for a coordinated program of improvements to such main line that will permit the establishment of regularly scheduled, safe, and dependable rail passenger service between Boston, Massachusetts, and

New York, New York, including appropriate intermediate stops, in 3 hours or less. Such plan shall include—

"(1) a description of the implications of such improvements for the regional transportation system, including the probable effects on general travel trends and on travel volumes in other transportation modes, and the implications for State and local governments in attaining compliance with the Clean Air Act;

"(2) an identification of the coordinated program of improvements and the specific projects that comprise that program, including their estimated costs, schedules, timing, and relationship with other projects;

"(3) an identification of the financial responsibility for the specific projects that comprise the program, and the sources of those funds;

"(4) an operating plan for the period of construction of the improvements demonstrating a coordinated approach to scheduling intercity and commuter trains;

"(5) an operating plan, for the period after completion of commuter trains, including the provision of priority scheduling, dispatching, and occupancy of tracks for appropriately frequent, regularly scheduled intercity rail passenger service of 3 hours or less between Boston, Massachusetts, and New York, New York, with appropriate intermediate stops;

"(6) a comprehensive plan to control future congestion on the Northeast Corridor attributable to increases in intercity and commuter rail passenger service;

"(7) an assessment of long-term operational safety needs and a list of specific projects designed to maximize operational safety; and

"(8) any comments the Corporation submits to the Secretary regarding the contents of the plan.

The Secretary shall submit to the Congress any modifications made to the program master plan, along with any comments the Corporation submits to the Secretary regarding such modifications."

(b) CONFORMING AMENDMENT.—The table of contents for the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by inserting after the item relating to section 707 the following new item:

"Sec. 708. Program master plan."

SEC. 5. AUTHORIZATION OF PREFERRED STOCK.

Section 304(c) of the Rail Passenger Service Act (45 U.S.C. 544(c)) is amended by adding at the end the following new paragraph:

"(4) No amendment to the articles of incorporation of the Corporation shall be required for the issuance of the preferred stock required to be issued pursuant to this subsection."

SEC. 6. PROPERTY FINANCING.

Section 306(n) of the Rail Passenger Service Act (45 U.S.C. 546(n)) is amended to read as follows:

"(n)(1) The Corporation shall not be required to pay any additional taxes as a consequence of its expenditure of funds to acquire or improve real property, equipment, facilities, or right-of-way materials or structures used directly or indirectly in the provision of rail passenger serv-

ice. For purposes of this subsection, 'additional taxes' means taxes or fees (A) on the acquisition, improvement, ownership, or operation of personal property by the Corporation; and (B) on real property other than taxes or fees on the acquisition of real property, or on the value of real property which is not attributable to improvements made, or the operation of such improvements, by the Corporation.

"(2) For purposes of this subsection, the term 'Corporation' includes the Corporation's railroad subsidiaries and any lessors and lessees of the Corporation or its railroad subsidiaries."

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. AUTHORIZATION OF APPROPRIATIONS.
"(a) CAPITAL ACQUISITION AND CORRIDOR DEVELOPMENT.—

"(1) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under title VII of the Railroad Revitalization and Regulatory Improvement Act of 1976 (45 U.S.C. 851 et seq.)—

"(A) \$220,000,000 for fiscal year 1993; and

"(B) \$250,000,000 for fiscal year 1994.

"(2) GENERAL CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under this Act—

"(A) \$250,000,000 for fiscal year 1993; and

"(B) \$250,000,000 for fiscal year 1994.

"(3) NEW CORRIDOR DEVELOPMENT.—

"(A) IN GENERAL.—Of the amounts appropriated pursuant to paragraphs (1) and (2), not more than 15 percent of each amount shall be made available for projects described in subparagraphs (B) and (C) of this paragraph.

"(B) CORRIDORS BETWEEN DENSELY POPULATED CITIES.—(i) Except as provided in clause (ii), funds made available under subparagraph (A) shall be used to develop new intercity rail passenger service on corridors—

"(I) between cities undergoing significant population growth; and

"(II) where such service can reasonably be expected to provide travel times comparable with other surface transportation modes.

"(ii) Amounts shall be expended for the purposes described in clause (i) only if the service is requested by a State or States and the Corporation and such State or States agree that—

"(I) at least 90 percent of the cost of the acquisition of rolling stock for such service shall be paid by the Corporation; and

"(II) at least 90 percent of the cost of improvements in the right-of-way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment or facilities, shall be paid by the State or States.

"(iii) Service described in clause (i) shall be subject to section 403(b) with respect to operating expenses.

"(C) LONG DISTANCE RAIL PASSENGER CORRIDOR DEVELOPMENT.—(i) Except as provided in clause (ii), funds made available under subparagraph (A) shall be used to initiate new long distance intercity rail passenger service.

"(ii) Amounts shall be expended for the purposes described in clause (i) only if the service is requested by a State or States and the Corporation and such State or States agree that—

"(I) at least 75 percent of the cost of the acquisition of rolling stock for such service shall be paid by the Corporation; and

"(II) at least 90 percent of the cost of improvements in the right-of-way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment or facilities, shall be paid by the State or States.

"(iii) Service described in clause (i) shall be subject to section 403(b) with respect to operating expenses.

"(b) OPERATING EXPENSES.—

“(1) CORE SYSTEM.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating expenses—

“(A) \$381,000,000 for fiscal year 1993; and

“(B) \$381,000,000 for fiscal year 1994.

Of the amounts appropriated in subparagraphs (A) and (B), not more than 5 percent for each fiscal year shall be used for the payment of operating expenses under section 403(b) of this Act for service in operation as of September 30, 1992.

“(2) NEW STATE-SUPPORTED SERVICE.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating losses under section 403(b) of this Act for service commencing after September 30, 1992—

“(A) \$7,500,000 for fiscal year 1993; and

“(B) \$9,500,000 for fiscal year 1994.

The expenditure by the Corporation of funds appropriated for operating losses under section 403(b) of this Act for service commencing after September 30, 1992, shall not be considered to be an operating expense for purposes of calculating the revenue-to-operating expense ratio of the Corporation.

“(c) MANDATORY PAYMENTS.—There are authorized to be appropriated to the Secretary \$150,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994, for the payment of—

“(1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in such fiscal years in excess of amounts needed to fund benefits for individuals who retire from the Corporation and for their beneficiaries;

“(2) obligations of the Corporation under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)) due in such fiscal years in excess of its obligations calculated on an experience-rated basis; and

“(3) obligations of the Corporation due under section 3321 of the Internal Revenue Code of 1986.

Funds appropriated under this subsection shall not be considered a Federal subsidy of the Corporation.

“(d) ADMINISTRATION OF APPROPRIATIONS.—Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated, except that appropriations for capital acquisitions and improvements may be made in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation. Funds appropriated are authorized to remain available until expended. Appropriated sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with the Secretary's budget request as approved or modified by Congress at the time of appropriation. Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period.

“(e) SCHEDULE OF PAYMENTS.—In each fiscal year in which funds are authorized to be appropriated under this section, payments by the Secretary to the Corporation of appropriated funds shall be made on the following basis—

“(1) 50 percent on the first day of a fiscal year;

“(2) 25 percent on the first day of the second quarter of a fiscal year; and

“(3) 25 percent on the first day of the third quarter of a fiscal year.”

“(b) CONFORMING AMENDMENT.—Section 403(b)(1)(B)(iii) of the Rail Passenger Service Act (45 U.S.C. 563(b)(1)(B)(iii)) is amended by striking “and 50 percent of the associated capital costs” and inserting in lieu thereof “and, except as provided in section 601(a), 50 percent of the associated capital costs”.

“(c) REPEAL.—Section 602 of the Rail Passenger Service Act (45 U.S.C. 602) is repealed.

SEC. 8. DEFINITION.

Section 103 of the Rail Passenger Service Act (45 U.S.C. 502) is amended—

“(1) by redesignating paragraphs (13) through (17) as paragraphs (14) through (18), respectively; and

“(2) by inserting after paragraph (12) the following new paragraph:

“(13) ‘Northeast Corridor’ has the meaning given such term in section 701(c) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851(c)).”

SEC. 9. HIGH SPEED RAIL CORRIDOR DEVELOPMENT.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 3) is amended by adding at the end the following new section:

“SEC. 813. HIGH SPEED RAIL CORRIDOR DEVELOPMENT.

“(a) ENCOURAGEMENT AND ASSISTANCE.—The Corporation shall, upon reasonable request by States, political subdivisions, regional partnerships, private sector representatives, and other qualified persons, consult and cooperate with such parties to the extent feasible to assist the efforts of such parties to achieve high-speed rail service through equipment upgrades, grade-crossing safety improvements, and incremental infrastructure improvements on existing railroad facilities utilized by the Corporation, other than the Northeast Corridor.

“(b) REPORT.—The Corporation shall submit a written report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by September 30, 1993, on the Corporation's efforts under subsection (a).”

SEC. 10. DISCONTINUATION, MODIFICATION, OR ALTERATION OF CERTAIN RAIL PASSENGER SERVICES.

Section 403(d) of the Rail Passenger Service Act (45 U.S.C. 563(d)) is amended by inserting at the end the following: “Notwithstanding the second sentence of this subsection, on any date between October 1, 1993, and September 30, 1995, if the service operated pursuant to this paragraph on a route during the previous 6-month period has a short-term avoidable loss, the Corporation may elect to consider discontinuance, modification, or adjustment of such service. If such election is made, the Corporation shall solicit public comment on alternatives to discontinuance, modification, or adjustment of such service. The public comment period shall be at least 30 days. Within 60 days after the expiration of that comment period, the Corporation may discontinue, modify, or adjust such service so that there is no short-term avoidable loss for operation of service pursuant to this subsection on the route. For purposes of this paragraph the calculation of short-term avoidable loss shall not include the cost of providing passenger equipment required to operate such service.”

SEC. 11. EMERGENCY TRAINING AND RESPONSE.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 9) is amended by adding at the end the following new section:

“SEC. 814. EMERGENCY TRAINING AND RESPONSE.

“(a) TASK FORCE.—The Corporation, together with representatives from each of the on-board service and operating crafts and unions, shall form a task force to consider recommendations for improving emergency training and performance of on-board service and operating crew members. A representative of the Federal Railroad Administration shall serve on the task force. The task force shall convene its first meeting within 90 days following the date of enactment of this section.

“(b) MATTERS TO BE CONSIDERED.—The task force formed under subsection (a) shall consider, at a minimum—

“(1) whether the Corporation's emergency training and drill program as presently constituted is adequate, and if not, in what ways it can be augmented or improved;

“(2) whether medical first-aid training, including cardiopulmonary resuscitation, should

be required for all onboard service crew members;

“(3) whether the Corporation's requirements with respect to employee responsibilities for passenger evacuation, emergency communications, crew coordination, and disaster response should be coordinated; and

“(4) whether certification of the Corporation's emergency training program and evacuation procedures by the Federal Railroad Administration is warranted.

In considering the matters described in paragraphs (1) through (4), the task force shall address relevant prior recommendations and findings by the National Transportation Safety Board.

“(c) REPORT.—Not later than June 1, 1993, the task force shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate on its findings in subsection (b), together with a summary of actions implemented to date and recommendations for future action.”

SEC. 12. COLUMBUS AND GREENVILLE RAILWAY.

(a) IN GENERAL.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) is amended by adding at the end the following new section:

“SEC. 518. COLUMBUS AND GREENVILLE RAILWAY.

“(a) LIMITATION OF UNITED STATES INTEREST.—Notwithstanding any other provision of this title, the Secretary shall limit the interest of the United States in any debt of the Columbus and Greenville Railway under sections 505 and 511 of this title to an interest which attaches to such debt in the event of (1) bankruptcy, or (2) substantial sale or liquidation of the assets of the railroad, the proceeds of which are not reinvested in the operations of the railroad. The Secretary may substitute for the evidence of such debt contingency notes payable solely from the railroad operating assets then securing such debt, including reinvestments thereof, or such other contingency notes as the Secretary deems appropriate and which conform to the terms in this section.

“(b) HIGHER PRIORITY FOR NEW DEBT.—If the interest of the United States is limited under subsection (a) of this section, any new debt issued by such railroad subsequent to the issuance of the debt described in such subsection may have such higher priority in the event of bankruptcy, liquidation, or abandonment of the assets of such a railroad than the debt described in such subsection as the Secretary and railroad may agree.”

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by inserting immediately after the item relating to section 517 the following new item:

“Sec. 518. Columbus and Greenville Railway.”

SEC. 13. NEW YORK CITY STATION FACILITIES.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 11) is amended by adding at the end the following new section:

“SEC. 815. NEW YORK CITY STATION FACILITIES.

“The Corporation shall develop a plan for new or redeveloped station facilities in New York City, New York, to accommodate the intercity rail passenger service requirements of the Corporation, along with needs of the commuter rail services currently using New York Penn Station. In developing the plan, the Corporation shall consider use of the James A. Farley Post Office building as the primary facility for handling intercity passengers, shall evaluate sources of State, local, and private funding therefor, and shall determine the future allocation of space and costs in the existing New York Penn Station and new facilities among all transportation services using the facilities. The plan shall be predicated upon completing the

project without Federal funds appropriated for the Corporation. The Corporation shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on such plan no later than April 1, 1993."

SEC. 14. LOCOMOTIVE CONSPICUITY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(u) LOCOMOTIVE CONSPICUITY.—

"(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to locomotive conspicuity and shall complete the Department's current locomotive conspicuity research no later than December 31, 1993. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced conspicuity measures in service.

"(2) Not later than December 31, 1992, the Secretary shall issue interim regulations identifying ditch lights, crossing lights, strobe lights, and oscillating lights as interim locomotive conspicuity measures, and authorizing and encouraging installation and use of such measures. The interim regulations and any amendments thereto shall be adopted without regard to subchapter II of chapter 5 of title 5, United States Code. Any locomotive equipped with such interim conspicuity measures on the date of issuance of final regulations under paragraph (3) shall be considered in full compliance with such final regulations until 4 year after issuance of such final regulations.

"(3) Not later than June 30, 1994, the Secretary shall initiate a rulemaking proceeding to issue final regulations requiring substantially enhanced locomotive conspicuity measures. In such rulemaking proceeding, the Secretary shall consider, at a minimum—

"(A) revisions to the existing locomotive headlight standard, including standards for placement and intensity;

"(B) requiring use of reflective materials to enhance locomotive conspicuity;

"(C) requiring use of additional alerting lights (including ditch, crossing, strobe, and oscillating lights);

"(D) requiring use of auxiliary lights to enhance locomotive conspicuity when viewed from the side;

"(E) the effect of any enhanced conspicuity measures on the vision, health, and safety of train crew members;

"(F) separate standards for self-propelled, push-pull and multi-unit passenger operations without dedicated head-end locomotive.

"(4) In issuing regulations under paragraph (3), the Secretary may exclude from any specific conspicuity requirement and category of trains or rail operations if the Secretary determines that such an exclusion is in the public interest and is consistent with rail safety (including grade-crossing safety).

"(5) The Secretary shall issue final regulations requiring enhanced locomotive conspicuity measures no later than June 30, 1995. The Secretary shall require that all locomotives not excluded from the regulations be equipped with interim conspicuity measures under paragraph (2) or the conspicuity measures mandated by final regulations issued under this paragraph, no later than December 31, 1997.

"(6) As used in this subsection, the term 'locomotive conspicuity' means the enhancement of day and night visibility of the front-end unit of a train, by means of lighting, reflective materials, or other means, with particular consideration to the visibility and perspective of drivers of motor vehicles at grade crossings."

And the Senate agrees to the same.

JOHN D. DINGELL,
AL SWIFT,
JIM SLATTERY,
NORMAN F. LENT,
DON RITTER,

Managers on the Part of the House.

J. J. EXON,

JOHN C. DANFORTH,

Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. SWIFT and Mr. RITTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to the conference report?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and the conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and the conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶120.42 LOUISIANA LAND CONVEYANCE

Mr. VENTO moved to suspend the rules and pass the bill of the Senate (S. 3100) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. VENTO and Mr. DREIER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RAY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Monday, October 5, 1992, pursuant to the prior announcement of the Chair.

¶120.43 BROWN V. BOARD OF EDUCATION HISTORIC SITE

Mr. VENTO moved to suspend the rules and pass the bill of the Senate (S. 2890) to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. RAY, recognized Mr. VENTO and Mr. DREIER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. RAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of

the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RAY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Monday, October 5, 1992, pursuant to the prior announcement of the Chair.

¶120.44 SUSPENSION OF THE RULES

The SPEAKER pro tempore, Mr. RAY, pursuant to section 3 of House Resolution 591, announced the placing of a list at the Speaker's table and in each cloakroom describing the object of each motion to suspend the rules that may be considered no sooner than two hours after said notice.

¶120.45 ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5488. An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

¶120.46 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CLEMENT, for today and the balance of the week.

And then,

¶120.47 ADJOURNMENT

On motion of Mr. McDERMOTT, pursuant to the special order heretofore agreed to, at 1 o'clock and 55 minutes a.m., Monday, October 5 (Legislative Day of Sunday, October 4), 1992, the House adjourned until 10 o'clock a.m. today.

¶120.48 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. DERRICK: Committee on Rules. House Resolution 599. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes, and against the consideration of such conference report (Rept. No. 102-1008). Referred to the House Calendar.

Mr. ROE: Committee on Public Works and Transportation. H.R. 1246. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; with an amendment (Rept. No. 102-1009, Pt. 1). Ordered to be printed.

Ms. OAKAR: Committee of conference. Conference report on H.R. 5739 (Rept. No. 102-1010). Ordered to be printed.

Mr. OBEY: Committee of conference. Conference report on H.R. 5368 (Rept. No. 102-1011). Ordered to be printed.

¶120.49 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. RIDGE (for himself, Mr. BARNARD, and Mr. MORAN):

H.R. 6131. A bill to improve economic opportunity and access to credit and stimulate the development of a secondary market for commercial loans by establishing the Federal Commercial Credit Corporation, to establish the Office of Secondary Commercial Credit Market Examination and Oversight in the Department of the Treasury, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TOWNS:

H.R. 6132. A bill to amend title IV of the Social Security Act to provide for comprehensive substance abuse treatment programs for pregnant women and caretaker parents; jointly, to the Committees on Ways and Means and Energy and Commerce.

Mr. GEPHARDT introduced a bill (H.J. Res. 560) waiving certain enrollment requirements with respect to any appropriation bill for the remainder of the 102d Congress; considered and passed.

By Mrs. LLOYD:

H. Con. Res. 375. Concurrent resolution commending the designation by Central High School in Chattanooga, TN, of the high school's football stadium and football field as "Central Memorial Stadium" and "Etter-Farmer Field," respectively; to the Committee on Post Office and Civil Service.

¶120.50 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Ms. MOLINARI.
 H.R. 1300: Mr. BUSTAMANTE.
 H.R. 3058: Mr. CHAPMAN.
 H.R. 3059: Mr. CHAPMAN.
 H.R. 4094: Mr. DARDEN.
 H.R. 5484: Mr. LEWIS of Georgia.
 H.R. 5842: Mr. GEJDENSON and Mr. ROYBAL.
 H.R. 5850: Mr. FAWELL, Mr. BRYANT, Mr. STUMP, Mr. RHODES, and Mr. DORNAN of California.
 H.J. Res. 552: Mr. BONIOR.
 H. Con. Res. 358: Mrs. COLLINS of Michigan.

MONDAY, OCTOBER 5, 1992 (121)

The House was called to order by the SPEAKER.

¶121.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Sunday, October 4, 1992.

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

¶121.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4357. Communication from the President of the United States, transmitting developments since his last report of April 7, 1992, concerning the continued blocking of Panamanian Government assets, pursuant to 50 U.S.C. 1706(d) (H. Doc. No. 102-404); to the Committee on Foreign Affairs and ordered to be printed.

4358. A letter from the Secretary of Commerce, transmitting the Department's report regarding the Saltonstall-Kennedy [S-K] Grant Program, pursuant to section 713c-3(d)(2) of the Saltonstall-Kennedy Act of 1954, as amended; to the Committee on Merchant Marine and Fisheries.

4359. A letter from the Assistant Attorney General, Department of Justice, transmit-

ting a copy of a report entitled "Searching for Answers—Annual Evaluation Report on Drugs and Crime: 1991," prepared by the National Institute of Justice; jointly, to the Committees on the Judiciary; Education and Labor; Banking, Finance and Urban Affairs; and Energy and Commerce.

4360. A letter from the Secretary of Commerce, transmitting a progress report regarding contracting for the rebuilding of Kuwait, pursuant to Public Law 102-25, section 606(f) (105 Stat. 111); to the Committee on Foreign Affairs.

4361. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92-49, to draw-down DOD stocks for disaster assistance for Pakistan; to the Committee on Foreign Affairs.

4362. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92-48, to draw-down DOD stocks for counternarcotics assistance for Colombia; to the Committee on Foreign Affairs.

4363. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating statistical and financial information for the fiscal year 1991, pursuant to 50 U.S.C. 167n; to the Committee on Interior and Insular Affairs.

¶121.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2941. An Act to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes.

¶121.4 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5368

Mr. HALL of Ohio, by direction of the Committee on Rules, reported (Rept. No. 102-1012) the resolution (H. Res. 600) waiving points of order against the conference report to accompany the bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, and against consideration of such conference report.

When said resolution and report were referred to the House Calendar and ordered printed.

¶121.5 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 776

Mr. HALL of Ohio, by direction of the Committee on Rules, reported (Rept. No. 102-1013) the resolution (H. Res. 601) waiving points of order against the conference report to accompany the bill (H.R. 776) to provide for improved energy efficiency, and

against the consideration of such conference report.

When said resolution and report were referred to the House Calendar and ordered printed.

¶121.6 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 5368

Mr. HALL of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 600):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, 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.

When said resolution was considered.

After debate,

On motion of Mr. HALL of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶121.7 SUBMISSION OF CONFERENCE REPORT—H.R. 5504

Mr. MURTHA submitted a conference report (Rept. No. 102-1015) on the bill (H.R. 5504) making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶121.8 SUBMISSION OF CONFERENCE REPORT—H.R. 429

Mr. MILLER of California submitted a conference report (Rept. No. 102-1016) on the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming; together with a statement thereon, for printing in the Record under the rule.

¶121.9 FOREIGN OPERATIONS APPROPRIATIONS

Mr. OBEY, pursuant to House Resolution 600, called up the following conference report (Rept. No. 102-1011):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5368) making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 34, 44, 50, 54, 62, 64, 71, 73, 76, 77, 81, 93, 94, 96, 97, 98, 99, 100, 104, 105, 121, 125, 150, 151, 155, 161, 162, 163, 166, and 170.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 17, 19, 20, 23, 24, 25, 26, 27, 32, 35, 36, 40, 45, 46, 48, 49, 52, 53, 58, 59, 60, 63, 65, 70,