

H.R. 193: Mr. BAKER of California, Mr. BARTON of Texas, Mr. DORNAN, Mr. PACKARD, and Mr. SKELTON.

H.R. 488: Mr. BONIOR.

H.R. 672: Mr. BARTLETT of Maryland, Mr. RUSH, and Mr. POSHARD.

H.R. 857: Mr. DORNAN.

H.R. 959: Mr. GEJDENSON.

H.R. 1277: Mr. CALVERT.

H.R. 1671: Mr. DE LUGO.

H.R. 1725: Mr. DOOLITTLE.

H.R. 1921: Ms. SCHENK.

H.R. 2420: Mr. YATES.

H.R. 2717: Mrs. Meyers of Kansas.

H.R. 3492: Mr. LEACH, Mr. HALL of Ohio, Mr. ARCHER, Mr. BRYANT, Mr. TORKILDSEN, and Mr. SLATTERY.

H.R. 3739: Mr. SAXTON.

H.R. 3854: Ms. FURSE.

H.R. 3943: Mr. BARCA of Wisconsin, Mr. CANADY, and Mr. HERGER.

H.R. 3971: Mr. ANDREWS of New Jersey.

H.R. 4000: Mrs. MEYERS of Kansas, Mr. DOOLITTLE, Mr. HERGER, and Mr. HANCOCK.

H.R. 4051: Mr. BRYANT.

H.R. 4115: Mr. DEUTSCH and Mr. PAXON.

H.R. 4318: Mr. CLINGER and Mr. CALVERT.

H.R. 4325: Mr. BLACKWELL and Mrs. UNSOELD.

H.R. 4413: Mr. BILBRAY.

H.R. 4517: Mr. MINETA.

H.R. 4585: Mr. CRAPO, Mr. PACKARD, Mr. BACHUS of Alabama, and Mr. LIVINGSTON.

H.R. 4654: Mr. BACCHUS of Florida and Mr. FOGLIETTA.

H.R. 4786: Mr. LIPINSKI.

H.R. 4805: Mr. POMEROY.

H.R. 4831: Mr. SUNDQUIST.

H.R. 4860: Mr. CHAPMAN.

H.R. 4919: Mr. COOPER, Mr. KING, Mr. DEUTSCH, Mr. SWIFT, Mr. DOOLEY, Mr. ROHRBACHER, Mr. LINDER, Mr. DELAY, Mr. GRAMS, Mr. DICKEY, Mr. CUNNINGHAM, Mr. DORNAN, Mr. WALKER, Mrs. FOWLER, Ms. ROSLEHTINEN, Mr. PORTMAN, Mr. LEWIS of California, Mr. KIM, and Mr. POMBO.

H.J. Res. 389: Mr. ANDREWS of Maine, Mr. TORKILDSEN, Mr. MAZZOLI, Mr. SHAYS, Mr. OWENS, Mr. NEAL of North Carolina, Mr. ROMERO-BARCELÓ, Ms. KAPTUR, and Mr. SKEEN.

H. Con. Res. 35: Mr. FRANKS of New Jersey, Mr. FORD of Michigan, and Mr. BARRETT of Wisconsin.

H. Con. Res. 148: Mrs. LLOYD.

H. Con. Res. 186: Mr. HUFFINGTON.

H. Con. Res. 245: Mr. OWENS.

H. Con. Res. 247: Mr. DIXON, Mrs. JOHNSON of Connecticut, Mrs. BENTLEY, Mr. SOLOMON, Mr. RUSH, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. HUFFINGTON, and Ms. PELOSI.

H. Con. Res. 257: Mr. VENTO and Mr. WAXMAN.

H. Res. 213: Mr. DOOLITTLE.

H. Res. 266: Mr. CALVERT.

¶95.19 PETITIONS, ETC.

Under clause 1 of rule XXII,

117. The Speaker presented a petition of the Attorney General, Commonwealth of Kentucky, Frankfort, KY, relative to State health care fraud control units; which was referred to the Committee on Energy and Commerce.

FRIDAY, AUGUST 12, 1994 (96)

The House was called to order by the SPEAKER.

¶96.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, August 11, 1994.

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

¶96.2 COMMUNICATIONS

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

3684. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on military expenditures for countries receiving U.S. assistance; to the Committee on Appropriations.

3685. A letter from the Comptroller General, General Accounting Office, transmitting a compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress; to the Committee on Appropriations.

3686. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3687. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 94-47), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3688. A letter from the Acting director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 94-46), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3689. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 94-44), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3690. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing funds to support the Tanzanian participation in peacekeeping in Liberia and conflict resolution in Rwanda, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3691. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of the International Labor Organization Convention No. 174 and Recommendation No. 181 adopted at its 80th session at Geneva; to the Committee on Foreign Affairs.

3692. A letter from the Chairman, U.S. International Trade Commission, transmitting the 45th report on the operation of the U.S. trade agreements program during 1993, pursuant to 19 U.S.C. 2213(b); to the Committee on Ways and Means.

3693. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the obligation of certain funds; jointly, to the Committees on Appropriations and Foreign Affairs.

3694. A letter from the Secretary of the Interior, transmitting his views regarding H.R. 3433; jointly, to the Committees on Natural Resources, Ways and Means, and Government Operations.

¶96.3 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. MONTGOMERY, by unanimous consent, the managers on the part of the House were granted per-

mission until midnight tonight, to file a conference report (Rept. No. 103-701) on the bill of the Senate (S. 2182) to define certain terms for purposes of the Federal Land Policy and Management Act of 1976, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶96.4 BASELINE BUDGETING

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to House Resolution 512 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. 4907) to reform the concept of baseline budgeting.

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

¶96.5 RECORDED VOTE

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Baseline Reform Act of 1994".

SEC. 2. THE BASELINE.

(a) The second sentence of section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by inserting "but only for the purpose of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974" after "for inflation as specified in paragraph (5); and

(2) by inserting "but only for the purpose of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974" after "to offset pay absorption and for pay annualization as specified in paragraph (4)".

(b) Section 1109(a) of title 31, United States Code, is amended by adding after the first sentence the following new sentence: "These estimates shall not include an adjustment for inflation for programs and activities subject to discretionary appropriations."

SEC. 3. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year;"

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount for the same activity (if any) in the current fiscal year."

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

“(30) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.”.

SEC. 4. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: “The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal year shall be from such estimated levels.”; and

(2) striking paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (7) the following new paragraphs:

“(8) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction; and

“(9) information, data, and comparisons indicating the manner in which and the basis on which, the committee determined each of the matters set forth in the concurrent resolution;”.

SEC. 5. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: “On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year.”.

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: “That report shall also include a table on sources of spending growth in total mandatory spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.”.

(c) Section 308(a)(1) of the Congressional Budget Act of 1974 is amended—

(1) in subparagraph (C), by inserting “, and shall include a comparison of those levels to comparable levels for the current fiscal year” before “if timely submitted”; and

(2) by striking “and” at the end of subparagraph (C), by striking the period and inserting “; and” at the end of subparagraph (D), and by adding at the end the following new subparagraph:

“(E) comparing the levels in existing programs in such measure to the estimated levels for the current fiscal year.”

(d) Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“GAO REPORTS TO BUDGET COMMITTEES

(a) “SEC. 408. On or before January 15 of each year, the Comptroller General, after consultation with appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing all programs, projects, and activities that fall within the definition of direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

“Sec. 408. GAO reports to budget committees.”.

It was decided in the affirmative { Yeas 247 Nays 171

96.6 [Roll No. 395] AYES—247

- List of names: Allard, Andrews (NJ), Andrews (TX), Archer, Arney, Bacchus (FL), Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barca, Barcia, Barrett (NE), Barrett (WI), Bartlett, Bateman, Bereuter, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Browder, Brown (OH), Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cantwell, Castle, Clement, Clinger, Coble, Collins (GA), Combust, Condit, Cooper, Coppersmith, Cox, Crane, Crapo, Cunningham, Darden, Deal, DeFazio, DeLay, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards (TX), Ehlers, Emerson, English, Everrett, Ewing, Fawell, Fields (TX), Fingerhut, Fish, Fowler, Franks (CT), Franks (NJ), Frost, Furse, Gallegly, Gallo, Gekas, Geren, Gilchrist, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Gooding, Gordon, Goss, Grams, Grandy, Greenwood, Bliley, Gunderson, Hall (TX), Hancock, Hansen, Harman, Hastert, Hayes, Hefley, Herger, Hobson, Hoekstra, Hoke, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Istook, Jacobs, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, Sam, Kasich, Kim, King, Kingston, Kleczka, Klug, Knollenberg, Kolbe, Kreidler, Kyl, Lambert, Lancaster, LaRocco, Laughlin, Lazio, Leach, Lehman, Levy, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, Long, Lucas, Machtley, Mann, Manzullo, Margolies-Mezvinsky, Mazzoli, McCollum, McCreery, McCurdy, McDade, McHale, McHugh, McInnis, McKeon, McMillan, Meehan, Menendez, Meyers, Mica, Miller (FL), Minge, Molinari, Moorhead, Morella, Murphy, Myers, Neal (NC), Nussle, Orton, Oxley, Packard, Pallone, Parker, Paxon, Payne (VA), Penny, Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Rowland, Royce, Sangmeister, Santorum, Sarpaluis, Saxton, Schaefer, Schenk, Schiff, Sensenbrenner, Shaw, Shays, Shepherd, Shuster, Siskisky, Skeen, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Stearns, Stenholm, Stump, Swett, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (WY), Thurman, Torkildsen, Upton, Valentine, Vucanovich, Walker, Weldon, Wolf, Young (AK), Young (FL), Zeliff, Zimmer, Peterson (FL), Pickle, Price (NC), Rahall, Rangel, Reed, Richardson, Romero-Barcelo (PR), Rose, Rostenkowski, Ruybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Sharp, Skaggs, Skelton, Slaughter, Smith (IA), Spratt, Stark, Stokes, Strickland, Studds, Stupak, Swift, Synar, Tejeda, Thompson, Thornton, Torres, Torricelli, Towns, Traficant, Tucker, Unsoeld, Velazquez, Visclosky, Volkmer, Waters, Watt, Waxman, Wheat, Whitten, Wilson, Wise, Woolsey, Wyden, Wynn, Yates, Applegate, Barton, Bentley, Brewster, Edwards (CA), Faleomavaega (AS), Fields (LA), Gejdenson, Lantos, Lewis (FL), Lloyd, McCandless, Michel, Reynolds, Slattery, Sundquist, Underwood (GU), Vento, Walsh, Washington, Williams, NOT VOTING—21

- List of names: Shays, Shepherd, Stenholm, Stump, Swett, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (WY), Thurman, Torkildsen, Upton, Valentine, Vucanovich, Walker, Weldon, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOES—171

- List of names: Abercrombie, Ackerman, Andrews (ME), Barlow, Becerra, Beilenson, Berman, Bevill, Bilbray, Bishop, Blackwell, Bonior, Borski, Boucher, Brooks, Brown (CA), Brown (FL), Bryant, Byrne, Cardin, Carr, Chapman, Clay, Clayton, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, Cramer, Danner, de la Garza, de Lugo (VI), DeLauro, Dellums, Derrick, Dicks, Dingell, Dixon, Durbin, Engel, Eshoo, Evans, Farr, Fazio, Filner, Flake, Foglietta, Ford (MI), Ford (TN), Frank (MA), Gephardt, Gibbons, Gonzalez, Green, Gutierrez, Hall (OH), Hamburg, Hamilton, Hastings, Hefner, Hilliard, Hinchey, Hoagland, Hochbruckner, Holden, Hoyer, Hughes, Jefferson, Johnson, E. B., Johnston, Kanjorski, Kaptur, Kennedy, Kennelly, Kildee, Klein, Klink, Kopetski, LaFalce, Levin, Lewis (GA), Lipinski, Lowey, Maloney, Manton, Markey, Martinez, Matsui, McCloskey, McDermott, McKinney, McNulty, Meek, Mfume, Miller (CA), Mineta, Mink, Moakley, Mollohan, Montgomery, Moran, Murtha, Nadler, Neal (MA), Norton (DC), Oberstar, Obey, Frank (MA), Ortiz, Owens, Pastor, Payne (NJ), Pelosi, Peterson (FL), Pickle, Price (NC), Rahall, Rangel, Reed, Richardson, Romero-Barcelo (PR), Rose, Rostenkowski, Ruybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Sharp, Skaggs, Skelton, Slaughter, Smith (IA), Spratt, Stark, Stokes, Strickland, Studds, Stupak, Swift, Synar, Tejeda, Thompson, Thornton, Torres, Torricelli, Towns, Traficant, Tucker, Unsoeld, Velazquez, Visclosky, Volkmer, Waters, Watt, Waxman, Wheat, Whitten, Wilson, Wise, Woolsey, Wyden, Wynn, Yates

NOT VOTING—21

- List of names: Applegate, Barton, Bentley, Brewster, Edwards (CA), Faleomavaega (AS), Fields (LA), Gejdenson, Lantos, Lewis (FL), Lloyd, McCandless, Michel, Reynolds, Slattery, Sundquist, Underwood (GU), Vento, Walsh, Washington, Williams

So the amendment in the nature of a substitute was agreed to.

After some further time,

96.7 RECORDED VOTE

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Budget Disclosure Act of 1994".

SEC. 2. PURPOSE.

The purpose of this Act is to require that budget documents provide the Congress with comprehensive data on budget trends.

SEC. 3. THE BASELINE.

(a) DEFINITION.—Section 250(c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(5)(A) The term 'current policy baseline' means the projection (described in section 257) of current-year levels of new budget authority, outlays, receipts, and the surplus or deficit into the budget year and the out-years.

"(B) The term 'current funding baseline' refers to the baseline as set forth in section 257 without any adjustment described in section 257(c)(1) for inflation other than the adjustment set forth in section 257(c)(2) for expiring housing contracts."

(b) CONFORMING AMENDMENTS.—Sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by inserting "current policy" before "baseline" each place it appears.

SEC. 4. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current fiscal year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year."

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year"

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount of expenditure and appropriation for the same activity, if any, in the current fiscal year."

(d) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

"(30) a comparison of estimated new budget authority and outlays for each function and subfunction for the current fiscal year with proposed new budget authority and outlays for the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

"(31) a comparison for each function and subfunction of the current policy baseline level of new budget authority and outlays for the year for which the budget is submitted with the proposed new budget authority and outlays for the year for which the budget is submitted, including changes in percentage terms for each function and subfunction."

SEC. 5. CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "As soon as practicable after the President's budget submission under section 1105(a) of title 31, United States Code, the Committee on the Budget of each House shall provide to its members the estimated level of outlays for the current year in each function and subfunction."; and

(2) striking "and" at the end of paragraph (9), by striking the period and inserting a semicolon at the end of paragraph (10), and by adding at the end the following new paragraphs:

"(11) a comparison (for each function) of estimated outlays and revenues for the current fiscal year with proposed spending and revenue levels for the budget year and each outyear, including the increase or decrease (in percentage terms) of spending; and

"(12) a comparison (for each function) of proposed outlays and revenues for the budget year with the current policy baseline projection for that year, including changes (in percentage terms)."

SEC. 6. CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year."

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "That report shall also include a table on sources of growth in the estimated total current policy baseline spending for mandatory programs for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors."

(c) Section 202(f)(3) of the Congressional Budget Act of 1974 is amended by striking "and" before "(B)", and by inserting before the period at the end the following: ", and (C) all direct spending programs".

(d) Section 308(a)(1)(C) of the Congressional Budget Act of 1974 is amended by inserting "and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted".

It was decided in the } Yeas 170
negative } Nays 243

196.8 [Roll No. 396] AYES—170

- Abercrombie Coyne Hastings
Ackerman de la Garza Hefner
Andrews (ME) de Lugo (VI) Hilliard
Applegate DeLauro Hinchey
Barlow Dellums Hoagland
Becerra Derrick Hochbruckner
Beilenson Deutsch Holden
Berman Dicks Hoyer
Bevill Dingell Hughes
Bilbray Dixon Jefferson
Bishop Durbin Johnson, E.B.
Blackwell Edwards (CA) Johnsons
Bonior Engel Kanjorski
Borski Eshoo Kaptur
Boucher Evans Kennedy
Brooks Farr Kennelly
Brown (CA) Fazio Kildee
Brown (FL) Filner Klein
Bryant Flake Klink
Byrne Foglietta Kopetski
Cardin Ford (MI) Kreidler
Carr Ford (TN) LaFalce
Chapman Frank (MA) Levin
Clay Gephardt Lewis (GA)
Clayton Gibbons Lowey
Clyburn Gonzalez Maloney
Coleman Green Manton
Collins (IL) Gutierrez Markey
Collins (MI) Hall (OH) Martinez
Conyers Hamburg Matsui
Costello Hamilton McCloskey

- McDermott Price (NC) Swift
McKinney Rahall Tejada
McNulty Rangel Thompson
Meek Reed Thornton
Menendez Richardson Thurman
Mfume Rose Torres
Miller (CA) Roybal-Allard Torricelli
Mineta Rush Towns
Mink Sabo Traficant
Moakley Sanders Tucker
Mollohan Sarpalus Unsold
Moran Sawyer Velazquez
Murtha Schumer Visclosky
Nadler Scott Volkmer
Neal (MA) Serrano Waters
Norton (DC) Sharp Watt
Oberstar Skaggs Waxman
Obey Skelton Wheat
Oliver Slaughter Whitten
Ortiz Smith (IA) Wilson
Owens Spratt Wise
Pastor Stark Woolsey
Payne (NJ) Stokes Wyden
Pelosi Strickland Wynn
Peterson (FL) Studds Yates
Pomeroy Stupak

NOES—243

- Allard Franks (NJ) Machtley
Andrews (NJ) Frost Mann
Andrews (TX) Furse Manzullo
Archer Gallegly Margolies-
Army Gekas Gallo
Baechus (AL) Gekas Mezninsky
Baesler Geren Mazzoli
Baker (CA) Gilchrist McCollum
Baker (LA) Gillmor McCrery
Barca Gilman McCurdy
Barcia Gingrich McHale
Barrett (NE) Clickman McHugh
Barrett (WI) Goodlatte McInnis
Bartlett Goodling McKeon
Bateman Gordon McMillan
Bentley Goss Meehan
Bereuter Grams Meyers
Bilirakis Grandy Mica
Bliley Greenwood Miller (FL)
Blute Gunderson Minge
Boehlert Hall (TX) Molinari
Boehner Hancock Moorhead
Bonilla Hansen Morella
Browder Harman Murphy
Brown (OH) Hartert Myers
Bunning Hayes Neal (NC)
Burton Hefley Nussle
Buyer Herger Orton
Callahan Hobson Oxley
Calvert Hoekstra Packard
Camp Hoke Pallone
Canady Horn Parker
Cantwell Houghton Paxon
Castle Huffington Payne (VA)
Clement Hunter Penny
Clinger Hutchinson Peterson (MN)
Coble Hutto Petri
Collins (GA) Hyde Pickett
Combust Inglis Pombo
Condit Inhofe Porter
Cooper Inslee Portman
Coppersmith Istook Poshard
Cox Jacobs Pryce (OH)
Cramer Johnson (CT) Quillen
Crane Johnson (GA) Quinn
Crapo Johnson (SD) Ramstad
Cunningham Johnson, Sam Ravenel
Danner Kasich Regula
Darden Kim Ridge
Deal King Roberts
DeFazio Kingston Roemer
DeLay Kleczka Rogers
Diaz-Balart Knollenberg Klug
Dickey Kolbe Knollenberg Ros-Lehtinen
Dooley Kolbe Roth
Doolittle Kyl Roukema
Dornan Lambert Rowland
Dreier Lancaster Royce
Duncan LaRocco Sangmeister
Dunn Laughlin Santorum
Edwards (TX) Lazio Saxton
Ehlers Leach Schaefer
Emerson Lehman Schenk
English Levy Schiff
Everett Lewis (CA) Schroeder
Ewing Lewis (KY) Sensenbrenner
Fawell Lightfoot Shaw
Fields (TX) Linder Shays
Fingerhut Lipinski Shepherd
Fish Livingston Shuster
Fowler Long Sisisky
Franks (CT) Lucas Skeen

Smith (MI)	Swett	Vucanovich
Smith (NJ)	Talent	Walker
Smith (OR)	Tanner	Weldon
Smith (TX)	Tauzin	Wolf
Snowe	Taylor (MS)	Young (AK)
Solomon	Taylor (NC)	Young (FL)
Spence	Thomas (CA)	Zeliff
Stearns	Torkildsen	Zimmer
Stenholm	Upton	
Stump	Valentine	

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Bacchus (FL)	Lloyd	Sundquist
Ballenger	McCandless	Synar
Barton	Michel	Thomas (WY)
Brewster	Montgomery	Underwood (GU)
Faleomavaega (AS)	Pickle	Vento
Fields (LA)	Reynolds	Walsh
Gejdenson	Romero-Barcelo (PR)	Washington
Lantos	Rostenkowski	Williams
Lewis (FL)	Slattery	

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. McDERMOTT, assumed the Chair.

When Mrs. SCHROEDER, Chairman, pursuant to House Resolution 512, 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 "Baseline Reform Act of 1994".

SEC. 2. THE BASELINE.

(a) The second sentence of section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by inserting "but only for the purpose of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974" after "for inflation as specified in paragraph (5); and

(2) by inserting "but only for the purpose of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974" after "to offset pay absorption and for pay annualization as specified in paragraph (4)".

(b) Section 1109(a) of title 31, United States Code, is amended by adding after the first sentence the following new sentence: "These estimates shall not include an adjustment for inflation for programs and activities subject to discretionary appropriations."

SEC. 3. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year;"

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount for the same activity (if any) in the current fiscal year."

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new

budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(30) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction."

SEC. 4. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal year shall be from such estimated levels."; and

(2) striking paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (7) the following new paragraphs:

"(8) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction; and

"(9) information, data, and comparisons indicating the manner in which and the basis on which, the committee determined each of the matters set forth in the concurrent resolution;"

SEC. 5. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year."

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "That report shall also include a table on sources of spending growth in total mandatory spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors."

(c) Section 308(a)(1) of the Congressional Budget Act of 1974 is amended—

(1) in subparagraph (C), by inserting "and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted"; and

(2) by striking "and" at the end of subparagraph (C), by striking the period and inserting "; and" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) comparing the levels in existing programs in such measure to the estimated levels for the current fiscal year."

(d)(1) Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"GAO REPORTS TO BUDGET COMMITTEES

"SEC. 408. On or before January 15 of each year, the Comptroller General, after consultation with appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing all programs, projects, and activities that fall within the definition of direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985."

(2) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"Sec. 408. GAO reports to budget committees."

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. McDERMOTT, announced that the yeas had it.

Mr. COLEMAN demanded that the vote be taken by the yeas and nays, which demand was not supported by one-fifth of the Members present, so the yeas and nays were refused.

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.

196.9 MESSAGE FROM THE SENATE

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

H.R. 1426. An Act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

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

H.R. 2921. An Act to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities;

H.R. 4569. An Act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992;

H.R. 4606. An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes;

H.R. 4812. An Act to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, California, and for other purposes.

The message also announced that the Senate insisted upon its amendments to the bill (H.R. 4606) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30,

1995, and for other purposes," requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND, to be the conferees on the part of the Senate.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243) "An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4506) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes."

The message also announced that the Senate agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 2, 4, 8, 28, 48, and 49, to the above-entitled bill.

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

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, reappointed William C. Hiss of Maine, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1994.

§96.10 ADJOURNMENT OVER

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, August 16, 1994.

§96.11 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, August 17, 1994, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

§96.12 NORTHERN GREAT PLAINS RURAL DEVELOPMENT

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill of the Senate (S. 2099) to establish the Northern Great Plains Rural Development Commission, and for other purposes.

When said bill was considered and read twice.

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

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

Ordered, That the Clerk notify the Senate thereof.

§96.13 PLANT VARIETY PROTECTION

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2927) to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Agriculture, was then agreed to:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) References to Plant Variety Protection Act.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conform to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(b) METHODS.—An essentially derived variety may be obtained by the selection of a

natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expressions of the characteristics resulting from a given genotype or combination or genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NON-REPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

“(6) PUBLICLY-KNOWN VARIETIES.—

“(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

“(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

“(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.”.

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

“SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

“(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

“(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

“(A) in the United States, more than 1 year prior to the date of filing; or

“(B) in any area outside of the United States—

“(i) more than 4 years prior to the date of filing; or

“(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

“(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

“(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

“(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

“(b) MULTIPLE APPLICANTS.—

“(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

“(2) REQUIREMENTS COMPLETED ON SAME DATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

“(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.”.

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: “The variety

shall be named in accordance with regulations issued by the Secretary.”;

(2) in the first sentence of paragraph (2), by striking “novelty” and inserting “distinctiveness, uniformity, and stability”;

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

“(3) A statement of the basis of the claim of the applicant that the variety is new.”; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting “(including any propagating material)” after “basic seed”.

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: “, not including the date on which the application is filed in the foreign country”; and

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

“(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

“(i) the 2-year period beginning on the date of the expiration of the period of priority; or

“(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

“(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.”.

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking “six months” and inserting “at least 30 days, and not more than 180 days”; and

(2) by striking “in exceptional circumstances”.

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

“(2) If the owner so elects, the certificate shall—

“(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

“(B) if so specified, conform to the number of generations designated by the owner.

“(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).”;

(2) in the first sentence of subsection (b)—

(A) by striking “eighteen” and inserting “20”; and

(B) by inserting before the period at the end the following: “, except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate”; and

(3) in subsection (c), by striking “repository: Provided, however, That” and inserting “repository, or requiring the submission of a different name for the variety, except that”.

SEC. 8. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Section 94 of the Act (7 U.S.C. 2504) is redesignated as section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking “The owner” and inserting “(a) The owner”; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking “92.”.

(2) Section 102 (7 U.S.C. 2532) is amended by inserting “or tuber propagable” after “sexually reproducible” each place it appears.

SEC. 9. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking “novel” the first two places it appears and inserting “protected”; and

(B) in paragraph (1), by striking “the novel” and inserting “or market the protected”;

(C) by striking “novel” each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting “, or propagate by a tuber or a part of a tuber,” after “sexually multiply”;

(E) by striking “or” each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

“(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

“(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);”;

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

“(b)(1) Subject to paragraph (2), the owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

“(2) In the case of a contract between a seed producer and the owner of a protected variety of lawn, turf, or forage grass seed, or alfalfa or clover seed for the production of seed of the protected variety, the producer shall be deemed to be authorized by the owner to sell such seed and to use the variety if—

“(A) the producer has fulfilled the terms of the contract;

“(B) the owner refuses to take delivery of the seed or refuses to pay any amounts due under the contract within 30 days of the payment date specified in the contract; and

“(C) after the expiration of the period specified in subparagraph (B), the producer notifies the owner of the producer's intent to sell the seed and unless the owner fails to pay the amounts due under the contract and take delivery of the seed within 30 days of such notification. For the purposes of this paragraph, the term ‘owner’ shall include any licensee of the owner.

“(3) Paragraph (2) shall apply to contracts entered into with respect to plant varieties protected under this Act (7 U.S.C. 2321 et seq.) as in effect on the day before the effective date of this provision as well as plant varieties protected under this Act as amend-

ed by the Plant Variety Protection Act Amendments of 1994.

"(4) Nothing in this subsection shall affect any other rights or remedies of producers or owners that may exist under other Federal or State laws.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided under this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that is sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes."

SEC. 10. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: Provided, That" and all that follows through the period and inserting "section."

SEC. 11. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 12. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

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

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, or alfalfa or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law."

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

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

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest) his heirs and assignees" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

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

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 14. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILEING.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 15. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

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

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

On motion of Mr. DE LA GARZA, by unanimous consent, the bill of the Senate (S. 1406) to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. DE LA GARZA submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 2927, as passed by the House.

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

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

Ordered. That the Clerk request the commencement of the Senate in said amendment.

By unanimous consent, H.R. 2927, a similar House bill, was laid on the table.

¶96.14 NATIONAL POW/MIA RECOGNITION DAY

On motion of Mr. WYNN, by unanimous consent, the Committee on Post Office and Civil Service and the Committee on Veterans Affairs were discharged from further consideration of the joint resolution of the Senate (S.J. Res. 196) designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

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

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

Ordered. That the Clerk notify the Senate thereof.

¶96.15 PRIVILEGES OF THE HOUSE—RETURN OF BILL TO SENATE

Mr. GIBBONS rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 518):

Resolved. That Senate amendment No. 83 to the bill H.R. 4554 making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this house and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore, Ms. BROWN, recognized Mr. GIBBONS and Mr. THOMAS of California, each for 30 minutes.

When said resolution was considered. After debate,

On motion of Mr. GIBBONS, 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 the resolution was agreed to was, by unanimous consent, laid on the table.

Ordered. That the Clerk notify the Senate thereof.

¶96.16 ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

H.R. 1426. An Act to provide for the maintenance of dams located on Indian lands by

the Bureau of Indian Affairs or through contracts with Indian tribes;

H.R. 1933. An Act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.;

H.R. 2243. An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes;

H.R. 4277. An Act to establish the Social Security Administration as an independent agency and to make other improvements in the Old-Age, Survivor, and Disability Insurance Program;

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 4453. An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes;

H.R. 4506. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes;

H.J. Res. 131. Joint resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day"; and

H.J. Res. 175. Joint resolution designating October 1994 as "Italian-American Heritage and Culture Month."

¶96.17 BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1631. An Act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

H.R. 2739. An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 4429. An Act to authorize the transfer of naval vessels to certain foreign countries.

¶96.18 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FIELDS of Louisiana, for today;

To Mr. FALEOMAVEGA, for today; and

To Mr. BARTON, for today.

And then,

¶96.19 ADJOURNMENT

On motion of Mr. COLLINS, pursuant to the special order heretofore agreed to, at 5 o'clock and 6 minutes a.m., the House adjourned until 10:30 a.m., Tuesday, August 16, 1994.

¶96.20 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. No. 103-601, Pt. 5). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2927. A bill to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; with an amendment (Rept. No. 103-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. S. 2099. An Act to establish the Northern Great Plains Rural Development Commission, and for other purposes (Rept. No. 103-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee of Conference. Conference report on S. 2182. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 103-701). Ordered to be printed.

¶96.21 SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral to the Committee on Government Operations of H.R. 2680 extended for a period ending not later than August 16, 1994.

The Committee on Government Operations discharged from further consideration of H.R. 4263; H.R. 4263 referred to the Committee of the Whole House on the State of the Union.

¶96.22 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. ROSE:
H.R. 4945. A bill to establish the Library of Congress Revolving Fund, and for other purposes; to the Committee on House Administration.

By Mr. SANGMEISTER:
H.R. 4946. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; jointly, to the Committees on Armed Services, Agriculture, and Energy and Commerce.

By Mr. BRYANT:
H.R. 4947. A bill to amend title 28, United States Code, to establish additional requirements regarding appointment of an independent counsel; to the Committee on the Judiciary.

By Mr. BACHUS of Alabama (for himself, Mr. BEVILL, Mr. BROWDER, Mr. CALLAHAN, Mr. CRAMER, Mr. EVERETT, Mr. HILLIARD, Mr. MONTGOMERY, Mr. ROWLAND, and Mr. HUTTO):

H.R. 4948. A bill to designate Building No. 137 of the Tuscaloosa Veterans' Medical Center in Tuscaloosa, AL, as the "Claude Harris, Jr. Building"; to the Committee on Veterans' Affairs.

By Mr. FRANKS of New Jersey (for himself, Mr. MEEHAN, Mr. GALLO, and Mr. DELAY):

H.R. 4949. A bill to amend title 5, United States Code, to reform Federal administrative procedures and improve the regulatory process; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. ROTH, Ms. CANTWELL, Mr. JOHNSTON of Florida, Mr. BEREUTER, Mrs. MEYERS of Kansas, Mr. FINGERHUT, Mr. ENGEL, Mr. WYNN, Mr. OBERSTAR, and Mr. SCHUMER):

H.R. 4950. A bill to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KIM:

H.R. 4951. A bill to amend the Clean Air Act to provide that no Federal implementation plan need be promulgated by the Environmental Protection Agency upon the failure of a State implementation plan to attain certain attainment deadlines which have been superseded by the 1990 amendments to the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4952. A bill to amend the Clean Air Act to provide that certain requirements in effect prior to the 1990 amendments to the Clean Air Act shall cease to apply, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4953. A bill to amend the Clean Air Act to prohibit the Environmental Protection Agency from promulgating a Federal implementation plan prior to the disapproval of State implementation plan revisions required pursuant to the Clean Air Act Amendments of 1990, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 4954. A bill to amend the Fair Housing Act to provide sanctions for the filing of certain complaints; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. NADLER, Mr. WAXMAN, Mr. SAXTON, Mr. PASTOR, and Mr. COOPER):

H.R. 4955. A bill to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act of information regarding certain individuals who participated in Nazi war crimes during the period in which the United States was involved in World War II; jointly, to the Committees on Government Operations, the Judiciary, and the Permanent Select Committee on Intelligence.

By Mr. NEAL of North Carolina (for himself, Mr. MCCOLLUM, Mr. LAFALCE, Mr. FRANK of Massachusetts, Mr. LAROCCO, Mr. DOOLEY, Mr. RIDGE, Mr. BAKER of Louisiana, and Mr. KING):

H.R. 4956. A bill to create an open and competitive marketplace for financial services which ensures the safety and soundness of the Nation's financial system as well as the availability of innovative financial products and services for consumers, business, and government at the lowest possible cost, and for other purposes; jointly, to the Committees on Banking, and Finance and Urban Affairs, and Energy and Commerce.

By Mr. RAHALL (for himself, Mr. BORSKI, Mr. DEFAZIO, Mr. COPPERSMITH, Mr. COSTELLO, and Mr. DE LUGO):

H.R. 4957. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers and flight crews engaged in flight operations outside the United States; to the Committee on Public Works and Transportation.

By Mr. ROSE:

H.R. 4958. A bill to amend title 3 of the United States Code to provide immunity from suit for the President of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. LIPINSKI, Mr. FIELDS of Texas, and Mr. COBLE) (all by request):

H.R. 4959. A bill to reduce the economic burden on U.S.-flagged merchant vessels by streamlining certain regulatory requirements, by expanding the delegation of the performance of marine safety functions to third parties, and by broadening the Coast Guard's marine safety authority, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WYDEN:

H.R. 4960. A bill to provide health care quality safeguards for consumers of health care insurance and health care products and services; to the Committee on Energy and Commerce.

By Mr. LAROCCO:

H.R. 4961. A bill to establish the Coeur d'Alene Basin Restoration Corporation and authorize the Corporation to undertake all actions necessary for the cleanup of mining wastes and the restoration of natural resources in the watershed encompassing the Coeur d'Alene River, Coeur d'Alene Lake, and its tributaries, and the Spokane River in northern Idaho and western Washington; jointly, to the Committees on Natural Resources, Energy and Commerce, and Public Works and Transportation.

H.R. 4962. A bill to amend the Federal Water Pollution Control Act relating to the Coeur d'Alene Basin Management Conference; jointly, to the Committees on Public Works and Transportation, Natural Resources, Merchant Marine and Fisheries, and Energy and Commerce.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 4963. A bill to clarify that the expenses of administering the Old Age, Survivors, and Disability Insurance Programs are not included in the budget of the U.S. Government, and for other purposes; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. MENENDEZ (for himself, Mr. FROST, Mr. FOGLETTA, Mr. HASTINGS, Mrs. MEEK of Florida, Mr. EHLERS, Ms. KAPTUR, Mr. DE LUGO, Mr. FARR, Mr. ENGEL, and Ms. WOOLSEY):

H.R. 4964. A bill to provide grants for demonstration projects to coordinate the administration of services to needy families with children; jointly, to the Committees on Ways and Means, Agriculture, Education and Labor, Energy and Commerce, and Banking, Finance and Urban Affairs.

By Mr. OWENS:

H.R. 4965. A bill to encourage serious negotiations between the major league baseball players and the owners of major league baseball in order to prevent a strike by the players or a lockout by the owners so that the fans will be able to enjoy the remainder of the baseball season, the playoffs, and the World Series; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. MEEHAN, Mr. GALLO, Mr. QUINN, Mr. OLVER, Mr. ACKERMAN, Mr. LIPINSKI, Mr. HINCHEY, Mr. TORKILDSEN, Mrs. KENNELLY, Mr. McNULTY, Mr. BLUTE, Mr. MACHTLEY, Mr. REED, Mr. EVANS, Mr. KLINK, Mr. KASICH, Mr. FINGERHUT, Mrs. JOHNSON of Connecticut, Mr. SWETT, and Mr. COYNE):

H.J. Res. 402. Joint resolution to designate the week beginning March 12, 1995, as "National Manufacturing Week"; to the Committee on Post Office and Civil Service.

By Mr. RAHALL (for himself, Mr. DINGELL, Mr. DEFAZIO, Ms. KAPTUR, Mrs. BYRNE, Mr. MICHEL, Ms. DANNER, Mr. HOKE, Mr. KILDEE, Mr. FINGERHUT, Mr. COX, Ms. MCKINNEY, and Mr. KNOLLENBERG):

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress concerning the ban on the use of United States passports in Lebanon; to the Committee on Foreign Affairs.

By Mr. GIBBONS:

H. Res. 518. Resolution returning to the Senate the Senate amendments to the bill H.R. 4554; considered and agreed to.

By Mr. DORNAN (for himself, Mr. DOOLITTLE, Mr. SMITH of New Jersey, Mr. GINGRICH, Mr. CALVERT, Mr. HYDE, Mr. DELAY, Mr. ARMEY, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. GOSS, Mr. PACKARD, Mr. CRANE, Mr. FIELDS of Texas, Mr. BALLENGER, Mr. KIM, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. BUNNING, Mr. STEARNS, Mr. GOODLATTE, Mr. STUMP, Mr. LIVINGSTON, Mr. DUNCAN, Mr. MCKEON, Mr. TALENT, Mr. ROYCE, Mr. HANSEN, and Mr. SUNDQUIST):

H. Res. 519. Resolution expressing the sense of the House of Representatives regarding religious intolerance; to the Committee on the Judiciary.

¶96.23 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

458. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the Main San Gabriel Groundwater Basin; to the Committee on Natural Resources.

459. Also, memorial of the Legislature of the State of California, relative to COBRA benefits; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

¶96.24 ADDITIONAL SPONSORS

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

H.R. 127: Mr. GEJDENSON, Mr. PASTOR, Mr. FORD of Michigan, Mr. SABO, Mr. GALLEGLY, Mr. YATES, and Mr. DIXON.

H.R. 193: Mr. BONILLA, Mr. BUYER, Mr. CHAPMAN, Mr. COLLINS of Georgia, Mr. DICKEY, Ms. DUNN, Mr. EHLERS, Mr. GINGRICH, Mr. GOODLING, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KASICH, Mr. MCCOLLUM, Mr. MCKEON, Mr. SCHIFF, Mr. SHAYS, Mr. SHUSTER, Mr. STENHOLM, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. VOLKMER, Mr. HOKE, Mr. HOUGHTON, Mr. SCHAEFER, Mr. TALENT, and Mr. ZELIFF.

H.R. 291: Mr. BURTON of Indiana, Mr. JOHNSON of Georgia, and Mr. GINGRICH.

H.R. 326: Mr. WASHINGTON, Ms. WATERS, and Mr. EDWARDS of California.

H.R. 654: Mr. MATSUI and Mr. EHLERS.

H.R. 1172: Mr. EVANS.

H.R. 1737: Mr. WAXMAN.

H.R. 2019: Mr. BROWN of California.

H.R. 2043: Mr. MARTINEZ.

H.R. 2059: Mr. DOOLITTLE.

H.R. 2424: Mr. BROWN of Ohio.

H.R. 3062: Mr. DOOLITTLE.

H.R. 3064: Mr. MINGE and Mr. PACKARD.

H.R. 3251: Mr. SHAYS and Mr. ZELIFF.

H.R. 3407: Mr. TORKILDSEN.

H.R. 3705: Mr. BAESLER and Mrs. UNSOELD.

H.R. 3990: Ms. MARGOLIES-MEZVINSKY.

H.R. 4051: Mr. MEEHAN.

H.R. 4056: Mr. SARPALUS, Mr. BACHUS of Alabama, and Mr. LEVIN.

H.R. 4095: Mr. HAYES.

H.R. 4118: Mr. HALL of Texas.

H.R. 4316: Mr. HINCHEY.

H.R. 4345: Mr. SANTORUM.

H.R. 4412: Mr. HAYES.

H.R. 4413: Mr. SKELTON.

H.R. 4474: Mr. ANDREWS of New Jersey, Mr. HOLDEN, Mr. COX, Mr. RAMSTAD, and Mr. TALENT.

H.R. 4477: Mr. HAYES, Mr. MAZZOLI, Mr. JACOBS, Mr. BLUTE, Mr. SMITH of Oregon, Mr. CLAY, Mr. DARDEN, Mrs. LLOYD, Mr. UNDERWOOD, Mr. MURPHY, Mr. CLEMENT, Mr. ROTH, Mr. HUTCHINSON, Mr. MORAN, and Mr. BAKER of Louisiana.

H.R. 4610: Mr. EVANS, Mr. PARKER, Mr. BOUCHER, Mr. DICKEY, Mr. CRAMER, and Mr. BACHUS of Alabama.

H.R. 4702: Mr. MORAN, Mrs. MORELLA, and Mrs. ROUKEMA.

H.R. 4708: Mr. FOGLIETTA.

H.R. 4791: Mr. FRANKS of New Jersey, Mr. PACKARD, and Mr. FIELDS of Texas.

H.R. 4826: Mr. KINGSTON, Mr. EMERSON, Mr. HANSEN, Mr. KOLBE, and Mr. LEVY.

H.R. 4828: Mr. BARRETT of Wisconsin, Mr. BLUTE, Ms. LOWEY, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Ms. SCHENK, and Mr. THORNTON.

H.R. 4831: Mr. GINGRICH.

H.R. 4841: Mr. OLVER and Mr. YATES.

H.J. Res. 365: Mr. CONYERS, Mr. BLILEY, and Mr. GENE GREEN of Texas.

H.J. Res. 369: Mr. HEFNER, Mr. GORDON, and Mr. HOBSON.

H.J. Res. 385: Mr. LANTOS, Ms. DELAURO, and Mr. SMITH of Oregon.

H.J. Res. 397: Mr. DE LUGO, Mr. DIAZ-BALART, Mr. ORTIZ, Ms. VELÁZQUEZ, Mr. RICHARDSON, Mr. LAFALCE, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. NEAL of Massachusetts, Mr. FAZIO, Mr. SERRANO, Mr. KOPETSKI, Mr. LIPINSKI, Mr. SARPALIUS, Mr. FILNER, Mr. BERMAN, Mrs. MINK of Hawaii, Mr. DE LA GARZA, and Mr. MCDERMOTT.

H. Con. Res. 249: Mr. GILMAN, Mr. HASTINGS, Mr. JOHNSON of South Dakota, Mr. PRICE of North Carolina, Mr. GUNDERSON, Mr. PORTER, Mr. ROSE, Ms. FURSE, Mr. MACHTLEY, and Mr. LIPINSKI.

H. Con. Res. 254: Mr. WAXMAN.

H. Con. Res. 274: Mr. TOWNS and Mr. DINGELL.

H. Con. Res. 276: Mr. JOHNSON of South Dakota, Mr. WALKER, Mr. MEEHAN, Mrs. JOHNSON of Connecticut, Mrs. MINK of Hawaii, Mr. FIELDS of Texas, Mr. PRICE of North Carolina, Mr. BEILENSON, Mr. LAROCCO, Mr. LIGHTFOOT, Mr. MCHUGH, Mrs. ROUKEMA, Mr. BEREUTER, Mr. CAMP, Mr. KLECZKA, Mr. KILDEE, Mr. WALSH, Mr. WAXMAN, Mr. MINGE, Mr. VISCLOSKY, Mr. COSTELLO, Mr. LEACH, Mrs. LLOYD, Ms. PELOSI, Ms. FURSE, Mr. STENHOLM, Ms. WOOLSEY, Mr. LEVY, Mr. BROWN of California, and Mr. SCHUMER.

H. Res. 424: Mr. HUTTO and Mr. LIPINSKI.

H. Res. 473: Mr. BARRETT of Wisconsin.

TUESDAY, AUGUST 16, 1994 (97)

¶97.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. KLINK, at 10:30 a.m., who laid before the House the following communication:

WASHINGTON, DC,
August 16, 1994.

I hereby designate the Honorable RON KLINK to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Friday, February 11, 1994, and Friday, June 10, 1994, Members were recognized for "morning hour" debates.

¶97.2 RECESS—11:28 A.M.

The SPEAKER pro tempore, Mr. KLINK, pursuant to clause 12 of rule I,

declared the House in recess at 11 o'clock and 28 minutes until 12 o'clock noon.

¶97.3 AFTER RECESS—12:00 NOON

The SPEAKER called the House to order.

¶97.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, August 12, 1994.

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

The SPEAKER, pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶97.5 COMMUNICATIONS

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

3695. A letter from the Acting Director, Office of Management and Budget, transmitting notification that the President intends to exempt all military personnel accounts from sequester for fiscal year 1995, pursuant to Public Law 101-508, section 13101(c)(4) (104 Stat. 1388-589); to the Committee on Appropriations.

3696. A letter from the Director, Congressional Budget Office, transmitting CBO's sequestration update report for fiscal year 1995, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations.

3697. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Argentina, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-323, "Comprehensive Plan Amendments Act of 1994", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3699. A letter from the Secretary of Education, transmitting final regulations—Chapter 1 Program in Local Educational Agencies; Chapter 1 Migrant Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3700. A letter from the Chairperson, National Council on Disability, transmitting a copy of a report on the study of the implementation of the least restrictive environment provisions of IDEA in Massachusetts and Illinois, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

3701. A letter from the Inspector General of the Department of Health and Human Services, transmitting a report on Superfund financial activities at the National Institute of Environmental Health Sciences for fiscal year 1992, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

3702. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification that the President has author-

ized the use of \$1 million of funds made available for International Military Education and Training [IMET] to increase programs for the emerging democracies of Central and Eastern Europe and for the former Soviet Union (Presidential Determination No. 94-40), pursuant to 22 U.S.C. 2364(a)(i); to the Committee on Foreign Affairs.

3703. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting a report on the President's Determination (No. 94-42) on drawdown of commodities and services from the inventory and resources of the Department of the Treasury to support sanction enforcement efforts against Serbia and Montenegro, pursuant to 22 U.S.C. 2348a; to the Committee on Foreign Affairs.

3704. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Belarus, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3705. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3706. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3707. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the "Office of Crime Report" during the fiscal years 1990 and 1991, pursuant to 42 U.S.C. 10604(g); to the Committee on the Judiciary.

3708. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "Maritime Regulatory Reform Act of 1994"; to the Committee on Merchant Marine and Fisheries.

3709. A letter from the Department of the Army, transmitting the Department's Rio Grande De Arcicibo feasibility report; to the Committee on Public Works and Transportation.

3710. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of Safeguards Information for the quarter ending June 30, 1994, pursuant to 42 U.S.C. 2167(d); jointly, to the Committees on Energy and Commerce and Natural Resources.

3711. A letter from the Chief Staff Counsel, United States Court of Appeals, transmitting one opinion of the United States Court of Appeals for the District of Columbia Circuit; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3712. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting a report covering certain properties with the Panama Canal Treaty and its related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on the Foreign Affairs and Merchant Marine and Fisheries.

¶97.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4299. An Act to authorize appropriations for fiscal year 1995 for intelligence and