

H.R. 4570: Mr. VALENTINE and Mr. CLYBURN.  
H.R. 4702: Mr. SHUSTER, Mr. GEKAS, Mr. RIDGE, Mr. GUNDERSON, Mr. LIPINSKI, Mr. LIVINGSTON, and Mr. ROMERO-BARCELO.  
H.R. 4737: Ms. WOOLSEY, Mr. YATES, and Mr. MILLER of California.

H.J. Res. 45: Mr. HAYES.  
H.J. Res. 90: Mrs. KENNELLY, Mr. GALLEGLY, Mr. TAYLOR of Mississippi, Ms. CANTWELL, Mr. PASTOR, Mr. GEKAS, and Ms. MARGOLIES-MEZVINSKY.

H.J. Res. 256: Mr. YOUNG of Alaska.  
H.J. Res. 332: Mr. HASTERT, Mr. PARKER, Mr. MILLER of Florida, Mr. LEVY, Mr. TOWNS, Mr. ACKERMAN, Mr. HEFNER, Mr. ROYCE, Mr. HAMBURG, Mr. KILDEE, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. BORSKI, Mr. KLINK, Mr. MICHEL, Mr. SMITH of Texas, Mr. HYDE, Mr. FAZIO, Mr. SHUSTER, Mr. NEAL of North Carolina, Mr. COOPER, Mr. VOLKMER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. EMERSON, Mr. BROWN of California, Mr. GREENWOOD, Mr. DEFAZIO, Mr. FLAKE, Mr. APPELATE, Mr. INHOFE, Ms. SLAUGHTER, Mr. SISISKY, Mr. COLEMAN, Mr. ENGEL, and Mr. UPTON.

H.J. Res. 338: Mr. KLECZKA, Mr. DICKEY, Mr. WASHINGTON, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. CALLAHAN, Mr. GLICKMAN, Mr. ROBERTS, and Mr. YOUNG of Florida.

H.J. Res. 343: Mr. BARRETT of Wisconsin.  
H.J. Res. 347: Mr. DEUTSCH, Mr. EDWARDS of California, Mr. SCHIFF, Mr. LIVINGSTON, Mr. YOUNG of Florida, and Mr. SHAW.

H.J. Res. 358: Mr. SPRATT and Mr. SPENCE.  
H.J. Res. 362: Mr. EMERSON.

H.J. Res. 374: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLEIN, Mr. LAFALCE, Mr. THOMPSON, Mr. PETERSON of Florida, Mr. BARCIA of Michigan, Mr. APPELATE, Mr. SHUSTER, Mr. VISCLOSKEY, Mrs. MEEK of Florida, Ms. ENGLISH of Arizona, Mr. BARRETT of Wisconsin, Mrs. BYRNE, Mr. SAWYER, Mr. FORD of Michigan, Mr. KILDEE, Mr. KLECZKA, Mr. TANNER, Ms. LOWEY, Mr. HOLDEN, Mr. KLINK, Mr. BROWN of Ohio, Mr. MCCLOSKEY, Mr. COSTELLO, Mr. SANGMEISTER, Mr. SKELTON, Mr. PETE GEREN of Texas, Mr. PAYNE of Virginia, Mr. CLYBURN, Mr. FARR, Mr. FAZIO, Mr. KINGSTON, Mr. DEAL, Mr. CONDIT, Mr. SISISKY, Mr. COLEMAN, Mr. STUDDS, Mr. TAYLOR of Mississippi, Mr. BILBRAY, Mr. QUINN, Mr. CASTLE, Mr. PORTMAN, Mr. BORSKI, Mr. HINCHEY, Mr. GILMAN, Ms. FURSE, Mrs. UNSOELD, Mr. KENNEDY, Mr. BARCA of Wisconsin, Mr. LEWIS of Georgia, Mr. HAMBURG, Mr. PASTOR, Mr. MFUME, Mr. WATT, Mr. BECERRA, Mr. POSHARD, Ms. ROYBAL-ALLARD, and Ms. LAMBERT.

H.J. Res. 381: Mr. MANN, Mr. LEVY, Ms. SLAUGHTER, Mr. FROST, Mr. HUGHES, Mr. MCDERMOTT, Mr. ZIMMER, and Mrs. MEEK of Florida.

H.J. Res. 388: Mr. GILMAN, Mr. MARTINEZ, Mr. MCCLOSKEY, and Mr. BERREUTER.

H. Con. Res. 3: Mr. PAXON.  
H. Con. Res. 127: Mr. SAWYER.  
H. Con. Res. 148: Mrs. COLLINS of Illinois and Mr. PORTMAN.

H. Con. Res. 166: Mr. SCHIFF, Mr. ZIMMER, Ms. Lowey, and Mr. BERMAN.

H. Con. Res. 181: Mr. BILBRAY, Mr. RAHALL, Mr. FROST, Mr. GLICKMAN, Mr. LIPINSKI, Mr. BATEMAN, Mr. GREENWOOD, Mr. PRICE of North Carolina, Mr. CALVERT, Mr. BEILENSON, Ms. BROWN of Florida, and Mr. PALLONE.

H. Con. Res. 243: Mr. BACCHUS of Florida and Mr. SYNAR.

H. Con. Res. 247: Mr. BROWN of California, Mr. DINGELL, Mr. CARDIN, Mr. WYNN, Mrs. MALONEY, Mr. FRANKS of New Jersey, Ms. NORTON, Mr. MANTON, and Mr. LANTOS.

H. Con. Res. 254: Mr. LIPINSKI, Mr. SANGMEISTER, and Ms. LOWEY.

H. Con. Res. 256: Mr. GUNDERSON, Mr. PETRI, and Mr. EHLERS.

H. Con. Res. 261: Mr. CUNNINGHAM.

H. Con. Res. 264: Mr. BALLENGER, Mr. MCCOLLUM, Mrs. ROUKEMA, and Mr. SOLOMON.

H. Res. 247: Mr. HOKE and Mr. BILIRAKIS.  
H. Res. 432: Ms. MARGOLIES-MEZVINSKY, Mr. FRANK of Massachusetts, Mr. DELLUMS, and Mr. MORAN.

H. Res. 453: Mr. HALL of Ohio, Mr. DELLUMS, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. HILLIARD, Mr. THOMPSON, Mr. CLAY, Mr. MCCLOSKEY, Mr. REYNOLDS, Mr. RIDGE, Mr. FOGLIETTA, Mr. CLYBURN, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. ENGEL, Mr. PAYNE of New Jersey, Mr. GEJENSON, Mr. MINGE, Mr. SCHIFF, Mr. WYNN, Mr. WOLF, Mr. BERMAN, Mr. SHAYS, Mr. WASHINGTON, Mr. DEUTSCH, Mr. EVANS, Mr. WILSON, Ms. SLAUGHTER, Mr. ANDREWS of Maine, Mr. BROWN of California, and Ms. FURSE.

H. Res. 472: Mr. LIVINGSTON, Mr. ALLARD, Mr. SOLOMON, Mr. BLUTE, Mr. SCHAEFER, Mr. BOEHNER, Mr. KNOLLENBERG, Mr. HOEKSTRA, Mr. EMERSON, Mr. DORNAN, Mrs. JOHNSON of Connecticut, Mr. LAZIO, and Mr. PENNY.

H. Res. 476: Mr. MCCLOSKEY, Mr. GILMAN, Mr. SOLOMON, Mrs. LLOYD, Mr. SMITH of New Jersey, Mr. CRAMER, and Mr. HUGHES.

### WEDNESDAY, JULY 20, 1994 (79)

#### ¶79.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TORRES, who laid before the House the following communication:

WASHINGTON, DC,  
July 20, 1994.

I hereby designate the Honorable ESTEBAN TORRES to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,  
*Speaker of the House of Representatives.*

#### ¶79.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TORRES, announced he had examined and approved the Journal of the proceedings of Tuesday, July 19, 1994.

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

#### ¶79.3 COMMUNICATIONS

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

3550. A letter from the Board of Governors of the Federal Reserve System, transmitting the staff report of the Federal Reserve System, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3551. A letter from the Secretary of Agriculture, transmitting the annual report on the use of private attorneys contracted to perform certain legal actions taken in connection with housing programs administered by the Farmers Home Administration [FmHA], pursuant to section 510(d)(2) of the Housing Act of 1949, as amended; to the Committee on Banking, Finance and Urban Affairs.

3552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-286, "Councilmembers' Salary Freeze Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3553. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102-138, section 181 (105 Stat. 682); to the Committee on Foreign Affairs.

3554. A letter from the Acting Associate Attorney General, Department of Justice,

transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3555. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3556. A letter from the Assistant Attorney General of the United States, Department of Justice, transmitting the Department's report on settlements for calendar year 1993 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

3557. A letter from the Director, Office of National Drug Control Policy, transmitting a draft of proposed legislation to create an exception to title 18 concerning acts of violence against civilian aircraft for situations where the President determines that a foreign country faces a national security threat from trafficking in illicit drugs, and that the country has appropriate procedures in place to protect innocent aircraft; to the Committee on the Judiciary.

3558. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Working for America: An Update," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

3559. A letter from the Secretary, Department of the Interior, transmitting a copy of the annual report for fiscal year 1992 covering the Outer Continental Shelf [OCS] Natural Gas and Oil Leasing and Production Program, pursuant to 43 U.S.C. 1343; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

#### ¶79.4 MESSAGE FROM THE SENATE

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

H.R. 1873. An Act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need.

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

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The message also announced that the Senate insisted upon its amendments to the bill (H.R. 4426) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995" requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. LEAHY, Mr. INOUE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM, and Mr. HATFIELD, to be the conferees on the part of the Senate.

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. 2208. An Act to authorize appropriations for fiscal year 1995 for military activities of

the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

79.5 INTELLIGENCE AUTHORIZATION

The SPEAKER pro tempore, Mr. HUTTO, pursuant to House Resolution 468 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. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. WISE, Acting Chairman, assumed the chair; and after some time spent therein,

79.6 RECORDED VOTE

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

Page 4, after line 23, add the following:

SEC. 104. REDUCTION IN COUNTERNARCOTIC AND DRUG INTERDICTION FUNDS.

The amounts authorized to be appropriated under section 101 for counternarcotic activities and drug interdiction, as specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress, are hereby reduced by \$100,000,000.

It was decided in the Yeas ..... 18 negative ..... Nays ..... 406

79.7 [Roll No. 335] AYES—18

- Conyers McDermott Penny
DeFazio Murphy Schroeder
Edwards (CA) Nadler Synar
Frank (MA) Norton (DC) Velazquez
Jacobs Obey Visclosky
Kanjorski Olver Yates

NOES—406

- Abercrombie Borski Cramer
Ackerman Boucher Crane
Allard Brewster Crapo
Andrews (ME) Brooks Cunningham
Andrews (NJ) Browder Danner
Andrews (TX) Brown (CA) Darden
Applegate Brown (FL) de la Garza
Archer Brown (OH) de Lugo (VI)
Armey Bryant Deal
Bacchus (FL) Bunning DeLauro
Bacchus (AL) Burton DeLay
Baesler Buyer Dellums
Baker (CA) Byrne Derrick
Baker (LA) Callahan Deutsch
Ballenger Calvert Diaz-Balart
Barca Camp Dickey
Barcia Canady Dicks
Barlow Cantwell Dingell
Barrett (NE) Cardin Dixon
Barrett (WI) Carr Dooley
Bartlett Castle Doolittle
Barton Chapman Dorman
Becerra Clay Dreier
Beilenson Clayton Duncan
Bentley Clement Dunn
Beruter Clinger Durbin
Berman Coble Edwards (TX)
Bevill Coleman Ehlers
Bilbray Collins (GA) Emerson
Bilirakis Collins (IL) Engel
Bishop Collins (MI) English
Blackwell Combest Eshoo
Biley Condit Evans
Blute Cooper Everett
Boehlert Coppersmith Ewing
Boehner Costello Farr
Bonilla Cox Fawell
Bonior Coyne Fazio

- Fields (LA) Lazio
Fields (TX) Leach
Finler Lehman
Fingerhut Levin
Fish Levy
Flake Lewis (CA)
Foglietta Lewis (FL)
Ford (MI) Lewis (GA)
Ford (TN) Lewis (KY)
Fowler Lightfoot
Franks (CT) Linder
Franks (NJ) Lipinski
Frost Livingston
Furse Lloyd
Gallegly Long
Gejdenson Lowey
Gekas Lucas
Gephardt Machtley
Geren Maloney
Gibbons Mann
Gilchrist Manton
Gillmor Manzullo
Gilman Margolis-
Gingrich Mezvinsky
Glickman Markey
Gonzalez Martinez
Goodlatte Matsui
Goodling Mazzoli
Gordon McCandless
Goss McCloskey
Grams McCollum
Grandy McCrery
Green McCurdy
Greenwood McHale
Gunderson McHugh
Hall (OH) McInnis
Hall (TX) McKeon
Hamburg McKinney
Hamilton McMillan
Hancock McNulty
Hansen Meehan
Harman Meek
Hastert Menendez
Hastings Meyers
Hayes Mfume
Hefley Mica
Hefner Michel
Herger Miller (CA)
Hilliard Miller (FL)
Hinchey Mineta
Hoagland Minge
Hobson Mink
Hochbrueckner Moakley
Hoekstra Molinari
Hoke Mollohan
Holden Montgomery
Horn Moorhead
Houghton Moran
Hoyer Morella
Huffington Murtha
Hughes Myers
Hunter Neal (MA)
Hutchinson Neal (NC)
Hutto Nussle
Hyde Oberstar
Inglis Ortiz
Inslee Orton
Istook Oxley
Jefferson Packard
Johnson (CT) Pallone
Johnson (GA) Parker
Johnson (SD) Pastor
Johnson, E. B. Paxon
Johnson, Sam Payne (NJ)
Johnston Payne (VA)
Kaptur Pelosi
Kasich Peterson (FL)
Kennedy Peterson (MN)
Kennelly Petri
Kildee Pickle
Kim Pombo
King Pomeroy
Kingston Porter
Klecзка Portman
Klein Poshard
Klink Price (NC)
Klug Pryce (OH)
Quillen
Knollenberg Quinn
Kolbe Rangel
Kopetski Rahall
Kreidler Ramstad
Kyl Rangel
LaFalce Ravenel
Lambert Reed
Lancaster Regula
Lantos Reynolds
LaRocco Richardson
Laughlin Ridge

- Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpaluis
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

- Bateman
Clyburn
Faleomavaega (AS)
Gallo
Gutierrez
Inhofe
McDade
Owens
Pickett
Ros-Lehtinen
Sisisky
Stark
Stokes
Underwood (GU)
Washington

So the amendment was not agreed to. After some further time, The SPEAKER pro tempore, Mr. TORRES, assumed the Chair.

When Mr. PETERSON of Florida, Acting Chairman, pursuant to House Resolution 468, 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 "Intelligence Authorization Act for Fiscal Year 1995".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Department of State.
(8) The Department of the Treasury.
(9) The Department of Energy.
(10) The Federal Bureau of Investigation.
(11) The Drug Enforcement Administration.
(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of \$91,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1996.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized

209 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

#### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

##### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1995 the sum of \$198,000,000.

#### **TITLE III—GENERAL PROVISIONS**

##### **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

##### **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

##### **SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

##### **SEC. 304. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS.**

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence-related activities of any such element to a Member of the House of Representatives unless and until a copy of the following oath of secrecy has been signed by that Member and has been published in the Congressional Record.

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of the United States House of Representatives, except pursuant to the Rules and Procedures of the House."

##### **SEC. 305. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS AND EXECUTIVE BRANCH OFFICERS AND EMPLOYEES.**

During the fiscal year 1995, no element of the United States Government for which

funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence-related activities of such element to a Member of Congress or to an officer or employee of the executive branch of the United States Government unless and until a copy of the following oath of secrecy has been signed by that Member, or officer or employee, as the case may be, and has been published, in an appropriate manner, in the Congressional Record:

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of Congress (except pursuant to the rules and procedures of the appropriate House of the Congress), or as an officer or employee in the executive branch of the Government, as the case may be."

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

#### **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

##### **SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZATION.**

Section 4(a)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

(1) in subparagraph (A)—

(A) by striking ", not the result of vicious habits, intemperance, or misconduct on his part,";

(B) by striking "he shall deem" and inserting "the Director deems";

(C) by striking "section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)" and inserting "section 5731 of title 5, United States Code";

(D) by striking "his recovery" and inserting "the recovery of such officer or employee"; and

(E) by striking "his return to his post" and inserting "the return to the post of duty of such officer or employee";

(2) in subparagraph (B), by striking "his opinion" both places it appears and inserting "the opinion of the Director"; and

(3) in subparagraph (C), by striking ", not the result of vicious habits, intemperance, or misconduct on his part."

#### **TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

##### **SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL MANAGEMENT.**

(a) GENERAL PROVISIONS.—Chapter 83 of title 10, United States Code, is amended as follows:

(1) By amending the heading of the chapter to read as follows:

**"CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL"**.

(2) In section 1601—

(A) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (a);

(B) by inserting "or the Central Imagery Office" after "outside the Defense Intelligence Agency" and inserting ", the Central Imagery Office," after "to the Defense Intelligence Agency" in subsection (d); and

(C) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e).

(3) In section 1602, by inserting "and Central Imagery Office" after "Defense Intelligence Agency".

(4) In section 1604—

(A) by inserting "and the Central Imagery Office," after "Defense Intelligence Agency" in subsection (a)(1);

(B) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in both places it occurs in the second sentence of subsection (b);

(C) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (c);

(D) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (d);

(E) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e)(1); and

(F) in subsection (e)(3)—

(i) by amending the first sentence to read as follows: "The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency, the Director of the Central Imagery Office, or all three."; and

(ii) by striking "either" and inserting "any".

(b) CONFORMING CHANGE TO TITLE 10.—The items relating to chapter 83 in the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended to read as follows:

"83. Defense Intelligence Agency and Central Imagery Office Civilian Personnel ..... 1601".

(c) CHAPTER 23 OF TITLE 5.—Section 2302(a)(2)(C)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(d) CHAPTER 31 OF TITLE 5.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(e) CHAPTER 43 OF TITLE 5.—Section 4301(1)(B)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(f) CHAPTER 47 OF TITLE 5.—Section 4701(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(g) CHAPTER 51 OF TITLE 5.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting "; or"; and

(3) by adding at the end the following: "(xi) the Central Imagery Office, Department of Defense.".

(h) CHAPTER 51 OF TITLE 5.—Section 5342(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (J);

(2) by inserting "or" after the semicolon at the end of subparagraph (K); and

(3) by adding at the end the following: "(L) the Central Imagery Office, Department of Defense.".

(i) ADDITIONAL LEAVE TRANSFER PROGRAMS.—(1) Section 6339(a)(1) of title 5, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) the Central Imagery Office; and".

(2) Section 6339(a)(2) of such title is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and"; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "paragraph (1)(E)" and inserting "paragraph (1)(F)" both places it appears.

(j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by inserting "or" at the end of subparagraph (G); and

(3) by adding at the end the following:

"(H) the Central Imagery Office;".

(k) CHAPTER 73 OF TITLE 5.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subclause (XI); and

(2) by adding at the end the following:

"(XIII) the Central Imagery Office; or".

(l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(m) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(n) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

**SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY DEPARTMENT OF DEFENSE INTELLIGENCE PERSONNEL OUTSIDE OF THE UNITED STATES.**

(a) GENERAL PROVISIONS.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new section:

**"§ 426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States**

"Notwithstanding section 552a(e)(3) of title 5 or any other provision of law, Department of Defense intelligence personnel shall not be required, outside the United States, to give notice of governmental affiliation to potential United States person sources during the initial assessment contact. For the purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of such chapter is amended by adding at the end thereof the following new item:

"426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States."

**TITLE VI—INSPECTORS GENERAL**

**SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.**

(a) DIA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to the Congress, to initiate and conduct independently in-

spections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the Defense Intelligence Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (a)(2) by inserting after "the United States International Trade Commission," the following: "the Defense Intelligence Agency,"; and

(B) by adding at the end the following:

"(i)(1) The Inspector General of the Defense Intelligence Agency shall be appointed by the Director of the Defense Intelligence Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the Defense Intelligence Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the Defense Intelligence Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the Defense Intelligence Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the Defense Intelligence Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the Defense Intelligence Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence

committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the Defense Intelligence Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the Defense Intelligence Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the Defense Intelligence Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the Defense Intelligence Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate ac-

count for the Office of Inspector General of the Defense Intelligence Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(3) IMPLEMENTATION.—The Director of the Defense Intelligence Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the Defense Intelligence Agency;

(B) appoint the Inspector General of the Defense Intelligence Agency; and

(C) transfer to that Office the office of the Defense Intelligence Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the Defense Intelligence Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the Defense Intelligence Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENT.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c) by striking "subsection (f)" and inserting "subsections (f) and (i)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—

(A) REPORTING REQUIREMENT.—Subchapter I of chapter 21 of title 10, United States Code, is amended after section 426, as added by section 502 of this Act, by inserting the following new section:

**"§427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency**

"(a) REPORTING REQUIREMENT.—The Director of the Defense Intelligence Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the Defense Intelligence Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(B) CLERICAL AMENDMENT.—The analysis at the beginning of subchapter I of chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency."

(b) NSA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to

programs and operations of the National Security Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the National Security Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of that Act is amended—

(A) in subsection (a)(2), as amended by subsection (a)(2) of this section, by inserting after "the Defense Intelligence Agency," the following: "the National Security Agency"; and

(B) by adding after subsection (i), as added by subsection (a)(2) of this section, the following:

"(j)(1) The Inspector General of the National Security Agency shall be appointed by the Director of the National Security Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the National Security Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the National Security Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the National Security Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the National Security Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semi-annual report summarizing the activities of the Office of Inspector General of the National Security Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit

such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semi-annual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the National Security Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the National Security Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the National Security Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the National Security Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the National Security Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(3) IMPLEMENTATION.—The Director of the National Security Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the National Security Agency;

(B) appoint the Inspector General of the National Security Agency; and

(C) transfer to that Office the office of the National Security Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the National Security Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the National Security Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENTS.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c), as amended by subsection (a)(6) of this section, by striking "subsections (f) and (i)" and inserting "subsections (f), (i), and (j)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. (a) The Director of the National Security Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the National Security Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(8) RELATIONSHIP OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE TO THOSE OF DIA AND NSA.—Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(h)(1) The Inspector General of the Department of Defense shall not have any authority to conduct any activity with respect to any matter that the Secretary of Defense determines relates solely to the Defense Intelligence Agency or the National Security Agency.

"(2) Upon request of the Inspector General of the Defense Intelligence Agency or the National Security Agency, the Inspector General of the Department of Defense may provide to the Inspector General making the request such resources (including personnel) as are appropriate to enable that Inspector General to carry out activities authorized by this Act."

(c) CIA.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(1)—

(A) by striking "foreign intelligence." and inserting "foreign intelligence and in a Federal office of Inspector General.";

(B) by striking "or" after "analysis,"; and

(C) by striking the period at the end thereof and inserting ", or auditing.";

(2) in subsection (c)(1), by striking "to conduct" and inserting "to plan, conduct";

(3) in subsection (d)(1)—

(A) by striking "June 30 and December 31" and inserting "January 31 and July 31";

(B) by striking "period." at the end of the first sentence and inserting "periods ending December 31 (of the preceding year) and June 30, respectively."; and

(C) by inserting "of receipt of such reports" after "thirty days";

(4) in subsection (d)(3)(C), by inserting "inspection, or audit," after "investigation,";

(5) in subsection (d)(4), by inserting "or findings and recommendations" after "report"; and

(6) in subsection (e)(6)—

(A) by striking "it is the sense of Congress that"; and

(B) by striking "should" and inserting "shall".

## TITLE VII—CLASSIFICATION MANAGEMENT

### SEC. 701. DECLASSIFICATION PLAN.

Each agency of the National Foreign Intelligence Program to which is appropriated more than \$1,000,000 in the security, countermeasures, and related activities structural category for fiscal year 1995 shall allocate at least two percent of their total expenditure in this structural category for fiscal year 1995 to the classification management consolidated expenditure center, to be used for the following activities:

(1) Development of a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356. Each such agency shall provide the plan to Congress within 90 days after the beginning of fiscal year 1995 or 90 days after the publication of such replacement executive order, whichever is later. This plan shall include an accounting of the amount of archived material, levels of classification, types of storage media and locations, review methods to be employed, and estimated costs of the declassification activity itself; as well as an assessment by the agency of the appropriate types and amounts of information to be maintained in the future, how it will be stored, safeguarded, and reviewed, and the projected costs of these classification management activities for the succeeding five years.

(2) Commencement of the process of declassification and reduction of the amount of archived classified documents maintained by each agency.

(3) Submission of a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within 90 days after the end of fiscal year 1995 on the progress made in carrying out paragraph (2), with reference to the plan required by paragraph (1).

### SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) PLAN.—Not later than 90 days after the date of enactment of this Act, the President shall develop a plan, and issue an executive order for its implementation, which provides for the classification and declassification of information. It is the sense of Congress that the plan should provide for the following:

(1) A test for the classification of information which balances the public's right to know against identifiable harm to the national security which will result from public disclosure.

(2) A narrow definition of the categories of information subject to classification to avoid excessive classification.

(3) Classification periods of reasonably short duration, and a determination of the date when or event upon which declassification of such information shall occur, with a recognition that extension of such period may be required in certain circumstances.

(4) Automatic declassification at the expiration of the classification period.

(b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—The plan and executive order referred to in subsection (a) may not take effect until after 30 days after the date on which such plan and proposed regulation is submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate.

### SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.

## TITLE VIII—COUNTERINTELLIGENCE

### SEC. 801. ACCESS TO CLASSIFIED INFORMATION.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new title:

#### "TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

##### "RULE OF APPLICATION

"SEC. 801. The President and Vice President, Members of the Congress (including any Resident Commissioner and Delegate to the House of Representatives), Justices of the Supreme Court, and Federal judges appointed by the President shall, by virtue of their elected or appointed positions, be entitled to access to classified information needed for the performance of their governmental functions without regard to the other provisions of this title.

##### "REGULATIONS

"SEC. 802. (a) The President shall, within 180 days after enactment of this title, direct the issuance of a regulation to implement this title.

"(b) The regulation issued pursuant to subsection (a) may not take effect until after 30 days after the date on which the regulation is submitted to the Congress.

##### "CONSENT FOR ACCESS TO FINANCIAL INFORMATION

"SEC. 803. Except as may be provided for in the regulation issued under section 802 of this title, after such regulation takes effect, no person shall be given access to classified information by any department, agency, or office of the executive branch unless such person has provided consent in accordance with this section. Such consent shall be provided to the investigative agency responsible for conducting the security investigation of such person, or in the case of a person who is an employee of the legislative branch or the

judicial branch, to the employing office of such employee. Such consent shall be provided during the initial background investigation, for such times as access to such information is maintained, and for three years thereafter. Such consent shall permit access to—

“(1) financial records held by a financial agency or financial institution;

“(2) consumer reports held by a consumer credit reporting agency; and

“(3) records maintained by commercial entities within the United States pertaining to any travel by the person outside the United States.

“REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

“SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or consumer credit reporting agency such financial records and consumer reports as are necessary in order to conduct any authorized law enforcement investigation, foreign counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by a person outside the United States.

“(2) Requests may be made under this section where—

“(A) the records sought pertain to a person who is or was an employee required, as a condition of access to classified information, to provide consent, during a background investigation, for such time as access to the information is maintained, and for three years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

“(B) there are reasonable grounds to believe, based upon specific and articulable facts available to it, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or in the course of any background investigation or reinvestigation, an issue of otherwise unexplained affluence or excessive indebtedness arises.

“(3) Each such request shall—

“(A) be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

“(i) the person concerned is an employee within the meaning of paragraph (2)(A);

“(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

“(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

“(B) contain a copy of the agreement referred to in subparagraph (A)(iii);

“(C) identify specifically or by category the records or information to be reviewed; and

“(D) inform the recipient of the request of the prohibition described in subsection (b).

“(4) The authorized investigative agency shall promptly notify the person who is the subject of a request under this section relating to a background investigation or reinvestigation for records, reports, or other information.

“(b) Notwithstanding any other provision of law and except as provided in subsection (a)(4), no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

“(c)(1) Notwithstanding any other provision of law except section 6103 of the Internal Revenue Code of 1986, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

“(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

“(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

“(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or foreign counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency relating to security determinations, law enforcement, or counterintelligence.

“(f) Any agency that discloses records or information received pursuant to a request under this section in violation of subsection (e) shall be liable to the person to whom the records relate in an amount equal to the sum of—

“(1) \$100, without regard to the volume of records involved;

“(2) any actual damages sustained by the person as a result of the disclosure;

“(3) if the violation is found to have been willful or intentional, such punitive damages as the court may allow; and

“(4) in the case of any successful action to enforce liability, the costs of the action, together with reasonable attorney fees, as determined by the court.

“(g) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

“DEFINITIONS

“SEC. 805. For purposes of this title—

“(1) the term ‘agency of the legislative branch’ means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal;

“(2) the term ‘authorized investigative agency’ means—

“(A) an agency authorized by law or regulation to conduct foreign counterintelligence investigations or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

“(B) in the case of the House of Representatives, an agency designated by the Speaker of the House;

“(C) in the case of the Senate, an agency designated by the President pro tempore of the Senate;

“(D) in the case of an agency of the legislative branch, an agency designated by the head of such agency; and

“(E) in the case of the judiciary, an agency designated by the Director of the Administrative Office of the United States Courts, under the direction of the Chief Justice of the United States;

“(3) the term ‘classified information’ means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

“(4) the term ‘consumer credit reporting agency’ has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a);

“(5) the term ‘employee’ includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

“(6) the term ‘employee of the legislative branch’ means an individual (other than a Member of, and a Resident Commissioner or Delegate to, the Congress) whose salary is paid by—

“(A) the Director of Non-legislative and Financial Services of the House of Representatives;

“(B) the Secretary of the Senate; or

“(C) an agency of the legislative branch;

“(7) the terms ‘financial agency’ and ‘financial institution’ have the meaning given such terms in section 5312 of title 31, United States Code; and

“(8) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

“EFFECTIVE DATE

“SEC. 806. This title shall take effect upon the issuance of a final regulation pursuant to section 802.”

(b) CONFORMING AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

“TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

“Sec. 801. Rule of application.

“Sec. 802. Regulations.

“Sec. 803. Consent for access to financial information.

“Sec. 804. Requests by authorized investigative agencies.

“Sec. 805. Definitions.

“Sec. 806. Effective date.”

SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “With respect to”; and

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

“(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

“(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

“(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an

act of espionage against the United States; or

“(3) leading to the prevention or frustration of an act of espionage against the United States.”.

(b) DEFINITIONS.—Section 3077 of such title is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

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

“(8) ‘act of espionage’ means an activity that is a violation of—

“(A) section 793, 794, or 798 of title 18, United States Code; or

“(B) section 4 of the Subversive Activities Control Act of 1950.”.

(c) CLERICAL AMENDMENTS.—(1) The item relating to chapter 204 in the table of chapters for part II of such title is amended to read as follows:

**“204. Rewards for information concerning terrorist acts and espionage ..... 3071”.**

(2) The heading for chapter 204 of such title is amended to read as follows:

**“CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE”.**

**SEC. 803. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.**

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

**“§ 3239. Espionage and related offenses not committed in any district**

“The trial for any offense involving a violation of—

“(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

“(2) section 601 of the National Security Act of 1947; or

“(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950,

begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

“3239. Espionage and related offenses not committed in any district.”.

**SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.**

(a) IN GENERAL.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

“(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)), shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property; and

“(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

“(5) As used in this subsection, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.”.

(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—

(1) Section 793(h)(3) of such title is amended in the matter preceding subparagraph (A) by striking out “(o)” each place it appears and inserting in lieu thereof “(p)”.

(2) Section 794(d)(3) of such title is amended in the matter preceding subparagraph (A) by striking out “(o)” each place it appears and inserting in lieu thereof “(p)”.

(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

“(e)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

“(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)) shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property; and

“(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

“(5) As used in this subsection, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.”.

**SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.**

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(d)(1) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attor-

ney General of the United States certifies to the agency administering the annuity or retired pay concerned—

“(A) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

“(B) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

“(C) that such conviction occurred after the date of enactment of this subsection.

“(2) Any certification made pursuant to this subsection shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subparagraphs (A), (B), or (C) of paragraph (1), as certified by the Attorney General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.”.

**SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN PERSONNEL WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE.**

(a) CONSOLIDATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following:

**“§ 1599. Post employment assistance regarding certain civilian intelligence personnel**

“(a) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist a civilian employee who has been in a sensitive position in an intelligence agency or component of the Department of Defense and who is found to be ineligible for continued access to Sensitive Compartmented Information and employment with the intelligence agency or component, or whose employment with the intelligence agency or component has been terminated—

“(1) in finding and qualifying for subsequent employment;

“(2) in receiving treatment of medical or psychological disabilities; and

“(3) in providing necessary financial support during periods of unemployment.

“(b) Assistance may be provided under subsection (a) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

“(c) The Secretary may, to the extent and in the manner determined by the Secretary to appropriate, delegate the authority to provide assistance under this section.

“(d) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Sen-

ate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.

“(e) For the purposes of this section, the term ‘intelligence agency or component’ means the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence components of the military departments.”

(2) The table of sections of Chapter 81 of such title is amended by adding after the item relating to section 1598 the following new item:

“1599. Post employment assistance regarding certain civilian intelligence personnel.”

(b) REPEAL OF DUPLICATIVE AUTHORITY.—

(1) DEFENSE INTELLIGENCE AGENCY.—Paragraph (4) of Section 1604(e) of title 10, United States Code, is repealed.

(2) NATIONAL SECURITY AGENCY.—Section 17 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is repealed.

(c) SAVINGS PROVISION.—The repeals made by subsection (b) do not affect rights and duties that matured before the date of enactment of this section.

**TITLE IX—INTERDICTION OF AERIAL DRUG TRAFFICKING**

**SEC. 901. POLICY OF THE UNITED STATES.**

It is the policy of the United States to provide intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

**SEC. 902. SENSE OF CONGRESS.**

The Congress urges the President to review in light of this title all interpretations within the executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

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. TORRES, announced that the yeas had it.

Mr. GLICKMAN 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  $\left\{ \begin{array}{l} \text{Yeas} \dots\dots 410 \\ \text{Nays} \dots\dots 16 \end{array} \right.$

¶79.8 [Roll No. 336]  
YEAS—410

Abercrombie	Bachus (AL)	Bartlett
Ackerman	Baesler	Barton
Allard	Baker (CA)	Bateman
Andrews (ME)	Baker (LA)	Becerra
Andrews (NJ)	Ballenger	Beilenson
Andrews (TX)	Barca	Bentley
Applegate	Barcia	Bereuter
Archer	Barlow	Berman
Armey	Barrett (NE)	Bevill
Bacchus (FL)	Barrett (WI)	Bilbray

Bilirakis	Gephardt	Maloney	Saxton	Stenholm	Unsoeld
Bishop	Geran	Mann	Schaefer	Stokes	Upton
Blackwell	Gibbons	Manton	Schenk	Strickland	Valentine
Biley	Gilchrest	Manzullo	Schiff	Studds	Velazquez
Blute	Gillmor	Margolies-	Schumer	Stump	Vento
Boehlert	Gilman	Mezvinsky	Scott	Stupak	Viscosky
Boehner	Gingrich	Markey	Serrano	Sundquist	Volkmer
Bonilla	Glickman	Martinez	Sharp	Swett	Vucanovich
Bonior	Gonzalez	Matsui	Shaw	Swift	Walker
Borski	Goodlatte	Mazzoli	Shays	Synar	Walsh
Boucher	Goodling	McCandless	Shepherd	Talent	Waters
Brewster	Gordon	McCloskey	Shuster	Tanner	Watt
Brooks	Goss	McCollum	Skaggs	Tauzin	Waxman
Browder	Grams	McCrery	Skeen	Taylor (MS)	Weldon
Brown (FL)	Grandy	McCurdy	Skelton	Taylor (NC)	Wheat
Brown (OH)	Green	McDermott	Slattery	Tejeda	Whitten
Bryant	Greenwood	McHale	Slaughter	Thomas (CA)	Wilson
Bunning	Gunderson	McHugh	Smith (IA)	Thomas (WY)	Wise
Burton	Gutierrez	McInnis	Smith (MI)	Thompson	Wolf
Buyer	Hall (OH)	McKeon	Smith (NJ)	Thornton	Woolsey
Byrne	Hall (TX)	McKinney	Smith (OR)	Thurman	Wyden
Callahan	Hamilton	McMillan	Smith (TX)	Torkildsen	Wynn
Calvert	Hancock	McNulty	Snowe	Torres	Yates
Camp	Hansen	Meehan	Solomon	Torrice	Young (AK)
Canady	Harman	Meek	Spence	Towns	Young (FL)
Canwell	Hastert	Menendez	Spratt	Traficant	Zeliff
Cardin	Hastings	Meyers	Stearns	Tucker	Zimmer
Carr	Hayes	Mfume			
Castle	Hefley	Mica			
Chapman	Hefner	Michel	Brown (CA)	Hamburg	Schroeder
Clay	Herger	Miller (CA)	DeFazio	Johnston	Sensenbrenner
Clayton	Hilliard	Miller (FL)	Dellums	Minge	Stark
Clement	Hinchey	Mineta	Duncan	Owens	Williams
Clinger	Hoagland	Mink	Ehlers	Penny	
Clyburn	Hobson	Moakley	Frank (MA)	Sanders	
Coble	Hochbrueckner	Molinari			
Coleman	Hoekstra	Mollohan			
Collins (GA)	Hoke	Montgomery	Gallo	Moorhead	Sisisky
Collins (IL)	Holden	Moran	Kingston	Pickett	Washington
Collins (MI)	Horn	Morella	McDade	Ros-Lehtinen	
Combest	Houghton	Murphy			
Condit	Hoyer	Murtha			
Conyers	Huffington	Myers			
Cooper	Hughes	Nadler			
Coppersmith	Hunter	Neal (MA)			
Costello	Hutchinson	Neal (NC)			
Cox	Hutto	Nussle			
Coyne	Hyde	Oberstar			
Cramer	Inglis	Obey			
Crane	Inhofe	Olver			
Crapo	Inslee	Ortiz			
Cunningham	Istook	Orton			
Danner	Jacobs	Oxley			
Darden	Jefferson	Packard			
de la Garza	Johnson (CT)	Pallone			
Deal	Johnson (GA)	Parker			
DeLauro	Johnson (SD)	Pastor			
DeLay	Johnson, E.B.	Paxon			
Derrick	Johnson, Sam	Payne (NJ)			
Deutsch	Kanjorski	Payne (VA)			
Diaz-Balart	Kaptur	Pelosi			
Dickey	Kasich	Peterson (FL)			
Dicks	Kennedy	Peterson (MN)			
Dingell	Kennelly	Petri			
Dixon	Kildee	Pickle			
Dooley	Kim	Pombo			
Doolittle	King	Pomeroy			
Dornan	Kleczka	Porter			
Dreier	Klein	Portman			
Dunn	Klink	Poshard			
Durbin	Klug	Price (NC)			
Edwards (CA)	Knollenberg	Pryce (OH)			
Edwards (TX)	Kolbe	Quillen			
Emerson	Kopetski	Quinn			
Engel	Kreidler	Rahall			
English	Kyl	Ramstad			
Eshoo	LaFalce	Rangel			
Evans	Lambert	Ravenel			
Everett	Lancaster	Reed			
Ewing	Lantos	Regula			
Farr	LaRocco	Reynolds			
Fawell	Laughlin	Richardson			
Fazio	Lazio	Ridge			
Fields (LA)	Leach	Roberts			
Fields (TX)	Lehman	Roemer			
Filner	Levin	Rogers			
Fingerhut	Levy	Rohrabacher			
Fish	Lewis (CA)	Rose			
Flake	Lewis (FL)	Rostenkowski			
Foglietta	Lewis (GA)	Roth			
Ford (MI)	Lewis (KY)	Roukema			
Ford (TN)	Lightfoot	Rowland			
Fowler	Linder	Roybal-Allard			
Franks (CT)	Lipinski	Royce			
Franks (NJ)	Livingston	Rush			
Frost	Lloyd	Sabo			
Furse	Long	Sangmeister			
Galleghy	Lowey	Santorius			
Gejdenson	Lucas	Sarpaluis			
Gekas	Machtley	Sawyer			

Saxton	Stenholm	Unsoeld
Schaefer	Stokes	Upton
Schenk	Strickland	Valentine
Schiff	Studds	Velazquez
Schumer	Stump	Vento
Scott	Stupak	Viscosky
Serrano	Sundquist	Volkmer
Sharp	Swett	Vucanovich
Shaw	Swift	Walker
Shays	Synar	Walsh
Shepherd	Talent	Waters
Shuster	Tanner	Watt
Skaggs	Tauzin	Waxman
Skeen	Taylor (MS)	Weldon
Skelton	Taylor (NC)	Wheat
Slattery	Tejeda	Whitten
Slaughter	Thomas (CA)	Wilson
Smith (IA)	Thomas (WY)	Wise
Smith (MI)	Thompson	Wolf
Smith (NJ)	Thornton	Woolsey
Smith (OR)	Thurman	Wyden
Smith (TX)	Torkildsen	Wynn
Snowe	Torres	Yates
Solomon	Torrice	Young (AK)
Spence	Towns	Young (FL)
Spratt	Traficant	Zeliff
Stearns	Tucker	Zimmer

NAYS—16

Mica	Hamburg	Schroeder
Miller (CA)	Johnston	Sensenbrenner
Miller (FL)	Minge	Stark
Mineta	Owens	Williams
Mink	Penny	
Moakley	Sanders	

NOT VOTING—8

Gallo	Moorhead	Sisisky
Kingston	Pickett	Washington
McDade	Ros-Lehtinen	

So the bill was passed.

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.

¶79.9 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. GLICKMAN, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

¶79.10 NOTICE REQUIREMENT—MOTION TO INSTRUCT CONFEREES—H.R. 3355

Mr. BONILLA, pursuant to clause 1(c) of rule XXVIII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, be instructed not to agree to any provision having the effect of diminishing the amount of money made available to the United States Border Patrol Service from the amount provided in the House amendment.

¶79.11 PROVIDING FOR THE CONSIDERATION OF H.R. 1188

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 475):

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1188) to provide for disclosures for insurance in interstate commerce. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

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

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

¶79.12 INSURANCE DISCLOSURE

The SPEAKER pro tempore, Mr. TORRES, pursuant to House Resolution 475 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1188) to provide for disclosures for insurance in interstate commerce.

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

¶79.13 RECORDED VOTE

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

Page 25, line 24, strike "Energy and Commerce Committee" and insert "Committee on Banking; Finance and Urban Affairs".

Page 30, lines 20 and 21, strike "Secretary of Commerce" and insert "Secretary of Housing and Urban Development".

Strike "Committee on Energy and Commerce" each place it appears in the bill and insert "Committee on Banking, Finance and Urban Affairs".

It was decided in the { Yeas ..... 88  
negative ..... } Nays ..... 343

¶79.14 [Roll No. 337] AYES—88

- |              |                |               |
|--------------|----------------|---------------|
| Andrews (ME) | Furse          | Neal (MA)     |
| Andrews (NJ) | Gejdenson      | Neal (NC)     |
| Bacchus (FL) | Gibbons        | Olver         |
| Barrett (WI) | Gonzalez       | Orton         |
| Becerra      | Gutierrez      | Owens         |
| Beilenson    | Hinchev        | Pastor        |
| Bereuter     | Hughes         | Pelosi        |
| Berman       | Johnson, E. B. | Pickle        |
| Blackwell    | Kanjorski      | Reed          |
| Brooks       | Kaptur         | Roth          |
| Brown (CA)   | Kennedy        | Roybal-Allard |
| Coleman      | Klein          | Rush          |
| Coyne        | Klink          | Sabo          |
| de la Garza  | Kopetski       | Sanders       |
| de Lugo (VI) | LaFalce        | Schroeder     |
| DeFazio      | Lantos         | Schumer       |
| Dellums      | LaRocco        | Serrano       |
| Diaz-Balart  | Maloney        | Stark         |
| Dooley       | McDermott      | Stupak        |
| Durbin       | McHale         | Torres        |
| Edwards (CA) | McKinney       | Torricelli    |
| Eshoo        | Meehan         | Unsoeld       |
| Evans        | Meek           | Velazquez     |
| Farr         | Mfume          | Vento         |
| Fields (LA)  | Miller (CA)    | Waters        |
| Filner       | Mineta         | Watt          |
| Fingerhut    | Minge          | Wynn          |
| Flake        | Mink           | Yates         |
| Foglietta    | Moakley        |               |
| Frank (MA)   | Moran          |               |

NOES—343

- |              |              |               |
|--------------|--------------|---------------|
| Abercrombie  | Coppersmith  | Hancock       |
| Ackerman     | Costello     | Hansen        |
| Allard       | Cox          | Harman        |
| Andrews (TX) | Cramer       | Hastert       |
| Applegate    | Crane        | Hastings      |
| Archer       | Crapo        | Hayes         |
| Armey        | Cunningham   | Hefley        |
| Bachus (AL)  | Danner       | Hefner        |
| Baesler      | Darden       | Herger        |
| Baker (CA)   | Deal         | Hilliard      |
| Baker (LA)   | DeLauro      | Hoagland      |
| Ballenger    | DeLay        | Hobson        |
| Barca        | Derrick      | Hoehbrueckner |
| Barcia       | Deutsch      | Hoekstra      |
| Barlow       | Dickey       | Hoke          |
| Barrett (NE) | Dicks        | Holden        |
| Bartlett     | Dingell      | Horn          |
| Barton       | Dixon        | Houghton      |
| Bateman      | Doolittle    | Hoyer         |
| Bevill       | Dornan       | Huffington    |
| Bilbray      | Dreier       | Hunter        |
| Bilirakis    | Duncan       | Hutchinson    |
| Bishop       | Dunn         | Hutto         |
| Bliley       | Edwards (TX) | Hyde          |
| Blute        | Ehlers       | Inglis        |
| Boehkert     | Emerson      | Inhofe        |
| Boehner      | Engel        | Inslee        |
| Bonilla      | English      | Istook        |
| Bonior       | Everett      | Jacobs        |
| Borski       | Ewing        | Jefferson     |
| Boucher      | Fawell       | Johnson (CT)  |
| Brewster     | Fazio        | Johnson (GA)  |
| Browder      | Fields (TX)  | Johnson (SD)  |
| Brown (FL)   | Fish         | Johnson, Sam  |
| Brown (OH)   | Ford (MI)    | Johnston      |
| Bryant       | Ford (TN)    | Kasich        |
| Bunning      | Fowler       | Kennelly      |
| Burton       | Franks (CT)  | Kildee        |
| Buyer        | Franks (NJ)  | Kim           |
| Byrne        | Frost        | King          |
| Callahan     | Gallegly     | Kingston      |
| Calvert      | Gekas        | Kleczka       |
| Camp         | Gephardt     | Klug          |
| Canady       | Geren        | Knollenberg   |
| Cantwell     | Gilchrest    | Kolbe         |
| Cardin       | Gillmor      | Kreidler      |
| Carr         | Gilman       | Kyl           |
| Castle       | Gingrich     | Lambert       |
| Chapman      | Glickman     | Lancaster     |
| Clay         | Goodlatte    | Laughlin      |
| Clayton      | Goodling     | Lazio         |
| Clement      | Gordon       | Leach         |
| Clinger      | Goss         | Lehman        |
| Clyburn      | Grams        | Levin         |
| Coble        | Grandy       | Levy          |
| Collins (GA) | Green        | Lewis (CA)    |
| Collins (IL) | Greenwood    | Lewis (FL)    |
| Collins (MI) | Gunderson    | Lewis (GA)    |
| Combest      | Hall (OH)    | Lewis (KY)    |
| Condit       | Hall (TX)    | Lightfoot     |
| Conyers      | Hamburger    | Linder        |
| Cooper       | Hamilton     | Lipinski      |

- |                     |                     |             |
|---------------------|---------------------|-------------|
| Livingston          | Peterson (MN)       | Smith (MI)  |
| Lloyd               | Petri               | Smith (NJ)  |
| Long                | Pickett             | Smith (OR)  |
| Lowey               | Pombo               | Smith (TX)  |
| Lucas               | Pomeroy             | Snowe       |
| Machtley            | Porter              | Solomon     |
| Mann                | Portman             | Spence      |
| Manton              | Poshard             | Spratt      |
| Manzullo            | Price (NC)          | Stearns     |
| Margolies-Mezvinsky | Pryce (OH)          | Stenholm    |
| Markey              | Quillen             | Stokes      |
| Martinez            | Quinn               | Strickland  |
| Matsui              | Rahall              | Studds      |
| Mazzoli             | Ramstad             | Stump       |
| McCandless          | Rangel              | Sundquist   |
| McCloskey           | Ravenel             | Sweet       |
| McCollum            | Regula              | Swift       |
| McCrary             | Reynolds            | Synar       |
| McDade              | Richardson          | Talent      |
| McHugh              | Ridge               | Tanner      |
| McInnis             | Roberts             | Tauzin      |
| McKeon              | Roemer              | Taylor (MS) |
| McMillan            | Rogers              | Taylor (NC) |
| McNulty             | Rohrabacher         | Tejeda      |
| Menendez            | Romero-Barcelo (PR) | Thomas (CA) |
| Meyers              | Rose                | Thomas (WY) |
| Mica                | Rostenkowski        | Thompson    |
| Michel              | Roukema             | Thornton    |
| Miller (FL)         | Rowland             | Thurman     |
| Molinari            | Royce               | Torkildsen  |
| Mollohan            | Sangmeister         | Towns       |
| Montgomery          | Santorum            | Trafficant  |
| Moorhead            | Sarpalius           | Tucker      |
| Morella             | Sawyer              | Upton       |
| Murphy              | Saxton              | Valentine   |
| Murtha              | Schaefer            | Visclosky   |
| Myers               | Schenk              | Volkmer     |
| Nadler              | Schiff              | Vucanovich  |
| Norton (DC)         | Scott               | Walker      |
| Nussle              | Sensenbrenner       | Walsh       |
| Oberstar            | Sharp               | Waxman      |
| Obey                | Shaw                | Weldon      |
| Ortiz               | Shays               | Wheat       |
| Oxley               | Shepherd            | Williams    |
| Packard             | Shuster             | Wilson      |
| Pallone             | Sisisky             | Wise        |
| Parker              | Skaggs              | Wolf        |
| Paxon               | Skeen               | Woolsey     |
| Payne (NJ)          | Skelton             | Wyden       |
| Payne (VA)          | Slattery            | Young (AK)  |
| Penny               | Slaughter           | Young (FL)  |
| Peterson (FL)       | Smith (IA)          | Zeliff      |
|                     |                     | Zimmer      |

NOT VOTING—8

- |                   |              |                |
|-------------------|--------------|----------------|
| Bentley           | Gallo        | Underwood (GU) |
| Faleomavaega (AS) | McCurdy      | Washington     |
|                   | Ros-Lehtinen | Whitten        |

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

¶79.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. ROYBAL-ALLARD:

Page 3, line 13, strike "and".

Page 3, line 23, strike the period and insert ", and".

Page 3, after line 23, insert the following new clause:

(iii) information that will enable the Secretary to assess the aggregate loss experience for such insurer for such designated MSA and each 5-digit zip code in such designated MSA within which insured risks of the insurer are located.

Page 4, strike lines 12 through 25.

Page 5, line 4, strike "(a)(1)" and insert "(a)".

Page 5, line 24, strike "(a)(1)" and insert "(a)".

Page 6, after line 25, insert the following new clause:

(viii) provide for the submission of information on the racial characteristics or national origin of policyholders and on the gender of policyholders, at the level of detail comparable to that required by the Home Mortgage Disclosure Act of 1975 (and the regulations issued thereunder).

Page 7, line 1, strike "(viii)" and insert "(ix)".

Page 7, line 4, strike "(ix)" and insert "(x)".

Page 7, line 6, strike "(x)" and insert "(xi)".

Page 7, after line 7, insert the following new subparagraph:

(B) RULES REGARDING OBTAINING RACIAL AND NATIONAL ORIGIN INFORMATION.—With respect to the information specified in subparagraph (A)(viii), applicants for, and policyholders of, insurance may be asked their racial characteristics or national origin only in writing. Any such written question shall clearly indicate that a response to the question is voluntary on the part of the applicant or policyholder, but encouraged, and that the information is being requested by the Federal Government to monitor the availability and affordability of insurance. If an applicant for, or policyholder of, insurance declines to provide such information, the agent or insurer for such insurance may provide such information.

Page 7, line 8, strike "(B) and insert "(C)". Page 7, line 22, strike "(C)" and insert "(D)".

Page 11, after line 18, insert the following new clause:

(x) provide for the collection of information that will enable the Secretary to assess the aggregate loss experience, by each line of insurance designated under clause (ix), for insurers designated under clause (viii) for each MSA for which reporting is required under subparagraph (D).

Page 11, line 19, strike "(x)" and insert "(xi)".

Page 11, line 21, strike "(xi)" and insert "(xii)".

Page 12, line 1, strike "(xii)" and insert "(xiii)".

Page 13, line 24, after "basis" insert "(or a 9-digit zip code or census tract basis)".

Page 16, line 2, strike "25" and insert "75".

Page 24, after line 4, insert the following new subsection:

(f) REPORTING BY OTHER GEOGRAPHIC AREAS.—

(1) INSURER OPTION.—The Secretary shall provide that any insurer who is required by section 3 to compile, submit, maintain, and make available information may, at the discretion of the insurer, comply with the requirements of such section by compiling, submitting, maintaining, and making such information available on the basis of census tracts or 9-digit zip codes rather than on the basis of 5-digit zip codes.

(2) REQUIREMENT BY SECRETARY.—The Secretary may at any time, for any insurers, for any designated lines of insurance, and with respect to any geographical areas, require that information to be compiled, submitted, maintained, and made available under section 3 shall be compiled, submitted, maintained, and made available on a basis of census tracts (which shall include any basis that is convertible to the basis of census tracts) rather than on the basis of 5-digit zip codes, but only to the extent that the Secretary determines that availability of information on the basis of census tracts is necessary to assess the availability, affordability, or quality of type of insurance coverage.

(3) ADDRESS CONVERSION SOFTWARE.—The Secretary shall make available, to any insurer required to provide information to the Secretary under section 3, computer software that can be used to convert addresses from 5-digit zip code to census tracts. The software shall be made available in forms that provide such conversion for MSA's designated under section 4(a) on a nationwide basis and on a State-by-State basis and shall be updated annually. The software shall be made available without charge, except for an amount, determined by the Secretary, which shall not exceed the actual cost of reproducing the software.

Page 24, line 12, after "data" insert ", including loss ratios,".

Page 24, line 13, after "zip code" insert "(or by 9-digit zip code or census tract, to the extent information is submitted to the Secretary on such basis pursuant to section 6(f))",

Page 24, line 16, after "insurance policies" insert "and loss ratios".

Page 24, line 17, after "zip codes" insert "(or for categories of 9-digit zip codes or census tracts, to the extent information is submitted to the Secretary on such basis pursuant to section 6(f))".

Page 25, after line 5, insert the following new subsection:

(d) PROTECTIONS REGARDING LOSS INFORMATION.—

(1) PROHIBITION OF DISCLOSURE OF LOSS INFORMATION.—Notwithstanding any other provision of this Act, the Secretary may not make available to the public or otherwise disclose any information submitted under this act regarding the amount or number of claims paid by any insurer, the amount of losses of any insurer, or the loss experience for any insurer, except (A) in the form of a loss ratio (expressing the relationship of claims paid to premiums) made available or disclosed in compliance with the provisions of paragraph (2), or (B) as provided in paragraph (3).

(2) PROTECTION OF IDENTITY OF INSURER.—In making available to the public or otherwise disclosing a loss ratio for an insurer—

(A) the Secretary may not identify the insurer to which the loss ratio relates; and

(B) the Secretary may disclose the loss ratio only in a manner that does not allow any party to determine the identity of the specific insurer to which the loss ratio relates, except parties having access to information under paragraph (3).

(3) CONFIDENTIALITY OF INFORMATION DISCLOSED TO GOVERNMENTAL AGENCIES.—The Secretary may make information referred to in paragraph (1) and the identity of the specific insurer to which such information relates available to any Federal entity and any State agency responsible for regulating insurance in a State and may otherwise disclose such information to any such entity or agency, but only to the extent such entity or agency agrees not to make any such information available or disclose such information to any other person.

It was decided in the { Yeas ..... 97 negative ..... } Nays ..... 333

79.16 [Roll No. 338] AYES—97

- Abercrombie
Andrews (ME)
Bachus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (FL)
Cardin
Carr
Clayton
Clyburn
Collins (MI)
Coyne
de la Garza
de Lugo (VI)
DeFazio
Dellums
Diaz-Balart
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gonzalez
Green
Gutierrez
Hamburg
Hinchev
Jacobs
Johnson, E. B.
Johnston
Kennedy
Kildee
Klecza
Kopetski
LaFalce
Lantos
LaRocco
Lowey
Maloney
Martinez
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Norton (DC)
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Romero-Barcelo (PR)
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shepherd
Stark
Swett
Synar
Torres
Torricelli
Traficant
Unsoeld
Velazquez
Vento

- Waters
Watt
Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armev
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Billey
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clay
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combust
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Waxman
Woolsey
NOES—333
Franks (NJ)
Gallegly
Gedjenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Meyers
Mica
Michel
Miller (FL)
Minge
Molinaro
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpaluis
Saxton
Schaefer
Schenk
Schiff
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)

Smith (TX) Tazuin Vucanovich
Snowe Taylor (MS) Walker
Solomon Taylor (NC) Walsh
Spence Tejada Weldon
Spratt Thomas (CA) Wheat
Stearns Thomas (WY) Williams
Stenholm Thompson Wilson
Stokes Thornton Wise
Strickland Thurman Wolf
Studds Torkildsen Wyden
Stump Towns Young (AK)
Stupak Tucker Young (FL)
Sundquist Upton Zeliff
Swift Valentine Zimmer
Talent Visclosky
Tanner Volkmer

NOT VOTING—9

Bentley Gallo Washington
Faleomavaega McCurdy Whitten
(AS) Ros-Lehtinen
Frost Underwood (GU)

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

79.17 RECORDED VOTE

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

Page 3, line 10, strike "and" and insert a
comma.

Page 3, line 13, strike "and" and insert "an
explanation of each of the reasons for which
exposure units were canceled or not renewed
by such insurer, and the total exposure units
canceled and not renewed for each such rea-
son,".

Page 3, line 23, strike the period and insert
", and".

Page 3, after line 23, insert the following
new clause:

(iii) the total number of written applica-
tions or written requests to issue an insur-
ance policy submitted to such insurer (or
any agent or broker of the insurer) that were
declined, an explanation of each of the rea-
sons for which such applications or requests
were declined, and the total number of decli-
nations for each such reason.

Page 24, line 16, after "insurance policies"
insert ", exposure units cancelled or not re-
newed, and written applications or requests
to issue and insurance policy declined.".

It was decided in the Yeas ..... 123
negative ..... Nays ..... 305

79.18 [Roll No. 339]
AYES—123

Abercrombie Eshoo Kopetski
Ackerman Evans Lantos
Andrews (ME) Farr LaRocco
Bacchus (FL) Fields (LA) Lewis (GA)
Barrett (WI) Filner Lowey
Becerra Fingerhut Maloney
Beilenson Flake McCloskey
Berman Foglietta McDermott
Bishop Ford (TN) McHale
Blackwell Frank (MA) McKinney
Bonior Frost Meehan
Brooks Furse Menendez
Brown (CA) Gejdenson Mfume
Brown (FL) Gephardt Miller (CA)
Carr Gilman Mineta
Clay Gonzalez Mink
Clayton Green Montgomery
Clement Gutierrez Nadler
Clyburn Hastings Norton (DC)
Collins (MI) Hayes Oberstar
Conyers Hefley Olver
Costello Hefner Ortiz
Coyne Hinchey Owens
de la Garza Jefferson Pastor
de Lugo (VI) Johnson, E. B. Payne (NJ)
Dellums Johnston Pelosi
Diaz-Balart Kanjorski Poshard
Dicks Kennedy Rangel
Dixon Kildee Reynolds
Durbin Kleczka Rose
Edwards (CA) Klein Rostenkowski
Engel Klink Roybal-Allard

Rush
Sabo
Sanders
Schumer
Serrano
Skaggs
Slaughter
Stark
Stokes

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Army
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Biley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Dietz
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)

NOES—305

Franks (NJ)
Gallegly
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Herger
Hoagland
Hobson
Hochbruckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui

Unsoeld
Velazquez
Vento
Watt
Waxman
Wheat
Wyden
Wynn
Yates

Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo
(PR)
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpaluis
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)

Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swift
Talent

Tanner
Taylor (MS)
Taylor (NC)
Tejada
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Towns
Upton
Valentine
Visclosky
Volkmer

NOT VOTING—11

Faleomavaega McCurdy Washington
(AS) Neal (NC) Waters
Gallo Ros-Lehtinen Whitten
Hilliard Underwood (GU) Wilson

So the amendment was not agreed to.
After some further time,
The SPEAKER pro tempore, Mr.
TORRES, assumed the Chair.

When Ms. DELAURO, Chairman, pur-
suant to House Resolution 475, 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 "Anti Redlin-
ing in Insurance Disclosure Act".

SEC. 2. FINDINGS AND CONSTRUCTION.

(a) FINDINGS.—The Congress finds that—
(1) disparities in property and casualty insur-
ance coverage provided by insurers en-
gaged in interstate commerce between areas
of different incomes and racial composition
could adversely affect interstate commerce
and the cost and availability of insurance for
consumers, and

(2) appropriate disclosures of information
by insurers would benefit consumers and in-
surance regulators.

(b) CONSTRUCTION.—Nothing in this Act is
intended to, nor shall it be construed to, en-
courage unsound underwriting practices.

SEC. 3. MAINTENANCE OF INFORMATION AND
PUBLIC DISCLOSURE.

(a) GENERAL RULE.—

(1) DESIGNATED INSURERS.—

(A) IN GENERAL.—Except as provided by
subsection (b)(7), each designated insurer
shall, in accordance with subsection (b), an-
nually compile, submit to the Secretary, and
make available to the public for each calen-
dar year and for designated lines of insur-
ance in a designated MSA—

(i) the total number of policies, total expo-
sure units (in car years and house years), and
total earned premium of insurance policies
by designated line which were issued by such
insurer and the new written exposure units,
exposure units canceled, and the exposure
units not renewed by such insurer, and

(ii) the number of licensed agents of such
insurer whose principal place of business is
located in such designated MSA and the
number within each 5-digit zip code in such
designated MSA and with respect to each
such agent, whether such agent is an em-
ployee, independent contractor working ex-
clusively for such insurer, or an independent
contractor appointed to represent such in-
surer on a non-exclusive basis.

(B) SUBMISSIONS AND AVAILABILITY.—The
information described in subparagraph (A)
shall be—

(i) submitted to the Secretary in accord-
ance with subsection (d), and

(ii) made available to the public, in accord-
ance with subsection (b)(2), for inspection

and copying, at cost, at the home office of the insurer and at a central depository, established under subsection (c), by the Secretary.

(2) NON-DESIGNATED INSURERS.—Except as provided in subsection (b)(7), every insurer which sells an insurance policy in a designated line of insurance in a designated MSA and which is not a designated insurer in such MSA shall submit to the Secretary for each calendar year in accordance with subsection (d) and regulations of the Secretary the total exposure units (in car years and house years) of insurance policies in a designated line sold in such MSA. With respect to such policies, the insurer shall report the designated MSA where the insured risks are located for which such insurance is issued and within such MSA report the 5-digit zip code where the risk is located.

(b) REQUIREMENTS.—

(1) CONTENT.—The information required to be maintained and made available under subsection (a)(1) shall be itemized in order to clearly and conspicuously disclose the policies, the exposure units, and the premium amount for each line of insurance for which information is required and be itemized by the 5-digit zip code where the risks are located.

(2) AVAILABILITY TO THE PUBLIC.—The information required to be maintained and made available under subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the calendar year following the calendar year for which the information is required to be made available, except that such information shall not be made available to the public until it is available in its entirety but it shall be made available if not all the information required to be reported is available on such October 1 or on the date determined by the Secretary.

(3) SPECIFICATION OF DATA.—

(A) IN GENERAL.—With respect to information which is required to be maintained and made available under subsection (a)(1), the Secretary shall by regulation establish specifications for the collection and public reporting of such information with respect to the following lines of insurance: private passenger automobile, homeowners, and dwelling fire and allied lines. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) detail what data elements should be collected,

(iv) provide for the collection of information on an individual insurer basis,

(v) minimize burdens on insurance agents, including independent insurance agents,

(vi) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers,

(vii) take into account the types of data collected under the Home Mortgage Disclosure Act of 1975,

(viii) take into account existing statistical reporting systems in the insurance industry,

(ix) require itemization by 5-digit zip code, and

(x) include information on policies written in a residual market.

(B) CONSULTATIONS.—In developing the specifications in subparagraph (A), the Secretary shall consult with—

(i) other Federal agencies with appropriate expertise,

(ii) State insurance regulators,

(iii) representatives of the insurance industry, including statistical agents,

(iv) representatives of insurance producers, including minority insurance producers, and

(v) consumer, community, and civil rights groups who are representative of a diversity of geographic locations.

(C) EFFECTIVE DATE.—The regulation under subparagraph (A) shall be issued no later than 270 days after the date of the enactment of this Act.

(4) COMMERCIAL INSURANCE STUDY AND PILOT PROJECT.—

(A) STUDY.—The Secretary shall conduct a study regarding the availability of commercial insurance (other than professional liability insurance, workers compensation insurance, and title insurance) with special emphasis on the availability of commercial insurance for small business. The study shall focus on—

(i) an appropriate definition for small business; and

(ii) preliminary views regarding the availability, cost, and type of insurance coverage for small business, which may be based on surveys of members of the small business community.

In conducting the study, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a report detailing the findings of the study to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(B) PROPOSAL OF PILOT PROJECT.—Concurrent with the conduct of the study under subparagraph (A), the Secretary shall develop a proposed data collection pilot project in the 5 largest MSA's to help determine the need for any further data collection requirements to evaluate the availability, cost, and type of insurance coverage for small business. In developing the proposed pilot project, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a specific proposal for a pilot project to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(C) SPECIFICATIONS FOR PILOT PROJECT.—Immediately following the submission of the proposal for a pilot project, the Secretary shall, by regulation, establish specifications for the collection and public reporting of information with respect to commercial insurance for the proposed pilot project. As part of the specifications, the Secretary shall designate the 5 largest MSA's for purposes of the pilot project. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) provide for the collection of information on an individual insurer basis,

(iv) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers, and insurance agents, including independent insurance agents,

(v) take into account existing statistical reporting systems in the insurance industry and use existing data sources to the maximum practical extent,

(vi) include information on policies written in a residual market,

(vii) detail what data elements should be collected,

(viii) detail what insurers should be designated insurers for purposes of the pilot project,

(ix) detail what lines of commercial insurance should be designated for purposes of the pilot project, with particular consideration given to commercial fire and business owners lines,

(x) include an appropriate definition of small business, if necessary,

(xi) provide data representative of at least 2 years of experience and provide that the pilot project will terminate no later than 2 years after its inception, and

(xii) provide adequate lead time to insurers designated under clause (viii) for the reporting to begin.

The regulation shall be issued within 2 years of the date of enactment of this Act.

(D) REPORTING UNDER PILOT PROJECT.—Insurers designated under subparagraph (C)(viii) shall report to the Secretary with respect to lines of insurance designated under subparagraph (C)(ix) in the 5 largest MSA's, pursuant to the regulation issued by the Secretary in subparagraph (C).

(E) ANALYSIS OF DATA UNDER PILOT PROJECT.—At the conclusion of the pilot project, the Secretary shall analyze the data collected. Within 1 year of the conclusion of the pilot project, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate on—

(i) any conclusions of the Secretary regarding the data collected under the pilot project, particularly regarding the availability, cost, and type of commercial insurance for small business, and

(ii) the need for further data collection requirements to evaluate the availability, cost, and type of such coverage or to help ensure the availability of such coverage.

(5) PERIOD OF MAINTENANCE.—Any information required to be compiled and made available under subsection (a) shall be maintained and made available for a period of 3 years after the close of the first year during which such information is required to be maintained and made available.

(6) FORMAT FOR DISCLOSURES.—Subject to subsection (c), the Secretary shall prescribe a standard format for making information available as required by subsection (a). Such format shall encourage the submission of information in a form readable by a computer.

(7) EXEMPTION.—

(A) SECRETARIAL ACTION.—If the Secretary determines that a State has enacted a law, or otherwise implemented a requirement under which—

(i) insurers operating in that State are subject to disclosure requirements on a 5-digit zip code basis substantially similar to those of subsection (a),

(ii) there are adequate provisions for enforcement, and

(iii) the information disclosed under the State law or requirement is made available to the Secretary and the public in a manner similar to other information disclosed under subsection (a),

then the Secretary shall by regulation exempt insurers operating in that State from complying with the requirements of subsection (a) with respect to that State's portions of the designated MSA's. If the Secretary determines that the State law or requirement no longer meets the criteria of clauses (i) through (iii) or is no longer in ef-

fect, the Secretary shall by regulation revoke the exemption.

(B) UNITED STATES PROGRAM.—Reporting shall not be required under subsection (a) with respect to insurance provided by a program underwritten or administered by the United States.

(c) PUBLIC ACCESS SYSTEM.—The Secretary shall implement a system to facilitate public access to information required to be made available to the public under subsection (a). Such system shall include arrangements for a central depository of information in each designated MSA and for a telephone number which can be used by the public, at cost, to request such information. Statements shall be made available to the public for inspection and copying at such central depository of information for all designated insurers within such MSA. The Secretary shall also make copies of such statements available in forms readable by widely used personal computers, such as in disc format. The Secretary may charge a fee for such information, which may not exceed the amount, determined by the Secretary, that is equal to the cost of reproducing the information.

(d) SUBMISSION TO SECRETARY.—With respect to the information required to be submitted under subsection (a) to the Secretary, the Secretary shall develop regulations prescribing the format and method for submitting such information. Such regulations shall ensure uniformity among insurers, to the extent practicable, in the format used for reporting, including the definitions of data elements. Any reporting insurer may submit in writing to the Secretary such additional data or explanations as it deems relevant to the decision by such insurer to sell insurance.

#### SEC. 4. DESIGNATIONS.

(a) DESIGNATIONS BY THE SECRETARY.—

(1) DESIGNATIONS OF MSA'S.—The Secretary shall designate the MSA's for which reporting is required under section 3(a). The Secretary shall designate the 25 MSA's having the largest population.

(2) DESIGNATION OF INSURERS.—For each MSA designated under paragraph (1), the Secretary shall take the following actions:

(A) The Secretary shall designate the insurers transacting insurance business in such MSA for which reporting is required under section 3(a). At a minimum, the Secretary shall designate the 25 insurers in such MSA having the largest premium volume in the designated lines of insurance in each State in which such MSA is located.

(B) In addition to the insurers designated under subparagraph (A), the Secretary shall also designate any entity primarily providing insurance in a designated line of insurance as part of a residual market established by State law.

(C) The Secretary shall also designate, in addition to the insurers designated under subparagraphs (A) and (B), insurers who specialize in selling insurance in urban areas, including surplus lines insurers.

(D) The Secretary shall also designate, in addition to the insurers designated under subparagraph (A), (B), and (C) insurers such that insurers representing at least 80 percent of the premium volume in each State in which such MSA is located in the designated line of insurance are designated in such MSA. The Secretary may not designate additional insurers under this subparagraph if their market share in the designated line of insurance in the applicable States, as measured by premium volume in each State in which such MSA is located, is under 1 percent.

(E) In addition to the insurers designated under subparagraph (A), (B), (C), and (D) the Secretary may by regulation designate additional insurers in a MSA if the designation

of additional insurers is necessary to provide valid data with respect to the availability, cost, and type of insurance in the MSA.

(F) The Secretary shall revoke the designation of an insurer designated under subparagraph (A) as follows: If such designated insurer has a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent, the Secretary shall revoke the designation of such insurer beginning with the insurer with the smallest market share of such insurance if the remainder of the designated insurers have a market share of at least 75 percent of such insurance as measured by premium volume in each State in which such MSA is located. In addition, the Secretary may revoke the designation of any insurer designated under subparagraph (A) with a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent if such designation has not been revoked under this subparagraph and if such insurer primarily sells insurance in rural areas of such MSA.

(G) For purposes of this paragraph, insurers which are affiliated or are members of the same group shall be considered together as one insurer.

(3) DESIGNATION OF LINES OF INSURANCE.—For each MSA designated under paragraph (1) the following are the designated lines of property and casualty insurance for which reporting is required under section 3:

(A) Private passenger automobile insurance.

(B) Homeowners insurance.

(C) Dwelling fire and allied lines of insurance.

(4) TIMING OF DESIGNATIONS.—

(A) INITIAL DESIGNATIONS.—The Secretary shall make initial designations required by paragraphs (1), (2), and (3) no later than July 1 of the year preceding the first year for which reporting is required under section 3. Such initial designations shall be effective for 5 calendar years from the date of designation.

(B) SUBSEQUENT DESIGNATIONS.—Not later than July 1 of the year preceding the fifth year after a designation under subparagraph (A) or this subparagraph, the Secretary shall make another designation to be effective upon the expiration of such 5 years and such designation shall be effective for 5 calendar years from the date of designation.

(C) NOTICE.—The Secretary shall notify persons involved in the designations no later than the July 15 which follows the designation.

(b) OBTAINING INFORMATION.—The Secretary may obtain from insurers such information as the Secretary may require to make designations under subsection (a).

#### SEC. 5. TASK FORCE ON AGENCY APPOINTMENTS.

(a) ESTABLISHMENT.—Within 90 days of the date of the enactment of this Act, the Secretary shall establish a task force on insurance agency appointments. The task force shall—

(1) consist of representatives of appropriate Federal agencies, property and casualty insurance agents, including specifically minority insurance agents, property and casualty insurance companies, State insurance regulators, and public interest groups,

(2) have a significant representation from minority insurance agents, and

(3) be chaired by the Secretary or the Secretary's designee.

(b) FUNCTION.—The task force shall—

(1) review the problems inner city and minority agents may have in receiving appointments to represent property and casualty insurance companies,

(2) review the practices of insurers in terminating agents and consider the effect such

practices have on the availability or cost of insurance, especially in underserved areas, and

(3) recommend solutions to improve the ability of inner city and minority insurance agents to market property and casualty insurance products, including steps property and casualty insurance companies should take to increase their appointments of such agents.

(c) REPORT AND TERMINATION.—The task force shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate its findings under paragraphs (1) and (2) of subsection (b) and its recommendations under paragraph (3) of subsection (b) within 2 years after the date of the enactment of this Act. The task force shall terminate when the report is submitted to the Committees.

#### SEC. 6. IMPLEMENTATION OF SECTION 3.

(a) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out section 3. Such regulations may—

(1) contain such classifications, differentiations, or other provisions, and

(2) may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Secretary are necessary and proper to effectuate the purposes of such section and to prevent circumvention or evasion thereof or to facilitate compliance therewith.

(b) DATA COLLECTION CONTRACTOR.—The Secretary may contract with a data collection contractor to carry out the Secretary's responsibilities under section 3 if the contractor agrees to collect and make available the data pursuant to the terms and conditions of such section. A statistical agent may also be a data contractor.

(c) ROLE OF STATISTICAL AGENTS.—

(1) ACCEPTANCE OF DATA.—The Secretary and, if applicable, the contractor under the subsection (b) contract may accept data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if—

(A) the statistical plan used by the statistical agent for the reporting of data on insurance provides for the reporting of data in a manner compatible with section 3(a),

(B) the statistical agent reports such data on an individual insurer basis, and, at the discretion of the Secretary, on an aggregate basis,

(C) the statistical agent provides adequate procedures to protect the integrity of the data reported,

(D) the statistical agent has procedures in place which ensure that data reported under the statistical plan in connection with reporting under this Act and submitted to the Secretary are not subject to adjustment by the statistical agent or an insurer for reasons other than technical accuracy and conformance to the statistical plan,

(E) the statistical agent ensures that the data of one insurer is not subject to review by other insurers before public availability, and

(F) the statistical agent provides for the reporting of data in a manner compatible with the format prescribed by the Secretary under section 3(d).

(2) DISCONTINUANCE OF DATA ACCEPTANCE.—The Secretary may, after providing an opportunity for a hearing, discontinue accepting data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if the Secretary determines the requirements for acceptance of data in paragraph (1) are no longer met.

(d) ROLE OF GAO.—The Comptroller General shall have the authority to review and audit any data collection and reporting per-

formed under section 3, whether by the Secretary, the contractor under the subsection (b) contract, or a statistical agent, to ensure that the integrity of the data collected and reported is protected.

(e) **BURDENS ON INSURANCE AGENTS.**—In prescribing regulations under this Act, the Secretary shall take into consideration the administrative, paperwork, and other burdens on insurance agents, including independent insurance agents, involved in complying with the requirements of this Act and shall minimize the burdens imposed by such requirements with respect to such agents.

**SEC. 7. RELATION TO STATE LAWS.**

This Act does not annul, alter, or affect, or exempt the obligation of any insurer subject to this Act to comply with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping.

**SEC. 8. COMPILATION OF AGGREGATE DATA.**

(a) **SCOPE OF DATA AND TABLES.**—The Secretary shall compile each year, for each MSA, data aggregated by 5-digit zip code for all insurers who are subject to section 3 or who are exempt from section 3 under subsection (b)(7)(A) of such section. The Secretary shall also produce tables indicating, for each MSA, insurance policies aggregated for various categories of 5-digit zip codes grouped according to location, age of property, income level, and racial characteristics of neighborhood.

(b) **AGGREGATION OF INFORMATION.**—Statistical agents may aggregate the data of insurers that report to them and may provide such information to the Secretary. The Secretary may also provide the individual company data submitted by insurers to statistical agents for aggregation.

(c) **AVAILABILITY TO PUBLIC.**—The data compiled and the tables produced pursuant to subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the year following the calendar year on which the data and tables are based.

**SEC. 9. ENFORCEMENT.**

(a) **CIVIL PENALTIES.**—Any insurer who is determined by the Secretary, after providing opportunity for a hearing on the record, to have violated the requirements of section 3 shall be subject to a civil penalty of not to exceed \$5,000 for each day during which such violation continues.

(b) **INJUNCTION.**—The Secretary may bring an action in an appropriate United States district court for appropriate declaratory and injunctive relief against any insurer who violates the requirements of section 3.

(c) **INSURER LIABILITY.**—An insurer shall be responsible under subsections (a) and (b) for any violation of a statistical agent acting on behalf of the insurer.

**SEC. 10. SUNSET.**

(a) **EXPIRATION.**—Except as provided in subsection (b), this Act shall not be in effect after the expiration of 5 years from its effective date. Prior to the expiration of 4 years from such date, the Secretary shall report to the Energy and Commerce Committee of the House of Representatives and the appropriate committee of the Senate—

(1) the quality of data received under section 3 and the effectiveness of the data requirement, including the relation between the cost of such data gathering and the benefits from having such data available,

(2) the appropriateness of the geographic data reporting units,

(3) the need for continued reporting by the designated insurers in urban areas,

(4) the efforts of insurers to meet the insurance needs of minority and low-income neighborhoods, and

(5) such other information as the Secretary determines will assist in considering an extension of this Act.

(b) **EXTENSION.**—Based on the Secretary's report on the need described in subsection (a)(3) and the information described in subsection (a)(5), the Secretary may extend this Act for one period of 2 years.

**SEC. 11. STUDIES.**

(a) **STUDY OF INFORMATION ON INSURANCE APPLICANTS.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility and utility of the collection of information with respect to the characteristics of applicants for insurance and reasons for rejection of applicants. The study shall examine the extent to which—

(A) oral applications or representations are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(B) written applications are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(C) written applications are submitted after the insurer or agent has already made a determination to provide insurance to a prospective insured or has determined that the prospective insured is eligible for insurance, and

(D) prospective insureds are discouraged from submitting applications for insurance based, in whole or in part, on—

(i) the location of the risk to be insured,

(ii) the race or ethnicity of the prospective insured,

(iii) the racial or ethnic composition of the neighborhood in which the risk to be insured is located, and

(iv) in the case of residential property insurance, the age and value of the risk to be insured.

(2) **REPORT.**—The Secretary shall report the results of the study under paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate within 18 months of the date of the enactment of this Act.

(b) **STUDY OF INSURER ACTIONS TO MEET INSURANCE NEEDS OF CERTAIN NEIGHBORHOODS.**—The Secretary shall conduct a study of various practices, actions, programs, and methods undertaken by insurers to meet the property and casualty insurance needs of residents of low- and moderate-income neighborhoods, minority neighborhoods, and small businesses located in such neighborhoods. The Secretary may establish a task force of interested parties, including representatives of insurance companies, insurance agents, including minority agents, and consumer representatives to discuss additional practices, actions, programs, and methods to meet these needs. The Secretary shall report the results of the study, including any recommendations, to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate no later than 2 years after the date of the enactment of this Act.

**SEC. 12. DEFINITIONS.**

For purposes of this Act:

(1) The term "commercial insurance" means any line of property and casualty insurance, except private passenger automobile and homeowner's insurance.

(2) The term "designated insurer" means an insurer designated by the Secretary pursuant to section 4(a)(2).

(3) The term "designated line" means a line of insurance specified in section 4(a)(3).

(4) The term "exposure units" means units insured against risk of loss by an insurer and the term "units" means an automobile or the number of units in a building.

(5) The term "insurer" means any corporation, association, society, order, firm, company, partnership, individual, or aggregation

of individuals which is subject to examination or supervision by any State insurance regulator, or which is doing or represents an insurance business. Such term does not include an individual or entity which represents an insurer as agent for the purpose of selling or which represents a consumer as a broker for the purpose of buying insurance.

(6) The term "MSA" means a Metropolitan Statistical Area or a Consolidated Metropolitan Statistical Area and the term "designated MSA" means an MSA designated by the Secretary pursuant to section 4(a)(1).

(7) The term "property and casualty insurance" means insurance against loss of or damage to property, insurance against loss of income or extra expense incurred because of loss of, or damage to, property, and insurance against third party liability claims caused by negligence or imposed by statute or contract.

(8) The term "residual market" means an assigned risk plan, joint underwriting association, or any similar mechanism designed to make insurance available to those unable to obtain it in the voluntary market.

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

**SEC. 13. EFFECTIVE DATE.**

The requirements of this Act shall take effect with respect to information on insurance described in section 3 and developed in and after calendar year 1995.

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. TORRES, announced that the yeas had it.

So the bill was passed.

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

¶79.19 MOTION TO INSTRUCT CONFEREES—H.R. 3355

Mr. MCCOLLUM submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm, or destructive device during a state crime of violence or state drug trafficking crime.

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. TORRES, announced that the nays had it.

Mr. McCOLLUM 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 ..... 291  
Nays ..... 128

¶79.20 [Roll No. 340]  
YEAS—291

- Ackerman
- Allard
- Andrews (NJ)
- Andrews (TX)
- Applegate
- Archer
- Armey
- Bachus (AL)
- Baessler
- Baker (CA)
- Baker (LA)
- Ballenger
- Barca
- Barcia
- Barrett (NE)
- Bartlett
- Barton
- Bevill
- Bilbray
- Bilirakis
- Bishop
- Bliley
- Blute
- Boehlert
- Boehner
- Bonilla
- Boucher
- Brewster
- Browder
- Brown (OH)
- Bryant
- Bunning
- Burton
- Buyer
- Byrne
- Callahan
- Calvert
- Camp
- Canady
- Cantwell
- Carr
- Castle
- Chapman
- Clement
- Clinger
- Coble
- Coleman
- Collins (GA)
- Combust
- Condit
- Cooper
- Costello
- Cramer
- Crane
- Crapo
- Cunningham
- Danner
- Darden
- Deal
- DeLay
- Deutsch
- Diaz-Balart
- Dickey
- Dooley
- Dornan
- Dreier
- Duncan
- Dunn
- Durbin
- Edwards (TX)
- Ehlers
- Emerson
- Engel
- English
- Everett
- Ewing
- Fawell
- Fazio
- Fields (TX)
- Filner
- Fingerhut
- Fish
- Fowler
- Franks (CT)
- Franks (NJ)
- Frost
- Furse
- Gallegly
- Gejdenson
- Gekas
- Geren
- Gibbons
- Gilchrest
- Gillmor
- Gilman
- Gingrich
- Goodlatte
- Goodling
- Gordon
- Goss
- Grams
- Grandy
- Green
- Greenwood
- Gunderson
- Hall (OH)
- Hall (TX)
- Hamilton
- Hancock
- Hansen
- Harman
- Hastert
- Hayes
- Hefley
- Herger
- Hoagland
- Hobson
- Hochbrueckner
- Hoekstra
- Holden
- Houghton
- Huffington
- Hunter
- Hutchinson
- Inhofe
- Inslee
- Istook
- Johnson (CT)
- Johnson (GA)
- Johnson (SD)
- Johnson, Sam
- Johnston
- Kaptur
- Kasich
- Kennedy
- Kennelly
- Kildee
- Kim
- King
- Kingston
- Kleczka
- Klein
- Klink
- Klug
- Knollenberg
- Kolbe
- Kreidler
- Kyl
- Lambert
- Lancaster
- Lantos
- LaRocco
- Lazio
- Leach
- Lehman
- Levin
- Levy
- Lewis (CA)
- Lewis (FL)
- Lewis (KY)
- Lightfoot
- Linder
- Lloyd
- Long
- Lowey
- Lucas
- Machtley
- Maloney
- Mann
- Manton
- Manzullo
- Margolies-
- Mezvinsky
- Markey
- Matsui
- Mazzoli
- McCandless
- McCollum
- McCrary
- McDade
- McHale
- McHugh
- McInnis
- McKeon
- McNulty
- Meehan
- Menendez
- Meyers
- Mfume
- Mica
- Miller (FL)
- Minge
- Moakley
- Molinari
- Montgomery
- Moorhead
- Moran
- Murphy
- Murtha
- Myers
- Neal (MA)
- Nussle
- Oberstar
- Obey
- Ortiz
- Orton
- Oxley
- Packard
- Pallone
- Parker
- Paxon
- Peterson (MN)
- Petri
- Pombo
- Pomeroy
- Portman
- Poshard
- Pryce (OH)
- Quillen
- Quinn
- Rahall
- Ramstad
- Ravenel
- Regula
- Reynolds
- Richardson
- Ridge
- Roberts
- Roemer
- Rogers
- Roth
- Roukema
- Rowland
- Royce
- Sangmeister
- Santorum
- Sarpaluis
- Saxton
- Schaefer
- Schenk
- Schiff
- Sensenbrenner
- Shaw

- Shays
- Shepherd
- Shuster
- Sisisky
- Skeen
- Skelton
- Slattery
- Smith (NJ)
- Smith (OR)
- Smith (TX)
- Snowe
- Solomon
- Spence
- Spratt
- Stearns
- Stenholm
- Strickland

- Stump
- Stupak
- Sundquist
- Swett
- Talent
- Tanner
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Tejeda
- Thomas (CA)
- Thomas (WY)
- Thurman
- Torkildsen
- Torres
- Torricelli
- Traficant

- Tucker
- Unsoeld
- Upton
- Volkmer
- Vucanovich
- Walker
- Walsh
- Weldon
- Wilson
- Wolf
- Wyden
- Young (AK)
- Young (FL)
- Zeliff
- Zimmer

¶79.22 PROVIDING FOR THE  
CONSIDERATION OF H.R. 3870

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-613) the resolution (H. Res. 483) providing for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies.

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

¶79.23 PROVIDING FOR THE  
CONSIDERATION OF H.R. 4604

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-614) the resolution (H. Res. 484) providing for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes.

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

¶79.24 MOTION TO INSTRUCT  
CONFERES—H.R. 3355

Mr. HOAGLAND submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; be instructed to meet promptly on all issues committed to conference with the managers on the part of the Senate.

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. TORRES, announced that the yeas had it.

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.

¶79.25 RECESS—8:00 P.M.

The SPEAKER pro tempore, Mr. TORRES, pursuant to clause 12 of rule I, declared the House in recess at 8 o'clock p.m., subject to the call of the Chair.

¶79.26 AFTER RECESS—8:06 P.M.

The SPEAKER pro tempore, Mr. NADLER, called the House to order.

¶79.27 "STRUCTURED DEBATE"

The SPEAKER pro tempore, Mr. NADLER, made the following statement in behalf of the Speaker:

NAYS—128

- Abercrombie
- Andrews (ME)
- Bacchus (FL)
- Barlow
- Barrett (WI)
- Becerra
- Beilenson
- Bentley
- Bereuter
- Berman
- Blackwell
- Bonior
- Borski
- Brooks
- Brown (CA)
- Brown (FL)
- Cardin
- Clay
- Clayton
- Clyburn
- Collins (IL)
- Collins (MI)
- Conyers
- Coppersmith
- Cox
- Coyne
- DeFazio
- DeLauro
- Dellums
- Derrick
- Dingell
- Dixon
- Doolittle
- Edwards (CA)
- Eshoo
- Evans
- Farr
- Fields (LA)
- Flake
- Foglietta
- Ford (TN)
- Frank (MA)
- Gephardt

NOT VOTING—15

- Bateman
- de la Garza
- Dicks
- Ford (MI)
- Gallo

- Hutto
- Livingston
- McCurdy
- McMillan
- Michel

- Ros-Lehtinen
- Sharp
- Stark
- Washington
- Whitten

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.

¶79.21 PROVIDING FOR THE  
CONSIDERATION OF H.R. 3838

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-612) the resolution (H. Res. 482) providing for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes.

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

The House will again, as it did on May 4, 1994, conduct a structured debate on a mutually agreed upon subject. A Member recognized by the Speaker and holding the floor as moderator will yield time to eight Members on two teams, with each team composed of two Members from the Majority Party and two Members from the Minority Party.

The primary purpose of this debate is to enhance the quality of the deliberative process of the House of Representatives, so as to enable all Members to be better informed and to participate in subsequent debates and decisions on major issues.

Under the previous orders of February 11 and June 10, 1994, Mr. Cardin will be recognized to moderate a structured debate in the format and sequence that he will describe, which has been mutually established by the Majority and Minority Leaders.

The rules of the House with respect to decorum and proper forms of address to the Chair will apply during this debate. The moderator will yield time to the participants, and will insist that Members not interrupt on other Members' time. As part of the experiment—and not as a precedent for other proceedings of the House—the moderator and the participants will have the aid of a visual timing device.

#### ¶79.28 ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 572. An Act for the relief of Melissa Johnson.

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands as the "Almeric L. Christian Federal Building."

H.R. 1873. An Act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need.

H.R. 2532. An Act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse."

H.R. 3770. An Act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building."

H.R. 3840. An Act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

#### ¶79.29 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 537. An Act for the relief of Tania Gil Compton.

S. 832. An Act to designate the plaza to be constructed on the Federal Triangle property in Washington, D.C., as the "Woodrow Wilson Plaza."

S. 1880. An Act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

#### ¶79.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HUTTO, for today after 6 p.m.

And then,

#### ¶79.31 ADJOURNMENT

On motion of Mr. CARDIN, at 9 o'clock and 46 minutes p.m., the House adjourned.

#### ¶79.32 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:

Ms. SLAUGHTER: Committee on Rules. House Resolution 482. Resolution providing for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes (Rept. No. 103-612). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 483. Resolution providing for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies (Rept. No. 103-613). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 484. Resolution providing for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes (Rept. No. 103-614). Referred to the House Calendar.

#### ¶79.33 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. BROWN of California:

H.R. 4799. A bill to promote the research and development of environmental technologies; to the Committee on Science, Space, and Technology.

By Ms. SNOWE (for herself and Mr. ANDREWS of Maine):

H.R. 4800. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; jointly, to the Committees on Energy and Commerce and Natural Resources.

By Mr. LAFALCE (for himself, Mr. SMITH of Iowa, Mr. SKELTON, Mr. MAZZOLI, Mr. WYDEN, Mr. BILBRAY, Mr. MFUME, Mr. KLINK, Ms. ROYBAL-ALLARD, Mr. HILLIARD, and Mr. THOMPSON):

H.R. 4801. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. GORDON:

H.R. 4802. A bill to prohibit any charges on telephone bills for calls to 800 numbers; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. OWENS, Mr. TUCKER, Ms. COLLINS of Michigan, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. DELLUMS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. MINETA, Ms. VELÁZQUEZ, Mr. HINCHEY, Mrs. SCHROEDER, Mr. NADLER, Ms. MARGOLIES-MEZVINSKY, Mr. SERRANO, Mrs. MALONEY, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. GENE GREEN of Texas, and Mrs. KENNELLY):

H.R. 4803. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimina-

tion in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. SHAW (for himself, Mr. DEUTSCH, Ms. BROWN of Florida, Mrs. FOWLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. CANADY, Mr. GOSS, Mr. BACCHUS of Florida, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. JOHNSTON of Florida, Mr. DIAZ-BALART, Mr. HASTINGS, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. HUTTO, Mr. PETERSON of Florida, Mr. STEARNS, Mr. MICA, Mr. MILLER of Florida, and Mrs. THURMAN):

H.R. 4804. A bill to authorize appropriations for construction of a research facility in Broward County, FL, to be used in connection with efforts to control Melaleuca and other exotic plant species that threaten native ecosystems in the State of Florida; to the Committee on Public Works and Transportation.

By Mr. SLATTERY:

H.R. 4805. A bill to amend title 23, United States Code, relating to penalties for use of motorcycle helmets; to the Committee on Public Works and Transportation.

By Mr. WILLIAMS (for himself, Mr. POMEROY, Ms. ENGLISH of Arizona, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. STUPAK, Mr. SKEEN, Mr. RICHARDSON, Mr. SWIFT, Mr. KILDEE, Mrs. MEYERS of Kansas, Mr. FLAKE, Mr. HILLIARD, Mr. FAZIO, Mr. SCHIFF, Mr. SCOTT, Mr. MINGE, Mr. MARTINEZ, Mr. DELLUMS, and Mr. GUTIERREZ):

H.R. 4806. A bill to provide land-grant status for certain Indian colleges and institutions; jointly, to the Committees on Agriculture and Education and Labor.

By Mrs. COLLINS of Illinois:

H.J. Res. 391. Joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. RAMSTAD (for himself and Mr. VALENTINE):

H. Res. 485. Resolution expressing the sense of the House of Representatives that any health care reform legislation passed by Congress must ensure access to and the continued advancement of medical technology; jointly, to the Committees on Energy and Commerce and Ways and Means.

#### ¶79.34 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. MCDERMOTT:

H.R. 4807. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Tecumseh*; to the Committee on Merchant Marine and Fisheries.

H.R. 4808. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *L.R. Beattie*; to the Committee on Merchant Marine and Fisheries.

#### ¶79.35 ADDITIONAL SPONSORS

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

H.R. 146: Mr. STEARNS.

H.R. 502: Mr. KINGSTON and Mr. STEARNS.

H.R. 520: Mr. DIXON.

H.R. 642: Mr. HASTERT.

H.R. 662: Mr. STEARNS.

H.R. 840: Mr. NADLER.

H.R. 998: Mr. STEARNS.

H.R. 1099: Mr. RAVENEL.  
 H.R. 1106: Mr. JEFFERSON.  
 H.R. 1122: Mr. STEARNS.  
 H.R. 1130: Mr. STEARNS.  
 H.R. 1392: Mr. STEARNS.  
 H.R. 1596: Mr. HOEKSTRA.  
 H.R. 1604: Mr. STEARNS.  
 H.R. 1671: Mr. NADLER.  
 H.R. 1793: Mr. MINETA.  
 H.R. 1843: Mrs. FOWLER and Mr. MICA.  
 H.R. 2467: Mr. BAESLER and Mr. CAMP.  
 H.R. 2472: Mr. GOODLING.  
 H.R. 2543: Ms. VELÁZQUEZ.  
 H.R. 2710: Mr. FINGERHUT.  
 H.R. 2866: Mr. BILBRAY, Mr. SKAGGS, Mr. TRAFICANT, Mr. PORTER, and Mr. KREIDLER.  
 H.R. 3392: Mr. WALKER.  
 H.R. 3415: Mr. ABERCROMBIE.  
 H.R. 3630: Mr. HUGHES, Mr. HILLIARD, and Mr. DIAZ-BALART.  
 H.R. 3635: Mr. STEARNS.  
 H.R. 3705: Mr. MCCOLLUM, Mr. STEARNS, Mrs. MEEK of Florida, Mr. KLECZKA, Mr. SOL-OMON, and Mr. HUTCHINSON.  
 H.R. 3739: Mr. ARMEY, Mr. FROST, Mr. DORNAN, Mr. DARDEN, and Mr. MANZULLO.  
 H.R. 3940: Mr. UNDERWOOD and Mr. REED.  
 H.R. 3943: Mr. HUTCHINSON.  
 H.R. 4279: Mr. YATES and Mr. EVANS.  
 H.R. 4314: Mr. BEILSON.  
 H.R. 4375: Mr. MILLER of California.  
 H.R. 4412: Mr. STENHOLM.  
 H.R. 4441: Mr. HYDE.  
 H.R. 4463: Mr. MCDERMOTT and Mr. HUGHES.  
 H.R. 4495: Ms. VELAZQUEZ, Ms. WOOLSEY, and Mr. LANTOS.  
 H.R. 4496: Mr. EHLERS, Mr. DELLUMS, and Mr. DEFAZIO.  
 H.R. 4512: Mr. MINETA and Mr. HILLIARD.  
 H.R. 4557: Mr. CRANE and Mr. GRAMS.  
 H.R. 4570: Mr. KLEIN and Mr. MINETA.  
 H.R. 4584: Mr. PETERSON of Minnesota.  
 H.R. 4590: Mr. GONZALEZ, Mr. SPRATT, Mr. POSHARD, Mr. ENGEL, Mrs. COLLINS of Illinois, Mr. SWETT, Mr. APPELEGATE, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. HILLIARD, Mr. BLACKWELL, Mr. BORSKI, Mr. DIXON, Mr. UPTON, Mr. TORRICELLI, Mr. TAYLOR of Mississippi, Mr. MORAN, Mr. CONYERS, Mr. RAHALL, and Mr. MURPHY.  
 H.R. 4592: Mr. COBLE and Mr. DOOLITTLE.  
 H.R. 4643: Mr. LAUGHLIN and Mr. SARPALIUS.  
 H.R. 4675: Mr. LAUGHLIN.  
 H.R. 4699: Ms. MCKINNEY and Mr. DE LUGO.  
 H.R. 4791: Mr. LIVINGSTON, Mr. RAMSTAD, and Mr. MCCOLLUM.  
 H.J. Res. 160: Mr. LEWIS of Kentucky.  
 H.J. Res. 374: Mr. DEFAZIO, Mr. CAMP, Mr. PICKETT, Mr. REED, Mr. ENGEL, Mr. BREWSTER, Mr. ORTIZ, Mr. TORRES, Mr. HASTINGS, Mr. GONZALEZ, Mr. SLATTERY, Mr. KOPETSKI, Mr. MCDERMOTT, Mr. BLACKWELL, Mr. VENTO, Mr. BLUTE, Mr. TRAFICANT, Mr. DELAY, Mr. POMEROY, Mr. MCKEON, Mr. GUTIERREZ, Mr. PARKER, Mr. MORAN, Mr. DARDEN, Mr. INHOPE, Mr. STARK, Mr. MATSUI, Mr. GENE GREEN of Texas, Mr. SWIFT, Mr. DURBIN, Ms. CANTWELL, Mr. RICHARDSON, Mr. BONIOR, Mr. BARLOW, Mr. MANTON, Mr. CRAMER, Mr. DEUTSCH, Mr. CARR, Mr. PETERSON of Minnesota, Mr. SWETT, Mr. BRYANT, Mr. BISHOP, Ms. MARGOLIES-MEZVINSKY, Mr. WYNN, Ms. BROWN of Florida, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. MCINNIS, Ms. WOOLSEY, Mr. SPRATT, Mr. SABO, Mr. ABERCROMBIE, Mr. MONTGOMERY, Mr. MINGE, Mr. ANDREWS of Maine, Mr. BERMAN, Mr. BEILSON, Mr. HAMILTON, Mr. SMITH of Iowa, Mr. HALL of Texas, Mr. STENHOLM, Mr. TAUZIN, Mr. HUTTO, Mr. MCHALE, Mr. NEAL of Massachusetts, Mr. VALENTINE, Mr. DELLUMS, Mr. MENENDEZ, Mr. EVANS, Mr. ROEMER, Mr. DOOLEY, Mr. CLEMENT, Ms. SHEPHERD, Ms. MCKINNEY, Ms. SCHENK, Mr. SCOTT, Mr. PALLONE, Mr. EDWARDS of Texas, Mrs. COLLINS of Illinois, Mr. CARDIN, Mr. GEJDENSON, Mr. UPTON, Mr. WYDEN, Mr. BROWDER, Mr. SHARP, Mr. COPPERSMITH, Mr. ROSE, Mr.

OLVER, Mr. TUCKER, Mr. TOWNS, Mr. FINGERHUT, Mrs. MINK of Hawaii, Mr. CALLAHAN, Mr. STUMP, Mr. STOKES, Mr. HEFNER, Mr. NEAL of North Carolina, Mr. MURPHY, Mr. RAVENEL, Mr. MOORHEAD, Mr. WOLF, Mr. GIBBONS, Mr. OWENS, Mr. CONYERS, Mr. HAYES, Mr. NADLER, Mrs. LLOYD, Mr. MARKEY, Mr. VOLKMER, Mr. SARPALIUS, and Mr. RAMSTAD.  
 H.J. Res. 383: Mr. BLUTE and Mr. MCDERMOTT.  
 H.J. Res. 385: Mr. BEVILL, Mrs. LOWEY, Mr. BATEMAN, and Mr. MORAN.  
 H.J. Res. 387: Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mrs. BENTLEY, Mr. BLACKWELL, Mr. CALLAHAN, Mr. COBLE, Mr. DOOLITTLE, Ms. DUNN, Mr. EMERSON, Mr. EWING, Mr. FISH, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GONZALEZ, Mr. HUGHES, Mr. KASICH, Mr. KING, Mr. LIVINGSTON, Mr. SAXTON, Mrs. THURMAN, Mr. WASHINGTON, Mr. DE LUGO, Mr. FIELDS of Texas, Mr. HOCHBRUECKNER, Mr. HORN, Mr. MCDADE, Mr. MANTON, Mr. MEEHAN, Mr. PALLONE, Mr. ROMERO-BARCELO, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. FOWLER, and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H. Con. Res. 210: Mr. TALENT.  
 H. Con. Res. 212: Mr. BERMAN, Ms. LOWEY, Mrs. MALONEY, Mr. STARK, and Ms. VELAZQUEZ.  
 H. Con. Res. 229: Mr. MARKEY.  
 H. Con. Res. 234: Mr. STARK and Mr. WYNN.  
 H. Con. Res. 246: Mr. MEEHAN, Mr. LIPINSKI, Ms. PELOSI, Mr. SANDERS, Mr. CLYBURN, Ms. FURSE, Mr. GENE GREEN of Texas, Mr. REYNOLDS, Mr. TOWNS, Ms. NORTON, Mr. DELLUMS, Mr. SCOTT, Mrs. MEEK of Florida, and Ms. VELAZQUEZ.  
 H. Con. Res. 262: Mr. CRAMER, Mrs. VUCANOVICH, Mr. EHLERS, Mr. GILLMOR, Mr. COX, Ms. SNOWE, Mr. GALLEGLY, Mr. LEVY, Mr. BROWN of Ohio, Mr. HILLIARD, and Mr. HAMBURG.  
 H. Res. 270: Mr. HASTERT.  
 H. Res. 434: Mr. MCHUGH and Mr. DELAY.  
 H. Res. 481: Mr. RAMSTAD, Mr. BARTLETT of Maryland, and Mr. SAM JOHNSON.

THURSDAY, JULY 21, 1994 (80)

The House was called to order by the SPEAKER.

180.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, July 20, 1994.

Mr. DERRICK, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. DERRICK 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 ..... 235  
 Nays ..... 161

180.2 [Roll No. 341] YEAS—235

Abercrombie	Applegate	Barlow
Ackerman	Bacchus (FL)	Barrett (WI)
Andrews (ME)	Baesler	Bateman
Andrews (NJ)	Barca	Berman
Andrews (TX)	Barcia	Bevill

Bilbray	Hochbrueckner	Pastor
Bishop	Holden	Payne (NJ)
Bonior	Houghton	Payne (VA)
Borski	Hoyer	Pelosi
Brewster	Hughes	Penny
Brooks	Hutto	Peterson (FL)
Browder	Inglis	Peterson (MN)
Brown (FL)	Inslee	Pickett
Brown (OH)	Jefferson	Pombo
Bryant	Johnson (GA)	Pomeroy
Byrne	Johnson (SD)	Poshard
Cantwell	Johnson, E.B.	Price (NC)
Cardin	Johnston	Rahall
Clayton	Kanjorski	Rangel
Clement	Kasich	Reed
Clinger	Kennedy	Reynolds
Clyburn	Kennelly	Richardson
Coleman	Kildee	Roemer
Collins (IL)	Kingston	Rose
Collins (MI)	Klecza	Rostenkowski
Combest	Klein	Rowland
Condit	Klink	Roybal-Allard
Cooper	Kopetski	Rush
Coppersmith	Kreidler	Sabo
Costello	LaFalce	Sanders
Coyne	Lambert	Sangmeister
Cramer	Lancaster	Sarpalius
Danner	Lantos	Sawyer
Darden	LaRocco	Schenk
Deal	Laughlin	Schumer
DeFazio	Lehman	Scott
DeLauro	Levin	Serrano
Derrick	Lewis (GA)	Sharp
Deutsch	Lipinski	Shepherd
Dicks	Long	Sisisky
Dingell	Lowe	Skaggs
Dooley	Mann	Skelton
Durbin	Manzullo	Slattery
Edwards (CA)	Margolies-	Slaughter
Edwards (TX)	Mezvinsky	Smith (NJ)
English	Markey	Snowe
Eshoo	Martinez	Spratt
Evans	Matsui	Stark
Everett	Mazzoli	Stenholm
Farr	McCloskey	Strickland
Fazio	McCurry	Studds
Fields (LA)	McDermott	Stupak
Filner	MCHale	Sweet
Fingerhut	McKinney	Swift
Fish	McNulty	Synar
Flake	Meehan	Tanner
Foglietta	Meeh	Tauzin
Frank (MA)	Menendez	Tejeda
Frost	Mfume	Thompson
Furse	Miller (CA)	Thornton
Gejdenson	Mineta	Thurman
Gibbons	Minge	Torres
Gillmor	Mink	Torricelli
Gilman	Moakley	Traficant
Glickman	Mollohan	Unsoeld
Gonzalez	Montgomery	Valentine
Gordon	Moran	Vento
Green	Murtha	Visclosky
Gutierrez	Myers	Volkmer
Hall (OH)	Nadler	Waters
Hall (TX)	Neal (MA)	Watt
Hamburg	Oberstar	Waxman
Hamilton	Obey	Wheat
Hansen	Olver	Wise
Hastings	Ortiz	Woolsey
Hayes	Orton	Wyden
Hilliard	Owens	Wynn
Hinchey	Pallone	Yates
Hoagland	Parker	

NAYS—161

Allard	Camp	Franks (NJ)
Archer	Castle	Galleghy
Armey	Clay	Gekas
Bacchus (AL)	Coble	Gilchrest
Baker (CA)	Collins (GA)	Gingrich
Baker (LA)	Cox	Goodlatte
Ballenger	Crane	Goodling
Barrett (NE)	Crapo	Goss
Bartlett	Cunningham	Grams
Barton	DeLay	Grandy
Bentley	Diaz-Balart	Gunderson
Bereuter	Dickey	Hancock
Bilirakis	Doolittle	Hastert
Bliley	Dornan	Hefley
Blute	Dreier	Henger
Boehler	Duncan	Hobson
Boehner	Dunn	Hoekstra
Bonilla	Ehlers	Hoke
Brown (CA)	Emerson	Horn
Bunning	Ewing	Huffington
Burton	Fawell	Hutchinson
Buyer	Fields (TX)	Hyde
Callahan	Fowler	Inhofe
Calvert	Franks (CT)	Jacobs