

H.R. 3224: Mr. COX, Mr. CUNNINGHAM, Mr. DORNAN, Mr. DREIER, Mr. HERGER, Mr. HORN, Mr. HUFFINGTON, Mr. HUNTER, Mr. McCANDLESS, Mr. PACKARD, Mr. POMBO, and Mr. ROYCE.

H.R. 3233: Mr. ROWLAND.

H.R. 3266: Mr. COPPERSMITH, Mr. SCHIFF, Mr. MINGE, and Mr. DOOLITTLE.

H.R. 3293: Mr. SAM JOHNSON of Texas, Mr. GILLMOR, Mr. HUGHES, Mr. CUNNINGHAM, Mr. TALENT, and Mr. MACHTLEY.

H.R. 3334: Mr. MCKEON, Mr. SAXTON, Mr. KINGSTON, Mr. HERGER, Mr. GRAMS, Mr. BAKER of Louisiana, and Mr. TORKILDSEN.

H.R. 3363: Mr. CANADY.

H.R. 3365: Mrs. LLOYD, Mr. FOGLIETTA, Ms. ESHOO, Mr. STUMP, and Mr. ROMERO-BARCELO.

H.R. 3367: Mr. HYDE, Mr. ZIMMER, Mr. RAMSTAD, and Mrs. UNSOELD.

H.R. 3372: Ms. PELOSI, Mr. QUILLEN, Mr. JEFFERSON, Mr. KREIDLER, Mr. GILMAN, Mr. BACCHUS of Florida, Mr. RAHALL, Mr. PASTOR, Mr. REYNOLDS, Mr. MARTINEZ, Mr. SWIFT, Ms. LOWEY, Mr. APPLIGATE, Ms. WOOLSEY, Mr. TRAFICANT, Mr. FILNER, Mr. RICHARDSON, Mr. INSLEE, Ms. KAPTUR, Mr. BURTON of Indiana, Mr. BISHOP, Mr. CONYERS, Mr. STARK, and Mr. LEVY.

H.R. 3386: Mr. PETERSON of Minnesota, Mrs. VUCANOVICH, Mr. GOODLATTE, Mr. BLILEY, Mr. ROBERTS, Mr. MCDADE, and Mr. MINGE.

H.R. 3392: Mr. HALL of Ohio, Mr. FORD of Tennessee, Mrs. FOWLER, Mr. PICKETT, Mr. LANCASTER, Mr. PETERSON of Minnesota, Mr. HANSEN, and Mr. COMBEST.

H.J. Res. 79: Mr. BALLENGER and Mr. HOLDEN.

H.J. Res. 90: Mr. BROWDER, Mr. CRAMER, Mr. BEVILL, Mr. CALLAHAN, Mrs. ROUKEMA, Mr. HYDE, Mr. WAXMAN, Mr. BILBRAY, Mrs. UNSOELD, Ms. PELOSI, Mr. SERRANO, Mr. HEFNER, Mr. BLILEY, and Mr. LANTOS.

H.J. Res. 103: Mr. McCLOSKEY and Ms. SCHENK.

H.J. Res. 113: Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. BURTON of Indiana, Mr. LEWIS of California, Mr. PETRI, Mr. SOLOMON, Mr. BALLENGER, Mr. BUNNING, Mr. ROEMER, and Mr. JOHNSON of South Dakota.

H.J. Res. 226: Ms. LAMBERT, Ms. LOWEY, Ms. MOLINARI, Mr. TUCKER, Mr. MINETA, Mr. NADLER, and Mr. STENHOLM.

H.J. Res. 274: Mr. LIPINSKI and Mr. ORTIZ.
H. Con. Res. 84: Mrs. UNSOELD and Mr. ACKERMAN.

H. Con. Res. 110: Mr. PETERSON of Florida and Mr. JOHNSON of South Dakota.

H. Con. Res. 138: Mr. MCNULTY, Mr. KOPETSKI, Mr. SABO, Mr. PETE GEREN of Texas, and Mr. FISH.

H. Res. 38: Ms. FURSE.

H. Res. 122: Mr. PETERSON of Minnesota and Mr. CALLAHAN.

H. Res. 144: Mr. COSTELLO.

H. Res. 202: Mr. MONTGOMERY.

H. Res. 225: Mr. BACCHUS of Florida, Mr. FRANK of Massachusetts, Mr. MILLER of Florida, Mr. SANTORUM, and Mr. KASICH.

H. Res. 234: Mr. POSHARD, Mr. HUTCHINSON, Mr. HASTINGS, Mrs. MEEK, Ms. FURSE, Mr. JOHNSON of South Dakota, Mr. COMBEST, Mr. KOLBE, Mr. KILDEE, Mr. FAWELL, Mr. HAYES, Mr. KOPETSKI, Mr. FISH, Mr. DIXON, Mr. BONILLA, Mr. BLILEY, and Mr. RICHARDSON.

H. Res. 281: Mr. MANZULLO, Mr. OXLEY, Mr. KING, Mr. McCANDLESS, Mr. KIM, Mr. FAWELL, Mr. YOUNG of Alaska, Mr. EMERSON, Mr. HOLDEN, Mr. PETE GEREN of Texas, Mr. BARCIA of Michigan, Mr. LAZIO, Mr. GALLEGLEY, Mr. BILIRAKIS, Mr. LIGHTFOOT, Mr. KLUG, Mr. BLUTE, Mr. HANSEN, Mr. MCKEON, Mr. SHAW, Ms. DUNN, and Mr. MCDADE.

THURSDAY, NOVEMBER 4, 1993 (129)

The House was called to order by the SPEAKER.

¶129.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, November 3, 1993.

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

¶129.2 COMMUNICATIONS

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

2108. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "Retail Food Store Authorization Act of 1993"; to the Committee on Agriculture.

2109. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to the CCNAI for defense articles and services (Transmittal No. 94-08), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2110. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Colombia for defense articles and services (Transmittal No. 94-07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2111. A letter from the Acting Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second quarter of calendar year 1993, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Natural Resources.

¶129.3 CHANGE OF REFERENCE—H.R. 3161

On motion of Mr. MARTINEZ, by unanimous consent, the Committee on Banking, Finance, and Urban Affairs was discharged from further consideration of the bill (H.R. 3161) to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes.

When said bill was rereferred solely to the Committee on Education and Labor.

¶129.4 UNEMPLOYMENT COMPENSATION

On motion of Mr. ROSTENKOWSKI, by direction of the Committee on Ways and Means and pursuant to clause 1 of rule XX, the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ROSTENKOWSKI, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶129.5 MOTION TO INSTRUCT

CONFEREES—H.R. 3167

Mr. ARCHER moved that the managers on the part of the House at the

conference on the disagreeing votes of the two Houses on H.R. 3167, be instructed to concur in the Senate amendment numbered 1 (relating to a "Reduction of Federal Full-Time Equivalent Positions").

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, announced that the yeas had it.

Mr. ARCHER 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 275
Nays 146

¶129.6

[Roll No. 544]

YEAS—275

Allard	Duncan	Johnson, Sam
Andrews (TX)	Dunn	Johnston
Archer	Durbin	Kaptur
Armey	Edwards (TX)	Kasich
Bacchus (FL)	Emerson	Kim
Bachus (AL)	English (AZ)	King
Baker (CA)	English (OK)	Kingston
Baker (LA)	Everett	Klecza
Ballenger	Ewing	Klug
Barca	Fawell	Knollenberg
Barcia	Fields (TX)	Kolbe
Barrett (NE)	Fingerhut	Kyl
Barrett (WI)	Fish	Lambert
Bartlett	Fowler	LaRocco
Barton	Franks (CT)	Laughlin
Bateman	Franks (NJ)	Lazio
Bereuter	Frost	Leach
Bevill	Galleghy	Lehman
Bilirakis	Gallo	Levin
Bliley	Gekas	Levy
Blute	Geren	Lewis (CA)
Boehlert	Gilchrest	Lewis (FL)
Boehner	Gillmor	Lightfoot
Bonilla	Gilman	Linder
Brewster	Gingrich	Lipinski
Brooks	Glickman	Livingston
Browder	Goodlatte	Lloyd
Brown (CA)	Goodling	Long
Brown (OH)	Gordon	Machtley
Bryant	Goss	Manzullo
Bunning	Grams	Margolies-
Burton	Grandy	Mezvinsky
Buyer	Greenwood	Martinez
Callahan	Gunderson	Mazzoli
Calvert	Gutierrez	McCandless
Camp	Hall (TX)	McCollum
Canady	Hamilton	McCrery
Cantwell	Hancock	McCurdy
Castle	Hansen	McDade
Chapman	Harman	McHale
Clinger	Hastert	McInnis
Coble	Hayes	McKeon
Collins (GA)	Hefley	McMillan
Combest	Herger	McNulty
Condit	Hinchey	Meehan
Cooper	Hoagland	Meyers
Coppersmith	Hobson	Mica
Costello	Hoekstra	Michel
Cox	Hoke	Miller (FL)
Cramer	Holden	Minge
Crane	Horn	Molinari
Crapo	Houghton	Montgomery
Cunningham	Huffington	Moorhead
Danner	Hunter	Myers
Darden	Hutchinson	Neal (MA)
Deal	Hutto	Neal (NC)
DeLay	Hyde	Nussle
Derrick	Inglis	Ortiz
Deutsch	Inhofe	Orton
Diaz-Balart	Inslee	Oxley
Dickey	Istook	Packard
Doolittle	Jacobs	Pallone
Dornan	Johnson (CT)	Parker
Dreier	Johnson (GA)	Pastor

Paxon	Sangmeister	Stump
Payne (VA)	Santorius	Stupak
Penny	Sarpalius	Sundquist
Peterson (MN)	Saxton	Sweet
Petri	Schaefer	Talent
Pickle	Schenk	Tanner
Pombo	Schiff	Tauzin
Pomeroy	Schumer	Taylor (MS)
Porter	Sensenbrenner	Taylor (NC)
Portman	Sharp	Tejeda
Poshard	Shaw	Thomas (CA)
Pryce (OH)	Shays	Thomas (WY)
Quillen	Shepherd	Thurman
Quinn	Shuster	Torkildsen
Ramstad	Sisisky	Torrice
Ravenel	Skeen	Upton
Reed	Skelton	Valentine
Regula	Slattery	Vucanovich
Ridge	Smith (NJ)	Walker
Roberts	Smith (OR)	Walsh
Roemer	Smith (TX)	Weldon
Rogers	Snowe	Wilson
Rohrabacher	Solomon	Wolf
Ros-Lehtinen	Spence	Woolsey
Roth	Spratt	Young (AK)
Roukema	Stearns	Young (FL)
Rowland	Stenholm	Zeliff
Royce	Strickland	Zimmer

NAYS—146

Abercrombie	Gonzalez	Payne (NJ)
Ackerman	Green	Pelosi
Andrews (ME)	Hall (OH)	Peterson (FL)
Andrews (NJ)	Hastings	Pickert
Applegate	Hefner	Price (NC)
Barlow	Hilliard	Rahall
Becerra	Hochbrueckner	Rangel
Bentley	Hoyer	Reynolds
Bishop	Hughes	Richardson
Blackwell	Jefferson	Rose
Boniore	Johnson (SD)	Rostenkowski
Borski	Johnson, E.B.	Roybal-Allard
Boucher	Kanjorski	Rush
Brown (FL)	Kennedy	Sabo
Byrne	Kennelly	Sanders
Cardin	Kildee	Sawyer
Carr	Klein	Schroeder
Clay	Klink	Scott
Clayton	Kopetski	Serrano
Clement	Kreidler	Skaggs
Clyburn	LaFalce	Slaughter
Coleman	Lantos	Smith (IA)
Collins (IL)	Lewis (GA)	Stark
Collins (MI)	Lowey	Stokes
Conyers	Maloney	Studds
Coyne	Mann	Swift
de la Garza	Manton	Synar
DeFazio	Markey	Thompson
DeLauro	Matsui	Thornton
Dellums	McCloskey	Towns
Dicks	McDermott	Traficant
Dingell	McKinney	Tucker
Dixon	Meek	Unsoeld
Edwards (CA)	Menendez	Velazquez
Engel	Mfume	Vento
Eshoo	Miller (CA)	Visclosky
Evans	Mineta	Volkmer
Farr	Mink	Washington
Fazio	Moakley	Waters
Fields (LA)	Mollohan	Watt
Filner	Moran	Waxman
Foglietta	Murphy	Wheat
Ford (MI)	Murtha	Whitten
Ford (TN)	Nadler	Williams
Frank (MA)	Natcher	Wise
Furse	Oberstar	Wyden
Gejdenson	Obey	Wynn
Gephardt	Olver	Yates
Gibbons	Owens	

NOT VOTING—12

Baesler	Dooley	McHugh
Beilenson	Flake	Morella
Berman	Hamburg	Smith (MI)
Bilbray	Lancaster	Torres

So the motion to instruct the managers on the part of the House was agreed to.

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

129.7 APPOINTMENT OF CONFEREES—
H.R. 3167

Thereupon, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, by

unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on Ways and Means, for consideration of the House bill, and Senate amendment No. 2, and modifications committed to conference: Messrs. ROSTENKOWSKI, FORD of Tennessee, and ARCHER.

From the Committee on Post Office and Civil Service, for consideration of Senate amendment No. 1, and modifications committed to conference: Messrs. CLAY, MCCLOSKEY, and MYERS of Indiana.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

129.8 MARITIME SECURITY AND
COMPETITIVENESS

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, pursuant to House Resolution 289 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes.

Ms. BYRNE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

129.9 RECORDED VOTE

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

Page 5, line 2, insert "or" after the semicolon.

Page 5, strike line 3 and all that follows through line 8.

Page 5, line 9, strike "(C)" and insert "(B)".

Page 5, line 10, insert "and" after the semicolon.

Page 5, strike line 11 and all that follows through page 6, line 16.

It was decided in the { Yeas 64
negative } Nays 362

129.10 [Roll No. 545]
AYES—64

Andrews (NJ)	Hayes	Orton
Bachus (AL)	Hefner	Parker
Barlow	Hoagland	Payne (VA)
Bevill	Holden	Penny
Boucher	Jacobs	Poshard
Browder	Johnson (SD)	Reed
Byrne	Kanjorski	Romero-Barcelo
Condit	Kasich	(PR)
Costello	Kildee	Roth
Crane	Lancaster	Royce
Deal	Leach	Sensenbrenner
DeFazio	Lightfoot	Shepherd
Dingell	Margolies-	Slaughter
Durbin	Mezvinsky	Snowe
Fields (LA)	Martinez	Stenholm
Filner	Mazzoli	Stump
Foglietta	McCloskey	Stupak
Ford (MI)	McHale	Tanner
Geren	McKinney	Taylor (MS)
Glickman	McNulty	Traficant
Grandy	Montgomery	Valentine
Hall (TX)	Nussle	Williams

NOES—362

Abercrombie	Andrews (TX)	Bacchus (FL)
Ackerman	Applegate	Baker (CA)
Allard	Archer	Baker (LA)
Andrews (ME)	Arney	Ballenger

Barca	Gallo	Meehan
Barcia	Gejdenson	Meek
Barrett (NE)	Gekas	Menendez
Barrett (WI)	Gephardt	Meyers
Bartlett	Gibbons	Mfume
Barton	Gilchrest	Mica
Bateman	Gillmor	Michel
Becerra	Gilman	Miller (CA)
Bentley	Gingrich	Miller (FL)
Bereuter	Gonzalez	Mineta
Bilbray	Goodlatte	Minge
Bilirakis	Goodling	Mink
Bishop	Gordon	Moakley
Blackwell	Goss	Molinari
Bliley	Grams	Mollohan
Blute	Green	Moorhead
Boehlert	Greenwood	Moran
Boehner	Gunderson	Murphy
Bonilla	Gutierrez	Murtha
Borski	Hall (OH)	Myers
Brewster	Hamburg	Nadler
Brooks	Hamilton	Natcher
Brown (CA)	Hancock	Neal (MA)
Brown (FL)	Hansen	Neal (NC)
Brown (OH)	Harman	Norton (DC)
Bryant	Hastert	Oberstar
Bunning	Hastings	Obey
Burton	Hefley	Olver
Buyer	Herger	Ortiz
Callahan	Hilliard	Owens
Calvert	Hinchee	Oxley
Camp	Hobson	Packard
Canady	Hochbrueckner	Pallone
Cantwell	Hoekstra	Pastor
Cardin	Hoke	Paxon
Carr	Horn	Payne (NJ)
Castle	Houghton	Pelosi
Chapman	Hoyer	Peterson (FL)
Clay	Huffington	Peterson (MN)
Clayton	Hughes	Petri
Clement	Hunter	Pickett
Clinger	Hutchinson	Pickle
Clyburn	Hutto	Pombo
Coble	Hyde	Pomeroy
Coleman	Inglis	Porter
Collins (GA)	Inhofe	Portman
Collins (IL)	Inslee	Price (NC)
Collins (MI)	Istook	Pryce (OH)
Combest	Jefferson	Quillen
Conyers	Johnson (CT)	Quinn
Cooper	Johnson (GA)	Rahall
Coppersmith	Johnson, E. B.	Ramstad
Cox	Johnson, Sam	Rangel
Coyne	Johnston	Ravenel
Cramer	Kaptur	Regula
Crapo	Kennedy	Reynolds
Cunningham	Kennelly	Richardson
Danner	Kim	Ridge
Darden	King	Roberts
de la Garza	Kingston	Roemer
de Lugo (VI)	Kleczka	Rogers
DeLauro	Klein	Rohrabacher
DeLay	Klink	Ros-Lehtinen
Dellums	Klug	Rose
Derrick	Knollenberg	Rostenkowski
Deutsch	Kolbe	Roukema
Diaz-Balart	Kreidler	Rowland
Dickey	Kyl	Roybal-Allard
Dicks	LaFalce	Rush
Dixon	Lambert	Sabo
Doolittle	Lantos	Sanders
Dornan	LaRocco	Sangmeister
Dreier	Laughlin	Santorius
Duncan	Lazio	Sarpalius
Dunn	Lehman	Sawyer
Edwards (CA)	Levin	Saxton
Edwards (TX)	Levy	Schaefer
Emerson	Lewis (CA)	Schenk
Engel	Lewis (FL)	Schiff
English (AZ)	Lewis (GA)	Schroeder
English (OK)	Linder	Schumer
Eshoo	Lipinski	Scott
Evans	Livingston	Serrano
Everett	Lloyd	Sharp
Ewing	Long	Shaw
Faleomavaega	Lowey	Shays
(AS)	Maloney	Shuster
Farr	Mann	Sisisky
Fawell	Manton	Skaggs
Fazio	Manzullo	Skeen
Fields (TX)	Markey	Skelton
Fingerhut	McCandless	Slattery
Fish	McCollum	Smith (IA)
Fowler	McCrery	Smith (MI)
Frank (MA)	McCurdy	Smith (NJ)
Franks (CT)	McDade	Smith (OR)
Franks (NJ)	McDermott	Smith (TX)
Frost	McInnis	Solomon
Furse	McKeon	Spence
Gallegly	McMillan	Spratt

Stark
Stearns
Stokes
Strickland
Studds
Sundquist
Swett
Swift
Synar
Talent
Taufzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton

Thurman
Torkildsen
Torres
Torrice
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington

Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Baesler
Beilenson
Berman
Bonior

Dooley
Flake
Ford (TN)
Kopetski

Machtley
Matsui
McHugh
Morella

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

129.11 RECORDED VOTE

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

Amend section 15 of the bill as follows:

On page 68, strike lines 18 through 21 and insert the following: "under terms that provide for rates not to exceed twice the level of competitive world market rates for the transport of equipment, materials, or commodities.

It was decided in the { Yeas 109
negative } Nays 309

129.12 [Roll No. 546]

AYES—109

Allard
Archer
Army
Bachus (AL)
Ballenger
Barrett (NE)
Barton
Bereuter
Boehner
Bonilla
Boucher
Burton
Buyer
Carr
Castle
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Danner
de la Garza
Deal
DeLay
Durbin
Emerson
English (OK)
Ewing
Fawell
Glickman
Goodlatte
Goodling
Grams
Grandy
Gunderson

Hamilton
Hancock
Hansen
Hastert
Hilliard
Hoagland
Hoekstra
Hoke
Houghton
Hyde
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Leach
Lewis (FL)
Lightfoot
Linder
Long
Manzullo
McCandless
McCloskey
McHale
Meyers
Minge
Montgomery
Myers
Nussle
Orton
Oxley
Parker

Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Porter
Portman
Poshard
Ramstad
Roberts
Roemer
Rohrabacher
Romero-Barcelo (PR)
Roth
Royce
Sensenbrenner
Sharp
Shuster
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Stenholm
Stump
Thomas (CA)
Thomas (WY)
Upton
Walker
Williams
Young (FL)
Zeliff
Zimmer

NOES—309

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow

Barrett (WI)
Bartlett
Bateman
Becerra
Bentley
Billbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert

Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan

Calvert
Camp
Canady
Cantwell
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Crapo
Cunningham
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefley
Hefner
Hinchey
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Huffington
Hughes
Hunter

Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowe
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCollum
McCrery
McDade
McDermott
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinaro
Mollohan
Moorhead
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quillen

Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpaluis
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (NJ)
Mann
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taufzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torrice
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—20

Baesler
Beilenson
Berman
Bevill
Chapman
Dooley

Faleomavaega (AS)
Flake
Gingrich
Gutierrez
Herger

Kaptur
Laughlin
Matsui

McCurdy
McHugh

McKeon
Michel

Morella
Thornton

So the amendment was not agreed to.
The SPEAKER pro tempore, Mr. SWIFT, assumed the Chair.
When Ms. BYRNE, Chairman, pursuant to House Resolution 289, reported the bill back to the House with an amendment adopted by the Committee.
The previous question having been ordered by said resolution.
The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Security and Competitiveness Act of 1993".

SEC. 2. PURPOSE OF THE MERCHANT MARINE ACT, 1936.

Section 101 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101) is amended to read as follows:

"SEC. 101. FOSTERING DEVELOPMENT AND MAINTENANCE OF MERCHANT MARINE.

"The Secretary of Transportation shall carry out this Act in a manner that ensures the existence of an operating fleet of United States documented vessels that is—

"(1) sufficient to carry the domestic water-borne commerce of the United States and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign water-borne commerce at all times;

"(2) adequate to serve as a naval auxiliary in time of war or national emergency;

"(3) owned and operated by citizens of the United States, to the extent practicable;

"(4) composed of the best-equipped, safest, and most modern vessels;

"(5) manned with the best trained and efficient personnel who are citizens of the United States; and

"(6) supplemented by modern and efficient United States facilities for shipbuilding and ship repair."

SEC. 3. MARITIME SECURITY FLEET PROGRAM.

(a) The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by inserting after title III the following new title:

"TITLE IV—MARITIME SECURITY FLEET PROGRAM

"SEC. 401. ESTABLISHMENT OF MARITIME SECURITY FLEET.

"The Secretary of Transportation shall establish a fleet of active commercial vessels to enhance sealift capabilities and maintain a presence in international commercial shipping of United States documented vessels. The fleet shall be known as the 'Maritime Security Fleet'.

"SEC. 402. COMPOSITION OF FLEET.

"The Fleet shall consist of privately owned United States documented vessels for which there are in effect operating agreements.

"SEC. 403. VESSELS ELIGIBLE FOR ENROLLMENT IN FLEET.

"(a) IN GENERAL.—A vessel is eligible to be enrolled in the Fleet if the Secretary decides, in accordance with this section, that it is eligible. The Secretary may decide whether a vessel is eligible to be enrolled in the Fleet only pursuant to an eligibility decision application submitted to the Secretary by the owner or operator of the vessel. The Secretary shall make such a decision by not later than 90 days after the date of submittal of an eligibility decision application for the vessel by the owner or operator of the vessel.
"(b) VESSEL ELIGIBILITY, GENERALLY.—Except as provided in subsection (c), the Sec-

retary shall decide that a vessel is eligible to be enrolled in the Fleet if—

“(1) the person that will be the contractor with respect to an operating agreement for the vessel agrees to enter into an operating agreement with the Secretary for the vessel under section 404;

“(2) the person that will be a contractor with respect to an operating agreement for the vessel is a citizen of the United States;

“(3)(A) the vessel is a United States documented vessel on May 19, 1993;

“(B) the vessel is—

“(i) in existence on May 19, 1993;

“(ii) a United States documented vessel after May 19, 1993; and

“(iii) not more than 10 years of age on the date of that documentation;

“(C) the vessel is built and, if rebuilt, rebuilt in a United States shipyard;

“(D) the vessel is built in a shipyard that is not a foreign subsidized shipyard under a contract entered into before May 19, 1993;

“(E)(i) the vessel is built in a foreign shipyard under a contract entered into on or before May 19, 1993; and

“(ii) the owner has contracted to build another vessel for enrollment in the Fleet in a United States shipyard that will be delivered within 30 months after the effective date of an operating agreement for the vessel referred to in clause (i), or the Secretary finds and certifies in writing that a United States shipyard cannot sell a vessel to the owner at the world price due to the unavailability of series transition payments under title XIV to build that vessel; or

“(F)(i) the vessel is built under a contract entered into after May 19, 1993;

“(ii) the proposed owner of the vessel solicited nationwide bids for at least 6 months to build the vessel in a United States shipyard;

“(iii) the Secretary finds and certifies in writing that a United States shipyard cannot sell a vessel to the proposed owner at the world price due to the unavailability of series transition payments under title XIV to build that vessel;

“(iv) the vessel is delivered from the foreign shipyard within 30 months after the Secretary's certification under clause (iii); and

“(v) the vessel is substantially the same type and design as the vessel described in the solicitation made under clause (ii); and

“(4) the vessel is self-propelled and is—

“(A) a container vessel with a capacity of at least 750 Twenty-foot Equivalent Units;

“(B) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 Twenty-foot Equivalent Units;

“(C) a LASH vessel with a barge capacity of at least 75 barges;

“(D) a vessel subject to a contract under title VI on May 19, 1993; or

“(E) any other type of vessel that is determined by the Secretary to be suitable for use by the United States for national defense or military purposes in time of war or national emergency.

“(c) DETERMINATIONS OF ELIGIBILITY.—

“(1) DETERMINATIONS REQUIRED.—The Secretary shall make determinations under subsection (b) for each vessel for which an eligibility decision application is submitted under this section.

“(2) DETERMINATION REGARDING CERTIFICATION.—The Secretary shall—

“(A) make the finding and certification under paragraph (3)(E)(ii) for a vessel, or determine not to, by not later than 60 days after the date of receipt of an eligibility decision application for the vessel; and

“(B) make the finding and certification under paragraph (3)(F)(iii) for a vessel, or determine not to, by not later than 60 days after the closing date of the solicitation pursuant to paragraph (3)(F)(ii) for the vessel.

“(3) WRITTEN EXPLANATION.—The Secretary shall provide to the person that submits an eligibility application for a vessel a written explanation of any decision that the vessel is not eligible for enrollment in the Fleet.

“(d) LIST OF ELIGIBLE VESSELS.—

“(1) IN GENERAL.—The Secretary shall maintain a list of vessels that the Secretary decides in accordance with this section are eligible to be enrolled in the Fleet.

“(2) REMOVAL OF VESSELS FROM LIST.—The Secretary shall remove a vessel from the list maintained under this subsection, and the vessel shall not be an eligible vessel for purposes of this title—

“(A) at any time that the conditions for eligibility under subsection (b) are not fulfilled for the vessel;

“(B) if the status of the person who submitted an eligibility decision application for the vessel, as owner or operator of the vessel, changes and after that change—

“(i) the owner or operator of the vessel fails to submit a new eligibility decision application for the vessel; or

“(ii) such an application is not approved by the Secretary; or

“(C) if the vessel carries as cargo any item that—

“(i) is sold or shipped to the United States;

“(ii) is not made in the United States; and

“(iii) the owner or operator of the vessel knows has had fraudulently affixed to it a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning.

“SEC. 404. OPERATING AGREEMENTS, GENERALLY.

“(a) REQUIREMENT FOR ENROLLMENT OF VESSELS.—A vessel may be enrolled in the Fleet only if it is an eligible vessel for which the owner or operator of the vessel applies for and enters into an operating agreement with the Secretary under this section.

“(b) PRIORITY FOR AWARDED AGREEMENTS.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

“(1) VESSELS OWNED BY CITIZENS.—

“(A) PRIORITY.—First, for any vessel that is—

“(i) owned and operated by persons who are citizens of the United States under section 2 of the Shipping Act, 1916; or

“(ii) less than 5 years of age and owned and operated by a corporation that is—

“(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

“(II) affiliated with a corporation operating or managing other United States documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense.

“(B) LIMITATION ON NUMBER OF OPERATING AGREEMENTS.—The total number of operating agreements that may be entered into by a person under the priority in subparagraph (A)—

“(i) for vessels described in subparagraph (A)(i), may not exceed the sum of—

“(I) the number of United States documented vessels the person operated in the foreign commerce of the United States (except mixed coastwise and foreign commerce) on January 1, 1993; and

“(II) the number of United States documented vessels the person chartered to the Secretary of Defense on that date; and

“(ii) for vessels described in subparagraph (A)(ii), may not exceed 4 vessels.

“(C) TREATMENT OF RELATED PARTIES.—For purposes of subparagraph (B), a related party with respect to a person shall be treated as the person.

“(2) OTHER VESSELS OWNED BY CITIZENS AND GOVERNMENT CONTRACTORS.—To the extent

that amounts are available after applying paragraph (1), any vessel that is—

“(A) owned and operated by—

“(i) citizens of the United States under section 2 of the Shipping Act, 1916, that have not been awarded an operating agreement under the priority established under paragraph (1); or

“(ii)(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

“(II) affiliated with a corporation operating or managing other United States documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense; and

“(B) on the list maintained under section 403(d).

“(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any vessel that is—

“(A) owned and operated by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and

“(B) on the list maintained under section 403(d).

“(c) AWARD OF AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall award operating agreements within each priority under subsection (b) (1), (2), and (3) under regulations prescribed by the Secretary.

“(2) NUMBER OF AGREEMENTS AWARDED.—Regulations under paragraph (1) shall provide that if appropriated amounts are not sufficient for operating agreements for all vessels within a priority under subsection (b) (1), (2), or (3), the Secretary shall award to each person submitting a request a number of operating agreements that bears approximately the same ratio to the total number of vessels in the priority, as the amount of appropriations available for operating agreements for vessels in the priority bears to the amount of appropriations necessary for operating agreements for all vessels in the priority.

“(3) TREATMENT OF RELATED PARTIES.—For purposes of paragraph (2), a related party with respect to a person shall be treated as the person.

“(d) TIME LIMIT FOR DECISION ON ENTERING OPERATING AGREEMENT.—The Secretary shall enter an operating agreement for a vessel within 90 days after making the decision that the vessel is eligible to be enrolled in the Fleet under section 403(a).

“(e) EFFECTIVE DATE OF OPERATING AGREEMENT.—The effective date of an operating agreement may not be later than the later of—

“(1) the date the vessel covered by the agreement enters into the trade required under section 405(a)(1)(A);

“(2) the date the vessel covered by the agreement is withdrawn from an operating differential subsidy contract under title VI;

“(3) the date of termination of an operating differential subsidy contract under title VI that applies to the vessel; or

“(4) the date of the expiration or termination of a charter of the vessel to the United States Government that was entered into before the date of the enactment of the Maritime Security and Competitiveness Act of 1993.

“(f) EXPIRATION OF OFFERS FOR AGREEMENTS.—Unless extended by the Secretary, an offer by the Secretary to enter into an operating agreement under this section expires 120 days after the date the offer is made.

“(g) LENGTH OF AGREEMENTS.—An operating agreement is effective for 10 years from the effective date of the agreement.

“(h) REPAYMENT REQUIREMENTS.—

“(1) NONCOMPLIANCE.—A contractor that fails to comply with the terms of an operating agreement shall be liable to the United States Government for all amounts received

by the contractor as payments for the vessel under this title with respect to the period of that noncompliance, and for interest on those amounts determined under paragraph (3).

“(2) FAILURE TO OPERATE REPLACEMENT VESSEL.—A contractor under an operating agreement that covers a vessel that is 25 or more years of age and that fails to replace the vessel as provided in section 405(a)(3) (A) or (B) shall be liable to the United States Government for all amounts received by the contractor as payments for the vessel under this title with respect to periods after the date the vessel becomes 25 years of age, and for interest on those amounts determined under paragraph (3).

“(3) DETERMINATION OF INTEREST.—Interest under paragraphs (1) and (2) shall be at an annual rate equal to 125 percent of the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for auctions of 3 month United States Treasury bills settled during the quarter preceding the date of the failure to comply or the failure to replace, respectively.

“(i) PROHIBITION ON AGREEMENTS FOR CERTAIN VESSELS.—The Secretary may not enter into an operating agreement for a vessel that is owned or operated by a person that was a contractor for the vessel under an operating agreement terminated under section 405(a)(10), before the end of the term of the agreement that was terminated.

“(j) BINDING OBLIGATION OF GOVERNMENT.—An operating agreement constitutes a contractual obligation of the United States Government to pay the amounts provided for under that agreement.

“SEC. 405. TERMS OF OPERATING AGREEMENTS.

“(a) OPERATING AGREEMENT REQUIREMENTS.—An operating agreement shall, during the effective period of the agreement, provide the following:

“(1) OPERATION AND DOCUMENTATION.—The vessel covered by the operating agreement—
“(A) shall be operated in the foreign trade or domestic trade allowed under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code;

“(B) may not be operated in the coastwise trade of the United States or in mixed coastwise and foreign trade, except for coastwise trade allowed under a registry endorsement issued for the vessel under section 12105 of title 46, United States Code; and
“(C) shall be documented under chapter 121 of title 46, United States Code.

“(2) ANNUAL PAYMENTS.—

“(A) IN GENERAL.—The Secretary shall pay the contractor, in accordance with this subsection, the following amounts for each fiscal year in which the vessel is operated in accordance with the agreement:

“(i) For fiscal year 1994, \$2,300,000.

“(ii) For each fiscal year thereafter, \$2,100,000.

“(B) LIMITATION.—The Secretary shall not pay any amount pursuant to this paragraph for any day in which the vessel is—

“(i) under a charter to the United States Government that was entered into before the date of the enactment of the Maritime Security and Competitiveness Act of 1993; or
“(ii) covered by an operating differential subsidy contract under title VI.

“(3) TERMINATION BASED ON AGE OF VESSEL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the operating agreement shall terminate on the later of—

“(i) the date the vessel covered by the agreement is 25 years of age, or

“(ii) the date the vessel covered by the agreement is 30 years of age, in the case of an agreement that covers a vessel that is re-powered in a United States shipyard after

the effective date of the operating agreement and before the vessel is 25 years of age.

“(B) EXCEPTION.—The operating agreement shall not terminate under subparagraph (A) if the contractor agrees to acquire a replacement for the vessel from among vessels on the list maintained under section 403(d), and—

“(i) in the case of a vessel to be replaced with a new vessel, the contractor enters into a binding contract with a shipyard that requires the shipyard to deliver the replacement vessel by not later than 30 months after the later of the date the operating agreement is entered into or the date the operating agreement would otherwise terminate under subparagraph (A); or

“(ii) in the case of a vessel to be replaced with an existing vessel, the contractor acquires the replacement vessel from among vessels on the list maintained under section 403(d), by not later than 12 months after the later of the date the operating agreement is entered into or the date the operating agreement would otherwise expire under subparagraph (A).

“(4) AVAILABILITY OF VESSEL.—

“(A) IN GENERAL.—On a request of the President during time of war or national emergency or when considered by the President, acting through the Secretary in consultation with the Secretary of Defense, to be necessary in the interest of national security, and subject to subparagraph (B), the contractor as soon as practicable shall, as specified by the Secretary—

“(i) make the vessel covered by the agreement available to the Secretary under a time charter; or

“(ii) provide space on the vessel covered by the agreement to the Secretary on a guaranteed basis.

“(B) CONDITION FOR CHARTER.—The Secretary shall allow a contractor to comply with this paragraph by providing space on a vessel under subparagraph (A)(ii) unless the Secretary determines that it is necessary in the interest of national security that the contractor make the vessel available under a time charter.

“(5) DELIVERY OF VESSEL.—The contractor shall deliver a vessel to the Secretary pursuant to a time charter under paragraph (4)(A)(i), as specified in the request for the vessel—

“(A) at the first port in the United States the vessel is scheduled to call after the date of receipt of the request;

“(B) at the port in the United States to which the vessel is nearest on the date of receipt of the request; or

“(C) in any other reasonable manner authorized by the agreement and specified in the request.

“(6) DELIVERY COSTS.—In addition to amounts paid under paragraph (2), the Secretary shall reimburse the contractor for costs incurred by the contractor in delivering the vessel covered by the agreement to the Secretary in accordance with the agreement.

“(7) COMPENSATION.—In addition to amounts paid under paragraph (2), the Secretary shall pay the contractor, as provided in the operating agreement, reasonable compensation at reasonable commercial rates for the period of time the vessel is chartered or the contractor provides space on the vessel under paragraph (4).

“(8) REQUIRED OPERATION.—

“(A) IN GENERAL.—A vessel covered by the operating agreement shall be operated in the trade required under paragraph (1), and under conditions eligible for payment under this title, for at least 320 days in a fiscal year, including days during which the vessel is dry-docked, surveyed, inspected, or repaired.

“(B) REDUCTION IN PAYMENTS.—If a vessel operates in the trade required under paragraph (1), and under conditions eligible for payment under this title, for less than the time required under subparagraph (A), the payments required under paragraph (2) shall be reduced on a pro-rata basis to reflect the lesser time in that operation.

“(9) SUBSTITUTION OF VESSELS AUTHORIZED.—The contractor may substitute for the vessel covered by the agreement another vessel on the list maintained under section 403(d).

“(10) OTHER TERMINATION.—The operating agreement shall terminate if—

“(A) in the case of a vessel that transports less than 12,000 tons of bulk cargo under the agreement—

“(i) the vessel covered by the agreement is not operated under an operating agreement for one year; and

“(ii) a substitute for that vessel is not operated under the agreement during that year; or

“(B) the contractor notifies the Secretary that the contractor intends to terminate the agreement, by not later than 60 days before the effective date of the termination.

“(b) PAYMENTS.—

“(1) IN GENERAL.—The amount required to be paid by the Secretary each year to a contractor under an operating agreement pursuant to subsection (a)(2)—

“(A) shall be paid at a pro rated amount at the beginning of each month in equal installments; and

“(B) except as provided in paragraph (2), may not be reduced by reason of operation of the vessel covered by the agreement to carry civilian or military preference cargoes under—

“(i) section 901(a), 901(b), or 901b;

“(ii) section 2631 of title 10, United States Code; or

“(iii) the Act of March 26, 1934 (48 Stat. 500).

“(2) REDUCTION FOR PREFERENCE CARGO.—A contractor with respect to a vessel may not receive any payment under this title for any day in which the vessel is engaged in transporting more than 12,000 tons of preference cargo described in paragraph (1)(B) that is bulk cargo (as defined in section 3 of the Shipping Act of 1984).

“(c) REDELIVERY OF VESSELS.—The Secretary shall, upon the termination of the need for which a vessel is delivered under subsection (a)(4), return the vessel to the contractor—

“(1) at a place that is mutually agreed upon by the Secretary of Defense and the contractor; and

“(2) in the condition in which it was delivered to the Secretary, excluding normal wear and tear.

“(d) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any other person that is a citizen of the United States, after notification of the Secretary in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of that notification. A transfer shall not be effective before the end of that 90-day period. A person to whom an agreement is transferred may receive payments from the Secretary under the agreement only if the vessel to be covered by the agreement after the transfer is on the list maintained under section 403(d).

“SEC. 406. NONCONTIGUOUS TRADE RESTRICTIONS.

“(a) PROHIBITION.—

“(1) IN GENERAL.—Except as provided in this section, a contractor may not receive any payment under this title—

“(A) if the contractor or a related party with respect to the contractor, directly or indirectly owns, charters, or operates a vessel engaged in the transportation of cargo in noncontiguous trade other than in accordance with a waiver under subsection (b), (c), or (d); or

“(B) if the contractor is authorized to operate a vessel in noncontiguous trade under such a waiver, and there is a—

“(i) material change in the domestic ports served by the contractor from the ports permitted to be served under the waiver;

“(ii) material increase in the annual number or the frequency of sailings by the contractor from the number or frequency permitted under the waiver; or

“(iii) material increase in the annual volume of cargo carried or annual capacity utilized by the contractor from the annual volume of cargo or annual capacity permitted under the waiver.

“(2) LIMITATIONS ON PROHIBITION.—Paragraph (1) applies to a contractor only in the years specified for payments under the operating agreement entered into by the contractor.

“(b) GENERAL WAIVER AUTHORITY.—

“(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive, in writing, the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection, unless the Secretary finds that—

“(A) the waiver would result in unfair competition to any person that operates vessels as a carrier of cargo in a service exclusively in the noncontiguous trade for which the waiver is applied;

“(B) subject to paragraph (6), existing service in that noncontiguous trade is adequate; or

“(C) the waiver will result in prejudice to the objects or policy of this title or Act.

“(2) TERMS OF WAIVER.—Any waiver granted by the Secretary under this subsection shall state—

“(A) the domestic ports permitted to be served;

“(B) the annual number or frequency of sailings that may be provided; and

“(C)(i) the annual volume of cargo permitted,

“(ii) for containerized or trailer service, the annual 40-foot equivalent unit shipboard container and trailer or vehicle or general cargo capacity permitted, or

“(iii) for tug and barge service, the annual barge house cubic foot capacity and the annual barge deck general cargo capacity, or 40-foot equivalent unit container, trailer, or vehicle capacity, permitted.

“(3) APPLICATIONS FOR WAIVERS.—An application for a waiver under this subsection may be submitted by a contractor and shall describe, as applicable, the nature and scope of—

“(A) the service proposed to be conducted in a noncontiguous trade under the waiver; or

“(B) any proposed material change or increase in a service in a noncontiguous trade permitted under a previous waiver.

“(4) ACTION ON APPLICATION AND HEARING.—

“(A) NOTICE AND PROCEEDING.—Within 30 days after receipt of an application for a waiver under this subsection, the Secretary shall—

“(i) publish a notice of the application; and

“(ii) begin a proceeding on the application under section 554 of title 5, United States Code, to receive—

“(I) evidence of the nature, quantity, and quality of the existing service in the noncontiguous trade for which the waiver is applied;

“(II) a description of the proposed service or proposed material change or increase in a previously permitted service;

“(III) the projected effect of the proposed service or proposed material change or increase in existing service; and

“(IV) recommendations on conditions that should be contained in any waiver for the proposed service or material change or increase.

“(B) INTERVENTION.—An applicant for a waiver under this subsection, and any person that operates cargo vessels in the noncontiguous trade for which a waiver is applied and that has any interest in the application, may intervene in the proceedings on the application.

“(C) HEARING.—Before deciding whether to grant a waiver under this subsection, the Secretary shall hold a public hearing in an expeditious manner, reasonable notice of which shall be published.

“(5) DECISION.—The Secretary shall complete all proceedings and hearings on an application under this subsection and issue a decision on the record within 90 days after receipt of the final briefs submitted for the record.

“(6) LIMITATION ON CONSIDERATION OF CERTAIN EXISTING SERVICE.—

“(A) LIMITATION.—In determining whether to grant a waiver under this subsection for noncontiguous trade with Hawaii, the Secretary shall not consider the criterion set forth in paragraph (1)(B) if a qualified operator—

“(i) is a contractor, and

“(ii) operates 4 or more vessels in foreign commerce in competition with another contractor.

“(B) QUALIFIED OPERATOR.—In this paragraph, the term ‘qualified operator’ means a person that on July 1, 1992, offered service as an operator of containerized vessels, trailer vessels, or combination container and trailer vessels in noncontiguous trade with Hawaii and the Johnston Islands (including a related party with respect to the person).

“(c) WAIVERS FOR EXISTING NONCONTIGUOUS TRADE OPERATORS.—

“(1) IN GENERAL.—The Secretary shall waive the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection if the Secretary finds that the contractor, or a related party or predecessor in interest with respect to the contractor—

“(A) engaged in bona fide operation of a vessel as a carrier of cargo by water—

“(i) in a noncontiguous trade on July 1, 1992; or

“(ii) in furnishing seasonal service in a season ordinarily covered by its operation, during the 12 calendar months preceding July 1, 1992; and

“(B) has operated in that service since that time, except for interruptions of service resulting from military contingency or over which the contractor (or related party or predecessor in interest) had no control.

“(2) TERMS OF WAIVER.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the level of service permitted under a waiver under this subsection shall be the level of service provided by the applicant (or related party or predecessor in interest) in the relevant noncontiguous trade during, for year-round service, the 6 calendar months preceding July 1, 1992, or for seasonal service, the 12 calendar months preceding July 1, 1992, determined by—

“(i) the domestic ports called;

“(ii) the number of sailings actually made, except as to interruptions in the service in the noncontiguous trade resulting from military contingency or over which the applicant (or related party or predecessor in interest) had no control; and

“(iii) the volume of cargo carried or, for containerized or trailer service, the 40-foot equivalent unit shipboard container, trailer,

or vehicle or general cargo capacity employed, or, for tug and barge service, the barge house cubic foot capacity and barge deck general cargo capacity or 40-foot equivalent unit container, trailer, or vehicle capacity, employed.

“(B) CERTAIN CONTAINERIZED VESSELS.—If an applicant under this subsection was offering service as an operator of containerized vessels in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection for the applicant shall permit a level of service consisting of—

“(i) 104 sailings each year from the West Coast of the United States to Hawaii with an annual capacity allocated to the service of 75 percent of the total capacity of the vessels employed in the service on July 1, 1992;

“(ii) 156 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual capacity allocated to the service of 75 percent of the total capacity of its vessels employed in the service on the date of the enactment of the Maritime Security and Competitiveness Act of 1993; and

“(iii) 103 sailings each year in each direction between Washington and Alaska with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992.

“(C) CERTAIN TUGS AND BARGES.—If an applicant under this subsection was offering service as an operator of tugs and barges in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection for the applicant shall permit a level of service consisting of—

“(i) 17 sailings each year in each direction between ports in Washington, Oregon, and Northern California and ports in Hawaii with an annual barge house cubic foot capacity and annual barge deck 40-foot equivalent unit container capacity in each direction of 100 percent of the total of the capacity of its vessels employed in the service during the 6 calendar months preceding July 1, 1992, annualized;

“(ii) 253 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual 40-foot equivalent unit container or trailer capacity equal to 100 percent of the capacity of its barges employed in the service on the date of the enactment of the Maritime Security and Competitiveness Act of 1993;

“(iii) 37 regularly scheduled tandem tow rail barge sailings and 10 additional single tow rail barge sailings each year in each direction between Washington and the Alaskan port range between and including Anchorage and Whittier with an annual capacity allocated to the service in each direction of 100 percent of the total rail car capacity of its vessels employed in the service on July 1, 1992;

“(iv) 8 regularly scheduled single tow sailings each year in each direction between Washington and points in Alaska (not including the port range between and including Anchorage and Whittier, except occasional deviations to discharge incidental quantities of cargo) with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992; and

“(v) unscheduled, contract carrier tug and barge service between points in Alaska south of the Arctic Circle not served by the common carrier service permitted under clause (iii) and points in the contiguous 48 States, with an annual capacity allocated to that service not exceeding 100 percent of the total capacity of the equipment that was dedicated to service south of the Arctic Circle on July 1, 1992, and actually utilized in that

service in the 2-year period preceding that date.

“(D) ANNUALIZATION.—Capacity otherwise required by this paragraph to be permitted under a waiver under this subsection shall be annualized if not a seasonal service.

“(E) ADJUSTMENTS.—

“(i) Each written waiver granted by the Secretary under this subsection shall contain a statement that the annual capacity permitted under this waiver in any direction shall increase for a calendar year by the percentage of increase during the preceding calendar year in the real gross product of the State or territory to which goods are transported in the noncontiguous trade covered by the waiver, or its equivalent economic measure as determined by the Secretary if the real gross product is not available, and that the increase shall not be considered to be a material change or increase for purposes of subsection (a)(1)(B).

“(ii) The increase in permitted capacity under clause (i) in the noncontiguous trade with Alaska shall be allowed only to the extent the operator actually uses that increased capacity to carry cargo in the permitted service in the calendar year immediately following the preceding increase in gross product. However, if an operator operating exclusively containerized vessels in that trade on July 1, 1992, carries an average loan factor of at least 90 percent of permitted capacity (including the capacity, if any, both authorized and used under the previous sentence) during 9 months of any one calendar year, than in the next following calendar year and thereafter, the requirement that additional capacity must be used in the immediately following year does not apply.

“(F) SERVICE LEVELS NOT INCREASED BY TERMINATION OF AGREEMENT.—The termination of an operating agreement under section 405(a)(10) shall not be considered to increase a level of service specified in subparagraph (A), (B), or (C) if the contractor under the agreement enters into another operating agreement after that termination.

“(3) APPLICATIONS FOR WAIVERS.—For a waiver under this subsection a contractor shall submit to the Secretary an application certifying the facts required to be found under paragraph (1) (A) or (B), as applicable.

“(4) ACTION ON APPLICATION.—

“(A) NOTICE.—The Secretary shall publish a notice of receipt of an application for a waiver under this subsection within 30 days after receiving the application.

“(B) HEARING PROHIBITED.—The Secretary may not conduct a hearing on an application for a waiver under this subsection.

“(C) SUBMISSION OF COMMENTS.—The Secretary shall give every person operating a cargo vessel in a noncontiguous trade for which a waiver is applied for under this subsection and who has any interest in the application a reasonable opportunity to submit comments on the application and on the description of the service that would be permitted by any waiver that is granted by the Secretary under the application.

“(5) DECISION ON APPLICATION.—Subject to the time required for publication of notice and for receipt and evaluation of comments by the Secretary, an application for a waiver under this subsection submitted at the same time the applicant applies for inclusion of a vessel in the Fleet shall be granted in accordance with the level of service determined by the Secretary under this subsection by not later than the date on which the Secretary offers to the applicant an operating agreement with respect to that vessel.

“(6) CHANGE OR INCREASE IN SERVICE.—Any material change or increase in a service that is subject to a waiver under this subsection is not authorized except to the extent the change or increase is permitted by a waiver under subsection (b).

“(d) EMERGENCY WAIVER.—Notwithstanding any other provision of this section, the Secretary may, without hearing, temporarily waive the application of subsection (a)(1)(B) if the Secretary finds that a material change or increase is essential in order to respond adequately to (1) an environmental or natural disaster or emergency, or (2) another emergency declared by the President. Any waiver shall be for a period of not to exceed 45 days, except that a waiver may be renewed for 30-day periods if the Secretary finds that adequate capacity continues to be otherwise unavailable.

“(e) ANNUAL REPORT ON WAIVERS.—Each waiver under this section shall require the person who is granted the waiver to submit to the Secretary each year an annual report setting forth for the service authorized by the waiver—

“(1) the ports served during the year;

“(2) the number or frequency of sailings performed during the year; and

“(3) the volume of cargo carried or, for containerized or trailer service, the annual 40-foot equivalent unit shipboard container, trailer, or vehicle capacity utilized during the year, or for tug and barge service, the annual barge house and barge deck capacity utilized during the year.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘noncontiguous trade’ means trade between—

“(A) a point in the contiguous 48 States; and

“(B) a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle; and

“(2) the term ‘related party’ means—

“(A) a holding company, subsidiary, affiliate, or associate of a contractor; and

“(B) an officer, director, agency, or other executive of a contractor or of a person referred to in subparagraph (A).

“SEC. 407. OPERATING COMPETING FOREIGN VESSELS.

“(a) IN GENERAL.—Except as provided in this section, a contractor (including a related party with respect to a contractor) may not own, charter, or operate a foreign vessel in competition with a United States documented vessel.

“(b) EXCEPTION.—Subsection (a) does not apply to a foreign vessel if—

“(1)(A) the contractor has applied for an operating agreement for a vessel to be operated in the same service as the foreign vessel; and

“(B) the Secretary, due to the unavailability of funds, does not award an operating agreement to that contractor for a United States documented vessel for that service within 60 days after that application is submitted;

“(2) the Secretary, after notice and an opportunity for a hearing, under special circumstances, and for good cause shown, waives subsection (a) for the contractor for a specified period of time; or

“(3) the foreign vessel was operated by that contractor on August 5, 1993.

“SEC. 408. FUNDING FOR OPERATING AGREEMENTS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For entering into operating agreements under this title there are authorized to be appropriated to the Secretary \$1,200,000,000 for fiscal year 1995. Amounts appropriated under this subsection shall remain available until expended.

“(b) TRANSFER OF BALANCES FROM OPERATING DIFFERENTIAL SUBSIDY PROGRAM.—Any amounts otherwise available for operating differential subsidy contracts under title VI that are no longer required for those contracts are available, until expended, for operating agreements.

“SEC. 409. DEFINITIONS.

“In this title:

“(1) CONTRACTOR.—The term ‘contractor’ means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary.

“(2) ELIGIBILITY DECISION APPLICATION.—The term ‘eligibility decision application’ means an application for a decision by the Secretary under section 403 that a vessel is eligible to be enrolled in the Fleet.

“(3) ELIGIBLE VESSEL.—The term ‘eligible vessel’ means a vessel that the Secretary decides under section 403 is eligible to be enrolled in the Fleet.

“(4) FLEET.—The term ‘Fleet’ means the Maritime Security Fleet established under section 402.

“(5) OPERATING AGREEMENT.—The term ‘operating agreement’ means an operating agreement entered into by the Secretary under section 404.

“(6) RELATED PARTY.—The term ‘related party’ means, with respect to a contractor or other person—

“(A) a holding company, subsidiary, affiliate, or association of the person; and

“(B) an officer, director, other executive, or agent of the person or of an entity referred to in paragraph (1).

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(8) UNITED STATES DOCUMENTED VESSEL.—The term ‘United States documented vessel’ means a vessel that is documented under chapter 121 of title 46, United States Code.”.

SEC. 4. OPERATING DIFFERENTIAL SUBSIDY CONTRACTS.

(a) TERMINATION OF EXISTING CONTRACTS.—Notwithstanding any other provision of this Act, any contract in effect under title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), on the day before the date of enactment of this Act shall continue in effect under its terms and terminate as set forth in the contract, unless voluntarily terminated on an earlier date by the persons (other than the United States Government) that are parties to the contract.

(b) AGE ACCELERATION OF BULK CARGO ODS VESSELS.—Section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156) is amended—

(1) by inserting “(a)” after “SEC. 506.”; and

(2) by adding at the end the following new subsection:

“(b) For purposes of this section, any liquid or dry bulk cargo vessel for which operating-differential subsidy is required to be paid under a contract under title VI that is in force on May 19, 1993, shall, effective upon the termination date of the contract (as set forth in the contract as in effect on May 19, 1993, be deemed to have reached the age of 20 years.”.

(c) RESTRICTIONS ON OPERATIONS OF ODS VESSELS.—Title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), as amended by this Act, is further amended by adding at the end the following:

“SEC. 616. LIMITATION ON APPLICATION OF RESTRICTIONS ON OPERATIONS.

“(a) Sections 605(c) and 804, this section, and the essential service requirements in section 601(a) and 603(a), do not apply to a contractor if—

“(1) the contractor submits an eligibility decision application to the Secretary under title IV for all of the vessels operated by the contractor under an operating-differential subsidy contract; and

“(2) all of those vessels for which operating agreements are offered by the Secretary under title IV are enrolled in the Maritime Security Fleet.

“(b)(1) With respect to the operations of a contractor receiving operating-differential subsidy for liner vessels on a particular trade route, as defined in that contractor’s contract in effect on January 1, 1993, that opera-

tor shall not be subject to the restrictions of either section 605(c) or section 804 with respect to operations on that trade route, commencing at such time as—

“(A) that operator transfers 50 percent or more of its vessels that were operating on that trade route as of January 1, 1993, from the operating-differential subsidy program to the Maritime Security Fleet program under title IV; or

“(B) that operator is the only contractor receiving operating-differential subsidy with respect to that trade route, and all other United States-flag liner operators operating a vessel on that trade route are operating on that trade route only vessels for which there are in effect operating agreements under title IV.

“(2) With respect to any contractor receiving operating-differential subsidy for liner vessels on Maritime Administration Essential Trade Route 1, 2, or 8, that operator shall not be subject to the restrictions of either section 605(c) or section 804 with respect to operations on any of those trade routes, commencing at such time as payments begin to accrue on behalf of another United States-flag operator that is a party to an operating agreement under title IV which provides liner service on Maritime Administration Essential Trade Route 2.”

(d) ELIMINATION OF TRADE ROUTE RESTRICTIONS.—Section 809(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1213(a)) is amended by adding at the end the following: “This subsection shall not apply to contracts under title IV or funds for such contracts.”

SEC. 5. ELIMINATION OF CONSTRUCTION DIFFERENTIAL SUBSIDY RESTRICTIONS.

Title V of the Merchant Marine Act, 1936 (46 App. U.S.C. 1151 et seq.), is amended by adding at the end the following:

“SEC. 512. LIMITATION ON RESTRICTIONS.

“Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard.”

SEC. 6. DEFINITIONS APPLICABLE TO MERCHANT MARINE ACT, 1936.

Section 905 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1244), is amended—

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

“(a) Each of the terms ‘foreign commerce’ and ‘foreign trade’ mean—

“(1) trade between the United States and a foreign country; or

“(2) trade between foreign ports.”;

(2) by striking subsection (c) and inserting the following:

“(c) The term ‘citizen of the United States’ means a person eligible to own a documented vessel under chapter 121 of title 46, United States Code.”, and

(3) by adding at the end the following:

“(h) The term ‘foreign subsidized shipyard’ means a shipyard that—

“(1) receives or benefits from, directly or indirectly, a shipyard subsidy for the construction of vessels; and

“(2) is located in a foreign country that has not signed a trade agreement with the United States that provides for the elimination of subsidies for that shipyard.

“(i) The term ‘subsidy’ includes any of the following:

“(1) Officially supported export credits and development assistance.

“(2) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

“(A) grants;

“(B) loans and loan guarantees other than those available on the commercial market;

“(C) forgiveness of debt;

“(D) equity infusions on terms inconsistent with commercially reasonable investment practices;

“(E) preferential provision of goods and services; and

“(F) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

“(3) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

“(4) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

“(5) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

“(6) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

“(7) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

“(8) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.”

SEC. 7. GOVERNMENT-IMPELLED CARGOES.

(a) VESSELS ELIGIBLE FOR CARGOES.—Section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)) is amended—

(1) in paragraph (1), by striking “For purposes of this section, the term ‘privately owned United States-flag commercial vessels’ and all that follows through the end of the paragraph; and

(2) by adding at the end the following new paragraphs:

“(3) In this section and section 901b, the term ‘privately owned United States-flag commercial vessel’ means a privately owned vessel that is documented under chapter 121 of title 46, United States Code, that—

“(A) was built in the United States;

“(B) was documented under chapter 121 of title 46, United States Code, before May 19, 1993;

“(C) does not transport under section 901b or this section on any voyage more than 12,000 tons of bulk cargo (as defined in section 3 of the Shipping Act of 1984), and—

“(i) was built in a foreign shipyard under a contract entered into on or before May 19, 1993;

“(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract is entered is not a foreign subsidized shipyard; or

“(iii) is subject to an operating agreement under title IV;

“(D)(i) is built under a contract entered into after May 19, 1993, in a foreign shipyard

that on the date the contract was entered is not a foreign subsidized shipyard; and

“(ii) has not been documented in a foreign country before it is documented under chapter 121 of title 46, United States Code; or

“(E) has been documented under chapter 121 of title 46, United States Code, for at least 3 consecutive years, did not transport any equipment, materials, or commodities during that period under this section or section 901b, and—

“(i) was built in a foreign shipyard under a contract entered into before May 19, 1993; or

“(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract was entered is not a foreign subsidized shipyard.

“(4) In paragraph (3), the term ‘built’ includes rebuilt.”

(b) CLERICAL AMENDMENT.—Section 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241f) is amended by adding at the end the following:

“(f) For the definition of the term ‘privately owned United States-flag commercial vessel’, see section 901(b)(3).”

SEC. 8. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

“(a) A preferred mortgage is a mortgage, whenever made, that—

“(1) includes the whole of the vessel;

“(2) is filed in substantial compliance with section 31321 of this title; and

“(3)(A) covers a documented vessel; or

“(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.”

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking “31328 or” each place it appears.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended—

(1) in subsection (c)—

(A) by striking “31328” and inserting “12106(e)”; and

(B) in paragraph (1) by striking “mortgage,” each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking “transfer, or mortgage” and inserting “or transfer”;

(B) in paragraph (2) by striking “transfers, or mortgages” and inserting “or transfers”;

(C) in paragraph (3)(B) by striking “transfers, or mortgages” and inserting “or transfers”; and

(D) in paragraph (4) by striking “transfers, or mortgages” and inserting “or transfers”.

(d) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

“(A) the vessel is eligible for documentation under section 12102;

“(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

“(C) the person that owns the vessel, or any other person that owns or controls the person that owns the vessel, is primarily engaged in leasing or other financing transactions;

“(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

“(E) the demise charter is for—

“(i) a period of at least 3 years; or

“(ii) such shorter period as may be prescribed by the Secretary.

“(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

“(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a), a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States.”.

SEC. 9. PLACEMENT OF VESSELS UNDER FOREIGN REGISTRY.

(a) IN GENERAL.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended by adding at the end the following:

“(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

“(1)(A) the Secretary determines that at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

“(B) the replacement vessel is not more than 10 years of age on the date of that documentation;

“(2)(A) the owner of the vessel has applied for an operating agreement under title IV of the Merchant Marine Act, 1936; and

“(B) the Secretary, due to the unavailability of funds, has not awarded that owner an operating agreement within 60 days after the date of that application; or

“(3)(A) before the expiration of an operating agreement entered into under title IV of the Merchant Marine Act, 1936, the owner has applied for a new operating agreement; and

“(B) the Secretary, due to the unavailability of funds, has not awarded the owner an operating agreement before the later of—

“(i) 60 days after the application for a new operating agreement; or

“(ii) the date of expiration of the operating agreement.

“(f) The Secretary shall give notice and an opportunity for a hearing for all approvals applied for under subsection (c)(2) for ocean-going merchant vessels that are of at least 3,000 gross tons.”.

(b) APPLICATION.—The amendment made by subsection (a) applies to vessels that are placed under foreign registry after the date of enactment of this Act and replacement vessels documented in the United States after that date.

(c) COURT SALES OF VESSELS.—Section 31329 of title 46, United States Code, is amended to read as follows:

“§ 31329. Court sales of documented vessels

“When a documented vessel is sold by order of a district court to a mortgagee not eligible to own a documented vessel—

“(1) that sale is not a sale foreign within the terms of the first proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883); and

“(2) unless the vessel is transferred to a foreign registry, the vessel may be operated only with the approval of the Secretary of Transportation.”.

SEC. 10. SERIES CONSTRUCTION ASSISTANCE.

The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by adding at the end the following:

“TITLE XIV—SERIES CONSTRUCTION ASSISTANCE

“SEC. 1401. PAYMENT OF ASSISTANCE AUTHORIZED.

“(a) IN GENERAL.—The Secretary of Transportation (hereinafter in this title referred to as the ‘Secretary’) may, subject to the availability of appropriations, pay assistance in accordance with this title to the owner of a shipyard that is located in the United States for the construction (including outfitting and equipping) of any commercial vessel that is one of a series of vessels for which payment of assistance under this section to the owner is approved by the Secretary under section 1402.

“(b) AMOUNT OF ASSISTANCE.—The total amount of assistance paid under this section with respect to a vessel shall be equal to the series transition payment determined for the vessel under section 1403(a).

“SEC. 1402. APPROVAL OF ASSISTANCE FOR CONSTRUCTION OF SERIES OF VESSELS.

“(a) APPROVAL OF ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may approve payment of assistance under section 1401 for construction of a series of vessels in a shipyard if—

“(A) the owner of the shipyard submits an application for that assistance in accordance with section 1405;

“(B) the Secretary makes the determinations described in subsection (b); and

“(C) the Secretary determines that payment of the assistance will contribute to maintaining national vessel construction capabilities that are essential in time of war or national emergency.

“(2) LIMITATION.—The Secretary may not approve assistance under this section for a series of vessels if the series transition payment determined under section 1403(a) for any vessel in the series is greater than 50 percent of the estimate of the cost of constructing the vessel determined by the Secretary under section 1403(b)(2).

“(b) DETERMINATIONS BY SECRETARY.—The Secretary may not approve assistance for construction of a series of vessels in a shipyard unless the Secretary has determined the following:

“(1) VESSEL REQUIREMENTS.—The vessels are—

“(A) commercial vessels of at least 10,000 gross tons; and

“(B) commercially marketable on the international market.

“(2) SHIPYARD REQUIREMENTS.—The shipyard in which the vessels will be constructed—

“(A) is located in the United States; and

“(B) upon completion of construction of the vessels, will be capable of constructing additional vessels of the same type as those in the series for a price that is competitive in the international market.

“(3) APPLICANT REQUIREMENTS.—The applicant for the assistance—

“(A) has the ability, financial resources, and other qualifications necessary for construction of the vessels;

“(B) has entered into a contract for the construction of each of the first 2 vessels to be constructed in the series, which may include a contract for a vessel that will be constructed without assistance under this title; and

“(C) is the owner of the shipyard in which the vessels will be constructed.

“(4) CONTRACT REQUIREMENTS.—Each of the contracts required under paragraph (3)(B) are binding obligations on the applicant and all other parties to the contracts, except that such a contract may be contingent on—

“(A) the approval of assistance under this title for construction of a vessel under the contract; and

“(B) the making of a guarantee or commitment to guarantee obligations under title XI for construction under the contract.

“(5) PURCHASER REQUIREMENTS.—Each person that is a purchaser of a vessel under a contract required under paragraph (3)(B)—

“(A) has the ability, financial resources, and other qualifications necessary to own and operate the vessel in commercial service; and

“(B) is a party to the contract.

“(6) SERIES TRANSITION PAYMENT.—The series transition payment under section 1403 for each vessel in the series.

“(c) PRIORITY FOR CERTAIN SERIES OF VESSELS.—In approving assistance under this title, the Secretary may give priority to a series of vessels—

“(1) if a smaller number of vessels in the series are required to be constructed with assistance before construction of that type of vessel becomes cost effective;

“(2) for which the total of the series transition payments determined under section 1403 for all vessels in the series is less than that total for other series of vessels for which applications are submitted for assistance under this title;

“(3) that will be constructed in a shipyard with respect to which assistance under this title has not been provided; or

“(4) that would contribute to the preservation of a shipyard that would be essential in a time of war or national emergency.

“SEC. 1403. DETERMINATION OF SERIES TRANSITION PAYMENTS.

“(a) IN GENERAL.—The Secretary shall determine the series transition payment for each vessel in a series of vessels for which an application for assistance under this title is received by the Secretary.

“(b) AMOUNT OF SERIES TRANSITION PAYMENT.—The series transition payment for a vessel under subsection (a) is equal to the difference of—

“(1) the estimated cost of completing construction of the vessel, as included in the application for assistance submitted under section 1405; minus

“(2) a reasonable estimate of the cost of constructing the vessel under similar plans and specifications in a foreign shipyard that is considered by the Secretary to be a fair and representative example for purposes of determining the payment.

“SEC. 1404. SERIES CONSTRUCTION AGREEMENT.

“(a) IN GENERAL.—

“(1) IN GENERAL.—The Secretary shall, for each series of vessels for which assistance is approved under section 1402, enter into a series construction agreement with the owner of the shipyard in which the series of vessels will be constructed, under which the Secretary is required to pay the owner assistance in accordance with a schedule established under paragraph (2).

“(2) SCHEDULE FOR PAYMENTS.—An agreement under this subsection shall establish a schedule for the payment of assistance under the agreement, that is based on the construction schedule for vessels for which the assistance is paid.

“(3) TERMINATION OF AGREEMENT.—An agreement under this subsection shall authorize the Secretary to terminate the agreement if—

“(A) a contract required under section 1402(b)(3)(B) is terminated by the purchaser of the vessel under the contract, and the owner of the shipyard does not enter into a new contract for construction of the vessel within a period which shall be specified in the agreement; or

“(B) the owner of the shipyard fails to enter into contracts for construction of all vessels in the series of vessels to which the agreement applies, within a period which shall be specified in the agreement.

"(4) CONTINUING EFFECT OF AGREEMENT WITH RESPECT TO VESSELS COVERED BY CONTRACTS.—The termination of a series construction agreement under paragraph (3) shall not affect the effectiveness of the agreement with respect to vessels for which a construction contract is in effect on the date of termination.

"(b) BINDING OBLIGATION OF THE UNITED STATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a requirement that the Secretary make payments under a series construction agreement under subsection (a) shall constitute a binding obligation of the United States.

"(2) TERMINATION OF OBLIGATION.—If the Secretary terminates a series construction agreement pursuant to subsection (a)(3), the obligation of the United States under paragraph (1) to make payments under the agreement shall terminate with respect to vessels for which no construction contract is in effect on the date of termination of the agreement.

"(3) CONTINUING AVAILABILITY OF AMOUNTS.—Amounts to be used to liquidate an obligation under paragraph (1) that terminates under paragraph (2) shall remain available to the Secretary for the payment of assistance under this title.

"SEC. 1405. APPLICATIONS FOR ASSISTANCE.

"(a) SUBMITTAL.—A person desiring assistance under this title shall, in accordance with this section, submit an application to the Secretary.

"(b) CONTENTS OF APPLICATION.—An application for assistance under this title with respect to a series of vessels shall include the following:

"(1) A detailed description of the type of vessels included in the series, including plans and specifications for the vessels.

"(2) Detailed estimates of the cost of completing construction of each of the vessels in the series, including such estimates from subcontractors for the construction as may be required by the Secretary.

"(3) Copies of the contracts required under section 1402(b)(3)(B).

"(4) Other information required by the Secretary to fulfill the requirements of this title.

"(c) REGULATIONS.—The Secretary shall issue regulations setting forth the procedures for submitting an application for assistance under this title.

"SEC. 1406. RESTRICTION ON VESSEL OPERATIONS.

"A vessel for which assistance is paid under this title—

"(1) may be operated only in foreign trade or domestic trade authorized under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code; and

"(2) may not be operated in the coastwise trade of the United States (including mixed coastwise and foreign trade), except coastwise trade authorized under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code.

"SEC. 1407. VESSEL DESIGN AWARDS.

"The Secretary, subject to the availability of appropriations, may make an award to a United States shipyard on an equal matching basis for the cost of vessel designs and document and bid preparation for vessels described in section 403(b)(4)."

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act are effective on the date which is 120 days after the date of enactment of this Act.

SEC. 12. REGULATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall prescribe regulations as necessary to carry out this Act.

(b) INTERIM REGULATIONS.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this Act and for accepting eligibility decision applications under section 403 of the Merchant Marine Act, 1936, as amended by this Act. For this purpose, the Secretary of Transportation is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire 270 days after the date of enactment of this Act.

SEC. 13. EXPANSION OF STANDING FOR MARITIME UNIONS.

Section 301 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by adding at the end the following:

"(c) STANDING FOR MARITIME UNION REPRESENTATIVES.—The duly-elected representative of any organization that is certified by the Secretary of Labor as the proper collective bargaining agency for officers or crew employed on any type of United States documented vessel is an interested party in, and has standing to challenge, any proposed or final order, action, or rule of the Secretary of Transportation under this Act or section 9(c)(2) of the Shipping Act, 1916."

SEC. 14. STUDY.

(a) IN GENERAL.—After providing public notice and opportunity for comment, the Secretary of Transportation shall conduct a study of—

(1) the impact of this Act on the international competitiveness of United States documented vessels and whether this Act has had a favorable or unfavorable impact on the ability of United States documented vessels to compete successfully with foreign-flag vessels;

(2) whether continuation of the Maritime Security Fleet program established by this Act would assist the international competitiveness of United States documented vessels;

(3) whether the Maritime Security Fleet program should be continued, modified, or discontinued;

(4) alternatives that are or should be available to operators of United States documented vessels if the Maritime Security Fleet program is discontinued; and

(5) any other issues related to promoting the international competitiveness of United States documented vessels that the Secretary considers appropriate.

(b) REPORT.—The Secretary of Transportation shall submit to the Congress a report on the findings and conclusions of the study required by subsection (a) by not later than 4 years after the date of enactment of this Act, which shall include such recommendations as the Secretary considers appropriate.

SEC. 15. CARGO PREFERENCE ADMINISTRATIVE REFORM.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Congress continues to support the cargo preference program as an important element of support for the United States-flag merchant marine because the United States merchant marine is critical to the economic and national security of the United States;

(2) reserving a small portion of Government cargo for United States-flag vessels encourages competition among United States-flag vessels; and

(3) administering the cargo preference program in a centralized, commercially based manner reduces costs of the program.

(b) ADMINISTRATIVE REFORM.—Section 901 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241) is amended by adding at the end the following new subsections:

"(d) A privately owned United States-flag commercial vessel transporting any equip-

ment, materials, or commodities under this section or section 901b shall be engaged under terms no less favorable than the most favorable terms offered to any foreign-flag vessel transporting equipment, materials, or commodities under this section or section 901b.

"(e) A contract for the ocean transportation of any equipment, materials, or commodities under this section or section 901b, to the extent the Secretary of Transportation, in consultation with the heads of other appropriate agencies, determines necessary to further the purposes of this section and section 901b, shall be based on contracts used for commercial shipments.

"(f) The Secretary of Transportation shall participate in negotiations relating to agreements with recipient countries for equipment, materials, or commodities subject to this section or section 901b to the extent the Secretary, in consultation with the heads of other appropriate agencies, considers to be necessary to ensure agreement provisions relating to or affecting the transportation of such equipment, materials, or commodities permit fair and reasonable transportation services to be provided.

"(g) No later than 180 days after the date of the enactment of the Maritime Security and Competitiveness Act of 1993, the heads of appropriate Federal agencies, or their representatives, shall transmit to the Secretary of Transportation recommendations relating to the methodology used by the Secretary of Transportation to determine whether rates for United States-flag vessels are fair and reasonable in compliance with section 901(b) and will achieve the policy objectives of this Act."

(c) Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall take actions to ensure and maintain a significant increase of government-impelled cargo through Great Lakes ports, through administrative waivers and action and through an exemption of cargo preference requirements.

SEC. 16. WAGES FOR WHICH PREFERRED MARITIME LIEN MAY BE ESTABLISHED.

(a) IN GENERAL.—Section 31301(5)(D) of title 46, United States Code, is amended by inserting before the semicolon the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for any individual as a member of the crew of the vessel, that is due from and unpaid by an owner or managing operator of the vessel)".

(b) INCURRING OBLIGATIONS BEFORE EXECUTING PREFERRED MORTGAGES.—Section 31323(b)(2) of title 46, United States Code, is amended by inserting before the semicolon the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for any member of the crew of the vessel)".

(c) MASTER'S LIEN FOR WAGES.—Section 11112 of title 46, United States Code, is amended by inserting after "wages" the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for an individual as master of the vessel, that is due from and unpaid by an owner or managing operator of the vessel)".

(d) APPLICATION.—The amendments made by subsections (a), (b), and (c) shall apply with respect to payments that first become due on or after the date of the enactment of this Act.

SEC. 17. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41

U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 18. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

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

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

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

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

Mr. LINDER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 347
affirmative { Nays 65

¶129.13 [Roll No. 547]
AYES—347

- Abercrombie
- Ackerman
- Andrews (ME)
- Andrews (NJ)
- Andrews (TX)
- Applegate
- Bacchus (FL)
- Baker (CA)
- Baker (LA)
- Ballenger
- Barca
- Barcia
- Barlow
- Barrett (WI)
- Bartlett
- Bateman
- Becerra
- Bentley
- Bilbray
- Bilirakis
- Bishop
- Blackwell
- Bliley
- Blute
- Boehlert
- Boehner
- Bonior
- Borski
- Boucher
- Brewster
- Brooks
- Browder
- Brown (CA)
- Brown (FL)
- Brown (OH)
- Bryant
- Bunning
- Buyer
- Byrne
- Callahan
- Calvert
- Camp
- Canady
- Cantwell
- Cardin
- Carr
- Castle
- Chapman
- Clay
- Clayton
- Clement
- Clinger
- Clyburn
- Coble
- Coleman
- Collins (IL)
- Collins (MI)
- Conyers
- Cooper
- Coppersmith
- Costello
- Coyne
- Cramer
- Crapo
- Cunningham
- Danner
- Darden
- de la Garza
- Deal
- DeFazio
- DeLauro
- Dellums
- Derrick
- Deutsch
- Diaz-Balart
- Dicks
- Dingell
- Dixon
- Doolittle
- Duncan
- Dunn
- Durbin
- Edwards (CA)
- Edwards (TX)
- Emerson
- Engel
- English (AZ)
- English (OK)
- Eshoo
- Evans
- Everett
- Ewing
- Farr
- Fazio
- Fields (LA)
- Fields (TX)
- Filner
- Fingerhut
- Fish
- Foglietta
- Ford (MI)
- Ford (TN)
- Fowler
- Frank (MA)
- Franks (CT)
- Franks (NJ)
- Frost
- Furse
- Galleghy
- Gallo
- Gejdenson
- Gekas
- Geren
- Gibbons
- Gilchrest
- Gillmor
- Gilman
- Gingrich
- Glickman
- Gonzalez
- Gordon
- Goss
- Green
- Greenwood
- Gunderson
- Hall (OH)
- Hamburg
- Hastings
- Hayes
- Hefley
- Hefner
- Hilliard
- Hinchey
- Hobson
- Hochbrueckner
- Holden
- Horn
- Houghton
- Hoyer
- Huffington
- Hughes
- Hunter
- Hutchinson
- Hutto
- Hyde
- Inglis
- Inhofe
- Inslie
- Istook
- Jefferson
- Johnson (CT)
- Johnson (GA)
- Johnson (SD)
- Johnson, E. B.
- Johnston
- Kanjorski
- Kasich
- Kennedy
- Kennelly

- Kildee
- King
- Kingston
- Kleczka
- Klein
- Klink
- Kopetski
- Kreidler
- Kyl
- LaFalce
- Lambert
- Lancaster
- Lantos
- LaRocco
- Lazio
- Lehman
- Levin
- Levy
- Lewis (CA)
- Lewis (FL)
- Lewis (GA)
- Linder
- Lipinski
- Livingston
- Lloyd
- Long
- Lowe
- Machtley
- Maloney
- Mann
- Manton
- Margolies-Mezvinsky
- Markey
- Martinez
- Mazzoli
- McCandless
- McCloskey
- McCollum
- McCrary
- McDade
- McDermott
- McHale
- McInnis
- McKinney
- McMillan
- McNulty
- Meehan
- Meek
- Menendez
- Meyers
- Mfume
- Mica
- Michel
- Miller (CA)
- Miller (FL)
- Mineta
- Mink
- Moakley
- Molinari
- Mollohan
- Montgomery
- Moran
- Murphy
- Murtha
- Myers
- Nadler
- Natcher
- Neal (MA)
- Neal (NC)
- Oberstar
- Obey
- Oliver
- Ortiz
- Orton
- Owens
- Packard
- Pallone
- Parker
- Pastor
- Payne (NJ)
- Payne (VA)
- Pelosi
- Peterson (FL)
- Peterson (MN)
- Pickett
- Pickle
- Pombo
- Pomeroy
- Portman
- Poshard
- Price (NC)
- Pryce (OH)
- Quillen
- Quinn
- Rahall
- Rangel
- Ravenel
- Reed
- Regula
- Reynolds
- Richardson
- Ridge
- Roemer
- Rogers
- Ros-Lehtinen
- Rose
- Rostenkowski
- Roukema
- Rowland
- Roybal-Allard
- Rush
- Sabo
- Sanders
- Sangmeister
- Santorum
- Sarpalius
- Sawyer
- Saxton
- Schaefer
- Schenk
- Schiff
- Schroeder
- Schumer
- Scott
- Serrano

NOES—65

- Allard
- Archer
- Armey
- Bachus (AL)
- Barrett (NE)
- Barton
- Bereuter
- Bonilla
- Burton
- Collins (GA)
- Combust
- Condit
- Cox
- Crane
- DeLay
- Dornan
- Dreier
- Fawell
- Goodlatte
- Goodling
- Grams
- Grandy
- Hall (TX)
- Hamilton
- Hancock
- Hansen
- Hastert
- Hoagland
- Hoekstra
- Hoke
- Jacobs
- Johnson, Sam
- Kim
- Klug
- Knollenberg
- Kolbe
- Leach
- Lightfoot
- Manzullo
- Minge
- Moorhead
- Nussle
- Oxley
- Paxon

NOT VOTING—21

- Baesler
- Beilenson
- Berman
- Bevill
- Dickey
- Dooley
- Flake
- Gephardt
- Gutierrez
- Harman
- Herger
- Kaptur
- Laughlin
- Matsui

- Shaw
- Shays
- Shepherd
- Sisisky
- Skaggs
- Skeen
- Skelton
- Slattery
- Slaughter
- Smith (NJ)
- Smith (OR)
- Snowe
- Solomon
- Spence
- Spratt
- Stark
- Stearns
- Stokes
- Strickland
- Studds
- Stupak
- Sundquist
- Swett
- Swift
- Synar
- Talent
- Tanner
- Tauzin
- Taylor (NC)
- Tejeda
- Thomas (CA)
- Thompson
- Thurman
- Torkildsen
- Torres
- Torricelli
- Traficant
- Tucker
- Unsoeld
- Valentine
- Velazquez
- Vento
- Visclosky
- Volkmer
- Vucanovich
- Walsh
- Washington
- Waters
- Watt
- Waxman
- Weldon
- Wheat
- Whitten
- Williams
- Wilson
- Wise
- Wolf
- Woolsey
- Wynn
- Yates
- Young (AK)
- Young (FL)
- Zeliff

A motion to reconsider the vote whereby 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.

¶129.14 BREAST AND CERVICAL CANCER

On motion of Mr. DINGELL, by unanimous consent, the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. DINGELL, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. SWIFT, by unanimous consent, announced the appointment of Messrs. DINGELL, WAXMAN, KREIDLER, MOORHEAD, and BLILEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶129.15 TRAUMA CARE

On motion of Mr. DINGELL, by unanimous consent, the bill (H.R. 2205) to amend the Public Health Service Act to revise and extend programs relating to trauma care; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. DINGELL, it was,

Resolved, That the House disagree to the amendment of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. SWIFT, by unanimous consent, announced the appointment of Messrs. DINGELL, WAXMAN, SYNAR, MOORHEAD, and BLILEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶129.16 ORDER OF BUSINESS—
CONSIDERATION OF H. CON. RES. 170

On motion of Mr. HAMILTON, by unanimous consent,

Ordered, That the provisions of section 7 of War Powers Resolution (50 United States Code 1546) shall apply to the concurrent resolution (H. Res. Con. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994, only on the legislative day after the legislative day of Monday, November 8, 1993, but on the same terms as would have adhered on November 8, 1993, unless otherwise provided by subsequent order of the House.

¶129.17 PERMISSION TO FILE REPORT

On motion of Mr. HAMILTON, by unanimous consent, the Committee on

So the bill was passed.

Foreign Affairs was granted permission until midnight on Friday, November 5, 1993, to file a report on the concurrent resolution (H. Res. Con. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994.

129.18 CHANGE OF REFERENCE—HOUSE DOCUMENT NO. 103-153

On motion of Mr. HAMILTON, by unanimous consent, the Committee on Ways and Means was discharged from further consideration of House Document No. 103-153, a communication from the President of the United States transmitting notification of the deployment of U. S. Naval forces to participate in the implementation of the petroleum and arms embargo of Haiti.

When said communication was referred to the Committee on Foreign Affairs.

129.19 FEDERAL GRAIN INSPECTION SERVICE

On motion of Mr. DE LA GARZA, by unanimous consent, the bill of the Senate (S. 1490) to amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. DE LA GARZA submitted the following amendment in the nature of a substitute which was agreed to:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost contain-

ment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: " 'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement."; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;"

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j)."

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than \$10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "\$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), \$50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2."

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than \$10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DE LA GARZA: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

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

Sec. 1. Short title and table of contents.

Sec. 2. Limitation on administrative and supervisory costs.

Sec. 3. Authorization of appropriations.

Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.

Sec. 5. Pilot program for performing inspection and weighing at interior locations.

Sec. 6. Licensing of inspectors.

Sec. 7. Prohibited acts.

Sec. 8. Criminal penalties.

Sec. 9. Equipment testing and other services.

Sec. 10. Violation of subpoena.

Sec. 11. Standardizing commercial inspections.

Sec. 12. Elimination of gender-based references.

Sec. 13. Repeal of temporary amendment language; technical amendments.

Sec. 14. Authority to collect fees; termination of advisory committee.

Sec. 15. Comprehensive cost containment plan.

Sec. 16. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 2000".

(b) LIMITATION.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the words "official weighing" or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79f)(2) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the phrase "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the words "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the words "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Paragraph (11) of section 13(a) of the United States Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;"

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than \$10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed 20 dollars in value."

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and in-

serting "imprisonment for not more than 1 year or a fine of not more than \$10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsection (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended—

(i) by striking "him" and inserting "the licensee"; and

(ii) by striking "his license" and inserting "the license".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person". (j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(1) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(A) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(b) TECHNICAL AMENDMENTS.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)" and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c)), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 2000. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain."

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(1) of such Act (7 U.S.C. 79a(1)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 2000. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act."

(c) ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

“(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2000.”.

SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by striking “There is created” and inserting “(a) Establishment.—There is created”; and

(2) by adding at the end the following new subsection:

“(b) COST CONTAINMENT PLAN.—(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

“(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.”.

SEC. 16. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by section 2, 3, and 13(a) shall take effect as of September 30, 1993.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: “An Act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.”.

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

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

¶129.20 PROVIDING FOR THE CONSIDERATION OF H. CON. RES. 170

Mr. BONIOR, by direction of the Committee on Rules, reported (Rept. No. 103-328) the resolution (H. Res. 293) providing consideration of the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994.

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

¶129.21 ADJOURNMENT OVER

On motion of Mr. BONIOR, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday, November 8, 1993.

¶129.22 HOUR OF MEETING

On motion of Mr. BONIOR, by unanimous consent,

Ordered, That when the House adjourns on Monday, November 8, 1993, it adjourn to meet at 11 o'clock a.m. on Tuesday, November 9, 1993.

¶129.23 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BONIOR, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, November 10, 1993, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶129.24 SUBPOENA

The SPEAKER pro tempore, Mr. BARRETT of Wisconsin, laid before the House a communication, which was read as follows:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, November 3, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office Supply Service has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

¶129.25 SUBPOENA

The SPEAKER pro tempore, Mr. BARRETT of Wisconsin, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 3, 1993.

Hon. THOMAS S. FOLEY,
House of Representatives,
Longworth HOB, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that my office was served with a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel I will make the determinations required by the Rule.

With kindest regards, I am
Sincerely,

JAMES E. CLYBURN,
Member of Congress.

¶129.26 MESSAGES FROM THE PRESIDENT

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

¶129.27 MESSAGE FROM THE PRESIDENT—NAFTA LEGISLATION

The SPEAKER pro tempore, Mr. BARRETT of Wisconsin, laid before the

House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit today legislation to implement the North American Free Trade Agreement, an agreement vital to the national interest and to our ability to compete in the global economy. I also am transmitting a number of related documents required for the implementation of NAFTA.

For decades, the United States has enjoyed a bipartisan consensus on behalf of a free and open trading system. Administrations of both parties have negotiated, and Congresses have approved, agreements that lower tariffs and expand opportunities for American workers and American firms to export their products overseas. The result has been bigger profits and more jobs here at home.

Our commitment to more free and more fair world trade has encouraged democracy and human rights in nations that trade with us. With the end of the Cold War, and the growing significance of the global economy, trade agreements that lower barriers to American exports rise in importance.

The North American Free Trade Agreement is the first trade expansion measure of this new era, and it is in the national interest that the Congress vote its approval.

Not only will passage of NAFTA reduce tariff barriers to American goods, but it also will operate in an unprecedented manner—to improve environmental conditions on the shared border between the United States and Mexico, to raise the wages and living standards of Mexican workers, and to protect our workers from the effects if unexpected surges in Mexican imports into the United States.

This pro-growth, pro-jobs, pro-exports agreement—if adopted by the Congress—will vastly improve the status quo with regard to trade, the environment, labor rights, and the creation and protection of American jobs.

Without NAFTA, American business will continue to face high tariff rates and restrictive nontariff barriers that inhibit their ability to export to Mexico. Without NAFTA, incentives will continue to encourage American firms to relocate their operations and take American jobs to Mexico. Without NAFTA, we face continued degradation of the natural environment with no strategy for clean-up. Most of all, without NAFTA, Mexico will have every incentive to make arrangements with Europe and Japan that operate to our disadvantage.

Today, Mexican tariffs are two and a half times greater than U.S. tariffs. This agreement will create the world's largest tariff-free zone, from the Canadian Arctic to the Mexican tropics—more than 370 million consumers and over \$6.5 trillion of production, led by the United States. As tariff walls come down and exports go up, the United States will create 200,000 new jobs by 1995. American goods will enter this

market at lower tariff rates than goods made by our competitors.

Mexico is a rapidly growing country with a rapidly expanding middle class and a large pent-up demand for goods—especially American goods. Key U.S. companies are poised to take advantage of this market of 90 million people. NAFTA ensures that Mexico's reforms will take root, and then flower.

Moreover, NAFTA is a critical step toward building a new post-Cold War community of free markets and free nations throughout the Western Hemisphere. Our neighbors—not just in Mexico but throughout Latin America—are waiting to see whether the United States will lead the way toward a more open, hopeful, and prosperous future or will instead hunker down behind protective, but self-defeating walls. This Nation—and this Congress—has never turned away from the challenge of international leadership. This is no time to start.

The North American Free Trade Agreement is accompanied by supplemental agreements, which will help ensure that increased trade does not come at the cost of our workers or the border environment. Never before has a trade agreement provided for such comprehensive arrangements to raise the living standards of workers or to improve the environmental quality of an entire region. This makes NAFTA not only a stimulus for economic growth, but a force for social good.

Finally, NAFTA will also provide strong incentives for cooperation on illegal immigration and drug interdiction.

The implementing legislation for NAFTA I forward to the Congress today completes a process that has been accomplished in the best spirit of bipartisan teamwork. NAFTA was negotiated by two Presidents of both parties and is supported by all living former Presidents of the United States as well as by distinguished Americans from many walks of life—government, civil rights, and business.

They recognize what trade expanding agreements have meant for America's economic greatness in the past, and what this agreement will mean for America's economic and international leadership in the years to come. The North American Free Trade Agreement is an essential part of the economic strategy of this country: expanding markets abroad and providing a level playing field for American workers to compete and win in the global economy.

America is a Nation built on hope and renewal. If the Congress honors this tradition and approves this agreement, it will help lead our country into the new era of prosperity and leadership that awaits us.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 3, 1993.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means, the Committee on Agriculture, the Committee on Bank-

ing, Finance, and Urban Affairs, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary and the Committee on Public Works and Transportation and ordered to be printed (H. Doc. 103-159).

¶129.28 MESSAGE FROM THE

PRESIDENT—NAFTA IMPLEMENTATION

The SPEAKER pro tempore, Mr. BARRETT of Wisconsin, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

By separate message, I have transmitted to the Congress a bill to approve and implement the North American Free Trade Agreement (NAFTA). In fulfillment of legal requirements of our trade laws, that message also transmitted a statement of administrative action, the NAFTA itself, and certain supporting information required by law.

Beyond the legally required documents conveyed with that message, I want to provide you with the following important documents:

- The supplemental agreements on labor, the environment, and import surges;
- Agreements concluded with Mexico relating to citrus products and to sugar and sweeteners;
- The border funding agreement with Mexico;
- Letters agreeing to further negotiations to accelerate duty reductions;
- An environmental report on the NAFTA and side agreements;
- A list of more technical letters related to NAFTA that have previously been provided to the Congress and that are already on file with relevant congressional committees.

These additional documents are not subject to formal congressional approval under fast-track procedures. However, the additional agreements provide significant benefits for the United States that will be obtained only if the Congress approves the NAFTA. In that sense, these additional agreements, as well as the other documents conveyed, warrant the careful consideration of each Member of Congress. The documents I have transmitted in these two messages constitute the entire NAFTA package.

I strongly believe that the NAFTA and the other agreements will mark a significant step forward for our country, our economy, our environment, and our relations with our neighbors on this continent. I urge the Congress to seize this historic opportunity by approving the legislation I have transmitted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 4, 1993.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means, the Committee on

Agriculture, the Committee on Banking, Finance, and Urban Affairs, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary and the Committee on Public Works and Transportation and ordered to be printed (H. Doc. 103-160).

¶129.29 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. 1308. An Act to protect the free exercise of religion.

¶129.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. MORELLA, for today.

And then,

¶129.31 ADJOURNMENT

On motion of Mr. HUNTER, pursuant to the special order heretofore agreed to, at 9 o'clock and 5 minutes p.m., the House adjourned until 12 o'clock noon on Monday, November 8, 1993.

¶129.32 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. MILLER of California: Committee on Natural Resources. S. 836. An Act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes (Rept. No. 103-326). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 983. An Act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes (Rept. No. 103-327). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 293. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994 (Rept. No. 103-328). Referred to the House Calendar.

¶129.33 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. APPLIGATE (for himself, Mr. MINETA, Mr. SHUSTER, Mr. BOEHLERT, Mr. VOLKMER, Mr. DURBIN, Mr. GEPHARDT, Mr. EMERSON, Mr. COSTELLO, Ms. DANNER, Mr. WHEAT, Mr. SKELTON, Mr. TALENT, Mr. CLAY, Mr. EVANS, Mr. SMITH of Iowa, Mr. LEACH, Mr. LIGHTFOOT, and Mr. NUSSLE):

H.R. 3445. A bill to improve hazard mitigation and relocation assistance in connection

with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DELAY (for himself, Mr. THOMAS of Wyoming, and Mr. EWING):

H.R. 3446. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. DINGELL (for himself, Mr. MOORHEAD, Mr. MARKEY, and Mr. FIELDS of Texas):

H.R. 3447. A bill to amend the Federal securities laws to equalize the regulatory treatment of participants in the securities industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DIXON:

H.R. 3448. A bill relating to the tariff treatment of hand crafted stone figurines; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. BAKER of Louisiana, Mr. BILBRAY, Mr. ROHRABACHER, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BOEHNER, Mr. COX, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GOSS, Mr. HOBSON, Ms. ROS-LEHTINEN, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. SWIFT, Mrs. VUCANOVICH, Mr. GILCHREST, Mr. LIPINSKI, Mr. MACHTLEY, Mr. LIGHTFOOT, Mr. PAXON, Mr. LEVY, Mr. SCHAEFER, Mr. FROST, Mr. QUINN, Mr. HOEKSTRA, Mr. HANCOCK, and Mr. WALSH):

H.R. 3449. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

Mr. ROSTENKOWSKI (as designee of the majority leader) (for himself and Mr. ARCHER) (as designee of the minority leader) (by request):

H.R. 3450. A bill to implement the North American Free Trade Agreement; jointly, to the following committees for a period ending not later than November 15, 1993: Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, Foreign Affairs, Government Operations, Judiciary, and Public Works and Transportation.

By Mr. KLECZKA:

H.R. 3451. A bill to amend the Internal Revenue Code of 1986 to provide a cost-of-living adjustment for the thresholds used in determining the 85 percent inclusion of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. MCCLOSKEY:

H.R. 3452. A bill to provide that service performed in or under any of certain non-appropriated fund instrumentalities of the Government be creditable for purposes of the Federal Employees' Retirement System; to the Committee on Post Office and Civil Service.

By Mr. OWENS:

H.R. 3453. A bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the continuation of the programs of such act; to the Committee on Education and Labor.

By Mr. PORTER:

H.R. 3454. A bill to amend the provisions of title 39, United States Code, to provide that certain periodical publications shall not be bound publications for mail classification purposes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PORTMAN:

H.R. 3455. A bill to amend title 39, United States Code, to prevent mass mailings from being sent as franked mail, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. SLATTERY (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. APPLE-GATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. KING, Mr. EDWARDS of Texas, Mr. TEJEDA, Ms. WATERS, and Mr. SPENCE):

H.R. 3456. A bill to amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans; to the Committee on Veterans' Affairs.

By Mr. SMITH of Michigan (for himself, Mr. ALLARD, Mr. DREIER, Mr. HERGER, Mr. HOEKSTRA, Mr. JACOBS, Mr. KLING, Mr. TRAFICANT, Mr. GINGRICH, Mr. COPPERSMITH, and Mr. TORKILDSEN):

H.R. 3457. A bill to provide that cost-of-living adjustments to payments made under the Federal law shall be determined using a new price index which does not take into account tobacco products; jointly, to the Committees on Ways and Means, Armed Services, Education and Labor, Post Office and Civil Service, and Energy and Commerce.

By Mr. HOLDEN (for himself and Mr. GEKAS):

H.J. Res. 287. Joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak-American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. BARCIA of Michigan (for himself, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. KILDEE, Mr. SKELTON, Mr. STRICKLAND, Mr. TOWNS, and Mr. WYDEN):

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the unique and vital health care services provided by osteopathic physicians must be included in any health care benefits package developed as part of health care system reform; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself, Mr. BACHUS of Alabama, Mr. WALKER, Mr. FISH, and Mr. ARMEY):

H. Con. Res. 174. Concurrent resolution expressing the sense of Congress that entities established under health care reform proposals should not be permitted to form political action committees or make contributions to Federal candidates; to the Committee on House Administration.

By Mr. DEUTSCH (for himself, Mr. BERMAN, Mr. SWETT, Mr. LANTOS, Mr. SAXTON, Mr. ROEMER, Mr. SCHUMER, Mr. HASTINGS, Ms. CANTWELL, Mr. WYNN, Mr. GEJDENSON, Mr. ENGEL, Mr. LEVY, Ms. SNOWE, Mr. DIAZ-BALART, Mr. FINGERHUT, Ms. ROS-LEHTINEN, Ms. MARGOLIES-MEZVINSKY, Mr. TORKILDSEN, Ms. WOOLSEY, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. JOHNSTON of Florida, and Mr. GILMAN):

H. Con. Res. 175. Concurrent resolution concerning the Arab League boycott of Israel; to the Committee on Foreign Affairs.

By Mr. JOHNSTON of Florida (for himself, Mr. BURTON of Indiana, Mr. PAYNE of New Jersey, Mr. HASTINGS, Mr. ENGEL, and Mr. FRANK of Massachusetts):

H. Res. 294. Resolution expressing the sense of the House of Representatives with respect to the situation in Burundi; to the Committee on Foreign Affairs.

By Mr. MCCOLLUM:

H. Res. 295. Resolution providing for the consideration of the bill (H.R. 2872) to prevent and punish crime, to strengthen the rights of crime victims, to assist State and local efforts against crime, and for other purposes; to the Committee on Rules.

By Mr. SANTORUM:

H. Res. 296. Resolution requiring each Member of the House of Representatives to

hold at least 12 town meetings per year in the district of the Member; to the Committee on House Administration.

H. Res. 297. Resolution providing for greater disclosure of information relating to franked mass mailing and voting records of Members of the House of Representatives; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

¶129.34 ADDITIONAL SPONSORS

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

H.R. 3: Mr. OBEY.

H.R. 39: Mr. OWENS, Ms. ROS-LEHTINEN, Ms. FURSE, Mr. FINGERHUT, Mr. FLAKE, Mr. LAZIO, Mrs. MALONEY, and Mr. BONIOR.

H.R. 58: Mr. SWIFT.

H.R. 140: Mr. CALLAHAN, Mr. COOPER, Mrs. LLOYD, Mr. GILCHREST, Mr. WILSON, Mr. SOL-OMON, Mr. TORKILDSEN, Mr. BOEHNER, Mr. LIPINSKI, Mr. HUNTER, Mr. MCCANDLESS, Mr. POSHARD, Mr. BAKER of Louisiana, and Mr. BEVILL.

H.R. 408: Mr. HUTTO, Mr. PETERSON of Florida, Mr. CANADY, Mr. JOHNSTON of Florida, Mr. LEWIS of Florida, and Mrs. THURMAN.

H.R. 466: Mr. BOEHLERT, Mr. KOPETSKI, Mr. MARKEY, Mr. GUNDERSON, Mr. CHAPMAN, Mr. PRICE of North Carolina, and Mr. BILBRAY.

H.R. 518: Mr. RAVENEL, Mr. BARCA of Wisconsin, Mr. BILBRAY, Mr. KOPETSKI, and Mr. MARKEY.

H.R. 723: Mr. SMITH of Texas and Mr. GALLO.

H.R. 739: Mr. KING.

H.R. 786: Mr. ANDREWS of New Jersey.

H.R. 830: Ms. WOOLSEY and Mr. MEEHAN.

H.R. 886: Mr. WELDON and Mr. STEARNS.

H.R. 1015: Mr. FILNER.

H.R. 1172: Mr. KLECZKA.

H.R. 1181: Mr. PASTOR, Mr. LANCASTER, Mr. MINGE, and Mr. COPPERSMITH.

H.R. 1322: Mr. BEILSON, Ms. SNOWE, Mr. VISCLOSKY, Mr. CASTLE, Mr. SMITH of Texas, and Mr. ORTON.

H.R. 1332: Mr. MCCRERY.

H.R. 1432: Ms. WOOLSEY.

H.R. 1504: Mr. NADLER, Mr. GRANDY, Mr. MINETA, and Mr. OWENS.

H.R. 1552: Mr. CRAPO, Mr. STEARNS, and Ms. BYRNE.

H.R. 1687: Mr. SKELTON.

H.R. 1697: Mr. NEAL of North Carolina.

H.R. 1709: Mr. GINGRICH, Mr. HANCOCK, Mr. ARCHER, Mr. BONIOR, Mr. FINGERHUT, Mr. GOSS, Mr. BARTLETT of Maryland, Mr. EMERSON, Mr. CRANE, Mr. STUMP, Mr. WOLF, Mr. THOMAS of California, and Ms. LOWEY.

H.R. 1886: Mr. SANGMEISTER.

H.R. 1900: Mr. HILLIARD.

H.R. 1935: Ms. FURSE.

H.R. 2135: Mr. TAYLOR of North Carolina.

H.R. 2145: Mr. WILSON.

H.R. 2169: Mr. LIPINSKI and Mr. NEAL of North Carolina.

H.R. 2191: Mr. LIPINSKI.

H.R. 2286: Mr. BARCA of Wisconsin and Mr. DREIER.

H.R. 2293: Mr. POMEROY.

H.R. 2360: Mr. BEILSON, Ms. PELOSI, and Mr. SHAYS.

H.R. 2394: Mr. MANTON, Mrs. KENNELLY, Mr. GONZALEZ, and Mr. FILNER.

H.R. 2395: Mr. MANTON, Mrs. KENNELLY, Mr. GONZALEZ, Mr. BILBRAY, and Mr. FILNER.

H.R. 2434: Mr. ROHRABACHER, Mr. BAKER of Louisiana, and Mr. INHOFE.

H.R. 2499: Mr. MCKEON and Mrs. MEYERS of Kansas.

H.R. 2572: Mr. GUTIERREZ.

H.R. 2740: Mr. RICHARDSON.

H.R. 2826: Mrs. MORELLA, Mr. GEJDENSON, Mr. MCCRERY, Mr. ACKERMAN, Ms. NORTON, Mr. SCHUMER, Mr. LEWIS of California, Mrs. MINK, Mr. FOGLIETTA, Mr. TRAFICANT, Mr.

BONIOR, Mr. QUINN, Mr. ROHRABACHER, Ms. PELOSI, Mr. SMITH of Iowa, Mr. PAYNE of Virginia, Mr. KILDEE, Mr. TORKILDSEN, and Mr. DIAZ-BALART.

H.R. 2884: Ms. VELÁZQUEZ and Mr. PAYNE of Virginia.

H.R. 2886: Mr. BAKER of California, Ms. BYRNE, Mr. DORNAN, Mr. STENHOLM, and Mr. BACHUS of Alabama.

H.R. 2936: Mrs. MEYERS of Kansas.

H.R. 2938: Mrs. MEYERS of Kansas.

H.R. 2947: Mr. FILNER, Mr. WHEAT, Mr. BONIOR, Mr. TOWNS, Mr. SARPALIUS, Mr. VALENTINE, Mr. BISHOP, Mr. KILDEE, Mr. SCOTT, Mr. RANGEL, Mr. DELLUMS, Mr. FROST, Mr. GENE GREEN of Texas, Mr. SANDERS, Mr. WAXMAN of California, Mr. JOHNSTON of Florida, Mr. PARKER, Ms. FURSE, Mrs. KENNELLY, Mr. FRANK of Massachusetts, Mr. KYL, Mr. DIXON, Mr. SAWYER, Mr. HUTTO, Mr. HILLIARD, Mrs. MEEK, Mr. HOCHBRUECKNER, and Mr. SHAYS.

H.R. 2959: Mr. ROGERS and Mr. BARTON of Texas.

H.R. 2971: Mr. FISH, Mr. SANGMEISTER, and Mr. DELLUMS.

H.R. 2995: Ms. HUFFINGTON and Mr. WHEAT.

H.R. 3020: Ms. VELAZQUEZ.

H.R. 3059: Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. HOCHBRUECKNER, Mr. SANDERS, Mr. BEILENSON, Mr. DELLUMS, Mr. GEJDENSON, and Mr. FOWLER.

H.R. 3088: Mr. NEAL of North Carolina, Mr. MORAN, Mr. MARTINEZ, and Mr. FLAKE.

H.R. 3182: Mr. HINCHEY, Mr. GUTIERREZ, and Mrs. MALONEY.

H.R. 3203: Mr. SAWYER, Ms. BYRNE, Mr. YATES, Mr. SANDERS, and Ms. VELAZQUEZ.

H.R. 3213: Mr. KOPETSKI.

H.R. 3252: Mr. RAHALL, Mr. MARKEY, Mr. BERMAN, Mr. DURBIN, and Mr. BOUCHER.

H.R. 3256: Mr. BLACKWELL, Mr. JEFFERSON, Mrs. LLOYD, Mr. ROMERO-BARCELÓ, Mr. SOLOMON, Mr. RAHALL, and Mr. TOWNS.

H.R. 3294: Mr. McDERMOTT and Mr. MORAN.

H.R. 3313: Mr. STEARNS, Mr. QUINN, Mr. SPENCE, Mr. RIDGE, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 3363: Mr. HOLDEN and Mr. JOHNSON of South Dakota.

H.R. 3367: Mr. SOLOMON, Mr. BALLENGER, Mr. PAXON, Mr. BUNNING, Mr. McMILLAN, Mr. SERRANO, Mr. KYL, Mr. SUNDQUIST, Mr. GORDON, Mr. HERGER of California, and Mr. GILLMOR.

H.R. 3370: Mr. LIPINSKI and Mr. DELLUMS.

H.R. 3372: Mr. McDERMOTT, Mr. HASTINGS, Mr. HOLDEN, Mr. DORNAN, Mr. SCOTT, Mr. ACKERMAN, Mr. TORRES, Mr. BARLOW, Mr. ORTIZ, Mr. FAZIO, Mr. COPPERSMITH, Mr. HILLIARD, Mr. COLEMAN, Ms. ENGLISH of Arizona, Mr. KLING, Mr. HAMBURG, Mr. BARRETT of Wisconsin, Mr. FIELDS of Louisiana, Mr. WATT, Mr. WILLIAMS, and Mr. BROWN of Ohio.

H.R. 3396: Mr. PICKLE and Mr. HOUGHTON.

H.R. 3416: Mr. MORAN.

H.J. Res. 75: Ms. BROWN of Florida, Mr. BECERRA, Mr. DELLUMS, Mr. FOGLETTA, Mr. DORNAN, Mr. NADLER, Mr. ORTIZ, Mr. TEJEDA, Mr. EDWARDS of Texas, Mr. DOOLITTLE, Ms. DUNN, Mr. McNULTY, Mrs. LLOYD, Mr. PRICE of North Carolina, Mr. HOYER, Mr. GEPHARDT, Mr. STENHOLM, Mr. GLICKMAN, Mr. HALL of Texas, Mr. BUYER, Mr. RAVENEL, Mrs. BENTLEY, Mr. DREIER, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. SHAW, Mr. STARK, Mr. KENNEDY, Mr. DURBIN, Mr. SWIFT, Mr. NEAL of Massachusetts, Mr. TORRICELLI, Mr. RAHALL, Mr. MOLLOHAN, Mr. DARDEN, Mr. SISISKY, Mr. MURTHA, Mr. HOLDEN, Mr. MCHALE, Mr. MOAKLEY, Mr. BARRETT of Wisconsin, Mr. WASHINGTON, Ms. WATERS, Mr. MCKEON, Mr. LEWIS of Georgia, Mrs. COLLINS of Illinois, Mr. MYERS of Indiana, Ms. FURSE, Mr. TAYLOR of North Carolina, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. TORRES, Ms. ESHOO, Mr. COSTELLO, Mr. SANGMEISTER, Mr. POSHARD, Mr. PAYNE of

New Jersey, Ms. WOOLSEY, Mr. LANTOS, Mr. STOKES, Mr. MONTGOMERY, Mr. SCHUMER, Mr. RICHARDSON, Mr. BLACKWELL, Ms. KAPTUR, Mr. INSLEE, Mr. ROEMER, Mr. PICKLE, Mr. THORNTON, Mr. COPPERSMITH, Ms. PELOSI, Mr. UNDERWOOD, Mrs. MEEK, Ms. DANNER, Mr. APPELGADE, Mrs. UNSOELD, Mr. HYDE, Mr. LIVINGSTON, Mr. GINGRICH, Mr. McDADE, Mr. DICKEY, Mr. BROWN of California, Mr. OWENS, Mr. SKEEN, Mr. DIAZ-BALART, Mr. HOUGHTON, Mr. GUNDERSON, Mr. MANTON, Mr. BORSKI, Ms. MARGOLIES-MEZVINSKY, Mr. HEFLEY, Mr. LIGHTFOOT, Mr. PACKARD, Mr. FRANKS of Connecticut, Mr. VENTO, Mr. GORDON, Mr. HOBSON, Mr. CLINGER, Mr. KASICH, Mr. SCHAEFER, Mr. MFUME, Mrs. MINK, Mr. KANJORSKI, Mr. MINETA, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. MORAN, Mr. LAFALCE, Mr. WHITTEN, Mr. JACOBS, Mr. GRANDY, Mr. STUDDS, Mr. HUNTER, Mr. BAKER of California, Mr. BOEHLERT, Mr. WALSH, Mr. THOMAS of California, Mr. BARTLETT of Maryland, Mr. SUNDQUIST, Mr. GREENWOOD, Mr. DUNCAN, Mr. TAUZIN, Mr. ROGERS, Mr. EVANS, Mr. BONIOR, Mr. VALENTINE, Mr. VISLOSKEY, Mr. WYDEN, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mr. THOMAS of Wyoming, Mr. BLILEY, Mr. WELDON, Mr. TAYLOR of Mississippi, Mr. BURTON of Indiana, Mr. WHEAT, Mr. MEEHAN, Mr. LEVIN, Ms. SHEPHERD, Mr. FLAKE, Mr. COYNE, Mr. DEFazio, Mr. PICKETT, Mr. HALL of Ohio, Ms. DELAuro, Ms. SLAUGHTER, Mrs. KENNELLY, Mr. HAYES, Mr. JEFFERSON, Mr. WATT, Mr. POMEROY, Mr. ROMERO-BARCELÓ, Mr. DEAL, Mr. MAZZOLI, Mr. MILLER of California, Mr. CARR, Mr. ANDREWS of Texas, Mrs. MALONEY, Mr. FIELDS of Texas, Mr. YATES, Mr. CHAPMAN, Mr. KILDEE, Mr. PASTOR, Mr. McCLOSKEY, Mr. STRICKLAND, Mr. SAWYER, Mr. HOKE, Mr. OBERSTAR, Mr. FORD of Michigan, Mr. KLECZKA, Mr. LAUGHLIN, Mr. HEFNER, Mr. GILCHREST, Mr. BRYANT, Mr. CAMP, Ms. SCHENK, Mr. JOHNSON of South Dakota, Mr. LEACH, Mr. INHOFE, Ms. VELAZQUEZ, Mr. DELAY, Mr. SMITH of New Jersey, Mr. ANDREWS of Maine, Mr. FINGERHUT, Mr. DE LUGO, Mr. HAMBURG, Ms. CANTWELL, Mr. TUCKER, Ms. BYRNE, Mr. KIM, Mr. CLEMENT, Mr. BLUTE, Mr. COLLINS of Georgia, Mr. HUTCHINSON, Mr. SPENCE, Mr. McCOLLUM, Mr. CALLAHAN, Mr. STUMP, Mr. KINGSTON, Mr. SHAYS, Mr. COBLE, Miss COLLINS of Michigan, Mr. QUINN, Mr. SWETT, Mr. OXLEY, Mr. BARLOW, Mr. BROWN of Ohio, Mr. BALLENGER, Mr. FORD of Tennessee, Mr. HORN of California, Mr. CLAY, Mr. PAXON, Mr. LEWIS of California, Mr. SOLOMON, Mr. UPTON, Mr. VOLKMER, Mr. ROSE, Mr. SKELTON, Mr. SMITH of Iowa, Mr. HAMILTON, Mr. OLVER, Mr. LEHMAN, Mr. BARCA of Wisconsin, and Mr. SLATTERY.

H. J. Res. 79: Mr. CASTLE, Miss COLLINS of Michigan, Mr. CONYERS, Mr. SAM JOHNSON, Mr. PORTER, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, and Mr. GALLO.

H. J. Res. 90: Mr. HOCHBRUECKNER, Mr. BACHUS of Florida, Mr. FALCOMAVEGA, Mrs. LLOYD, and Mr. McDERMOTT.

H. J. Res. 113: Mr. PAYNE of Virginia and Mr. MANN.

H. J. Res. 159: Mr. WYNN, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. DE LA GARZA, Mr. LEWIS of Florida, Mr. HINCHEY, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Ms. MCKINNEY, Mr. TORKILDSEN, Mr. GRANDY, Mr. BISHOP, Mr. REYNOLDS, Mr. MEEHAN, Mr. KENNEDY, Mr. CASTLE, Ms. BYRNE, Mr. KLING, Mr. CLAY, Mr. MORAN, Mr. LIGHTFOOT, Mr. CONYERS, Mr. SWETT, Mr. BERMAN, Mr. GONZALEZ, Mr. JACOBS, Mr. YATES, Mr. HOYER, Mr. SABO, Mr. MURTHA, Mr. MONTGOMERY, Mrs. MINK, Mr. SOLOMON, Mr. RICHARDSON, and Mr. BALLENGER.

H.J. Res. 175: Mr. DINGELL, Mr. GEJDENSON, Mr. BEILENSON, Mr. CRAMER, Mr. BROWN of California, Mr. BRYANT, Mr. BREWSTER, and Mrs. THURMAN.

H.J. Res. 209: Ms. PELOSI.

H.J. Res. 216: Mr. HOYER, Mr. MICHEL, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BOEHLERT, Mr. CRANE, Mr. DORNAN, Mr. DREIER, Mr. GALLO, Mr. HEFLEY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. RIDGE, Mr. SAXTON, Mr. UPTON, and Mr. PALLONE.

H.J. Res. 237: Mr. SCHIFF.

H.J. Res. 274: Mr. JOHNSON of South Dakota and Mr. HUGHES.

H.J. Res. 278: Mr. EDWARDS of Texas and Mr. MARTINEZ.

H. Con. Res. 52: Mr. GLICKMAN, Mrs. FOWLER, Mr. BARCIA of Michigan, and Mr. LAUGHLIN.

H. Con. Res. 148: Mr. DUNCAN, Mr. LAZIO, Mr. HYDE, Mr. EVERETT, Mr. FALCOMAVEGA, Mr. MYERS of Indiana, and Mr. SUNDQUIST.

H. Con. Res. 156: Mr. FISH, Mr. ROMERO-BARCELÓ, Ms. VELAZQUEZ, Mr. MACHTLEY, Mr. EVANS, and Mr. UPTON.

H. Con. Res. 171: Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. KING, Mr. LIPINSKI, Mr. COPPERSMITH, Mr. BEILENSON, Mr. YATES, Mr. BACHUS of Florida, Mr. SAXTON, Mr. PALLONE, Mr. GORDON, Mr. SCHIFF, Mrs. MALONEY, Mr. KOPETSKI, Mr. HOCHBRUECKNER, Mr. LEVY and Mr. FROST.

H. Con. Res. 172: Mr. CRAPO.

H. Res. 156: Mr. DICKEY, Mr. ROYCE and Mr. PORTMAN.

H. Res. 165: Mr. BEVILL and Mr. ORTON.

H. Res. 234: Mr. INSLEE, Mr. PASTOR, Mr. WELDON, Mr. WOLF, Ms. PRYCE of Ohio and Mr. FAZIO.

H. Res. 277: Mr. WELDON, Ms. SCHENK, Mr. BAKER of Louisiana and Mr. BEVILL.

H. Res. 280: Mr. BREWSTER, Ms. CANTWELL, Ms. DELAuro, Mr. DEUTSCH, Ms. ESHOO, Mr. FARR, Mr. FAZIO, Mr. INSLEE, Mr. BERREUTER, Mr. HUFFINGTON, Mr. HYDE, Mr. JOHNSON of South Dakota, Ms. SCHENK, Ms. WOOLSEY, Mrs. ROUKEMA, Mr. POMEROY, Mr. BROWN of California, Mr. COX, Mrs. SCHROEDER, Mr. WELDON, Mrs. MINK, Mr. PASTOR, Mr. PENNY, Ms. LONG and Mr. KOPETSKI.

¶129.35 PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

61. By the SPEAKER: Petition of the Western Legislative Conference, Council of State Governments, relative to urging WLC members and schools to establish effective programs to prevent youth violence; to the Committee on Education and Labor.

62. Also, petition of the Western Legislative Conference, Council of State Governments, relative to requesting Federal assistance to upgrade the commercial ports of American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the Republic of Palau; to the Committee on Natural Resources.

63. Also, petition of the Western Legislative Conference, Council of State Governments, relative to calling on the WLC to actively pursue the extension of supplemental security income to needy aged, blind, and disabled citizens in U.S. flag territories; to the Committee on Ways and Means.

64. Also, petition of the Western Legislative Conference, Council of State Governments, relative to urging Congress to approve the North American Free-Trade Agreement; to the Committee on Ways and Means.

65. Also, petition of the Western Legislative Conference, Council of State Governments, relative to reducing the demand for illegal drugs; jointly, to the Committees on Education and Labor and Energy and Commerce.

66. Also, petition of the Western Legislative Conference, Council of State Governments, relative to urging Congress to approve a United States-Mexico Border Health Commission; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

67. Also, petition of the Western Legislative Conference, Council of State Governments, relative to coordination of guidance and prevention services for families; jointly, to the Committees on Ways and Means, Education and Labor, and Energy and Commerce.

MONDAY, NOVEMBER 8, 1993 (130)

¶130.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MONTGOMERY, who laid before the House the following communication:

WASHINGTON, DC,
November 8, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

¶130.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MONTGOMERY, announced he had examined and approved the Journal of the proceedings of Thursday, November 4, 1993.

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

¶130.3 COMMUNICATIONS

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

2112. A letter from the Chairman, Farm Credit Administration, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Farm Credit Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2113. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the University of the District of Columbia President's Representation Fund for FY 1990, 1991 and 1992," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2114. A letter from the Auditor, District of Columbia, transmitting a report entitled "Analysis of the District of Columbia Water and Sewer Utility Administration's Commercial and Residential Accounts Receivable," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2115. A letter from the Auditor, District of Columbia, transmitting a report entitled "Comparative Analysis of the Structure of the District of Columbia Water and Sewer Enterprise Fund," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2116. A letter from the Executive Director, District of Columbia Retirement Board, transmitting financial disclosure statements of Board members, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

2117. A letter from the Secretary of Education, transmitting a notice of final regulations for the Talent Search Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2118. A letter from the Secretary of Energy, transmitting the report on the status of Exxon and Stripper Well oil overcharge funds; to the Committee on Energy and Commerce.

2119. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 4-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Deputy Secretary's determination and justification that it is in the national interest to grant assistance to Guatemala, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2121. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2122. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in September 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2123. A letter from the Director, Office of Management and Budget, transmitting a report on enacted appropriations legislation pursuant to section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on Government Operations.

2124. A letter from the Chairman, U.S. Nuclear Waste Technical Review Board, transmitting a report pursuant to the Inspector General Act Amendment of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2125. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the 1992 annual report of the Corporation, pursuant to 40 U.S.C. 880(a); to the Committee on Natural Resources.

2126. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

2127. A letter from the Secretary of Commerce, transmitting the second report on the impact of increased aeronautical and nautical chart prices, pursuant to 44 U.S.C. 1307(a)(2)(A); to the Committee on Merchant Marine and Fisheries.

2128. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2129. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

¶130.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 175. An Act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information, and

H.R. 1345. An Act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building."

The message also announced that the Senate agreed to the amendments of the House to a bill of the Senate of the following title: "An Act to increase the rates of compensation for veterans

with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans."

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

S. 732. An Act to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

¶130.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. RICHARDSON, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
November 8, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, November 5, 1993 at 4:50 p.m. and said to contain a message from the President wherein he transmits the extension of the agreement between the United States and Korea which constitute a governing international fishery agreement (GIFA) under the Magnuson Fishery Conservation and Management Act of 1976.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

¶130.6 U.S.-REPUBLIC OF KOREA FISHERY AGREEMENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Republic of Korea Extending the Agreement of July 26, 1982, Concerning Fisheries off the Coasts of the United States, as extended and amended. The agreement, which was effected by an exchange of notes at Washington on June 11, 1993, and October 13, 1993, extends the 1982 agreement to December 31, 1995. The exchange of notes together with the 1982 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Korea, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 5, 1993.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Merchant Marine and Fisheries and ordered to be printed (H. Doc. 103-161).