

Committees on Energy and Commerce, Armed Services, Ways and Means, and Foreign Affairs.

By Mr. MANN:

H.R. 5122. A bill to require Federal agencies that own or lease motor vehicles to keep accurate records of the use of those vehicles by Federal employees, and for other purposes; to the Committee on Government Operations.

By Mr. RAHALL:

H.R. 5123. A bill to make a technical correction to an act preempting State economic regulation of motor carriers; to the Committee on Public Works and Transportation.

By Mr. REYNOLDS:

H.R. 5124. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 5125. A bill to amend the Community Reinvestment Act of 1977 to enhance the availability of investment capital for low- and moderate-income housing in low- and moderate-income neighborhoods; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANDERS (for himself and Mr. OWENS):

H.R. 5126. A bill to amend the National Labor Relations Act, to establish the National Public Employment Relations Commission, and to amend title I of the Employment Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and Labor.

By Mr. UNDERWOOD:

H.R. 5127. A bill to amend title VII of the Civil Rights Act of 1964 to establish that English-only rules cause an adverse and disparate effect on certain employees and applicants for employment; to the Committee on Education and Labor.

By Mr. TORRICELLI (for himself and Mr. HAMILTON):

H.J. Res. 416. Joint resolution providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. DINGELL (for himself, Mr. MOORHEAD, Mr. SWIFT, and Mr. OXLEY):

H.J. Res. 417. Joint resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Co. and certain of its employees; to the Committee on Energy and Commerce.

By Mrs. LLOYD (for herself, Mr. WALSH, Mr. SLATTERY, Mr. DELLUMS, Ms. PELOSI, Mr. SAWYER, Mr. TANNER, Mr. HOCHBRUECKNER, Mr. FARR, Mr. GORDON, Mr. GUTIERREZ, Mr. McDERMOTT, Mr. CRAMER, Mr. OBERSTAR, Mr. COOPER, Mr. MAZZOLI, Mr. McCRERY, Mr. SANGMEISTER, Mr. BALLENGER, Mr. BLUTE, Mr. STEARNS, Ms. DANNER, Mr. BEILENSON, Mr. BATEMAN, Mrs. MALONEY, Mrs. MEEK of Florida, Mr. MINETA, Mrs. VUCANOVICH, Mr. DUNCAN, Mr. VALENTINE, Mr. BROWN of Ohio, Mr. BEVILL, Mr. ROEMER, Mr. DORNAN, and Mr. STUDDS):

H.J. Res. 418. Joint resolution designating October 19, 1994, as "National Mammography Day"; to the Committee on Post Office and Civil Service.

115.29 ADDITIONAL SPONSORS

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

H.R. 65: Mr. CRAMER.
 H.R. 746: Mr. BACHUS of Alabama.
 H.R. 1108: Mr. CALVERT.
 H.R. 1500: Ms. MARGOLIES-MEZVINSKY and Mr. DARDEN.
 H.R. 1551: Mr. CHAPMAN.
 H.R. 1843: Mrs. UNSOELD.
 H.R. 1945: Mr. BARCIA of Michigan.
 H.R. 2292: Mr. HILLIARD, Mr. JEFFERSON, and Mr. CONYERS.
 H.R. 2305: Mr. COPPERSMITH.
 H.R. 2340: Mr. OLVER.
 H.R. 2420: Mr. OLVER, Mr. McDERMOTT, Ms. DANNER, and Mr. BISHOP.
 H.R. 2512: Ms. PRYCE of Ohio.
 H.R. 2717: Mr. CRAMER.
 H.R. 2873: Mr. GALLO.
 H.R. 2918: Mr. DIXON, Mr. McCLOSKEY, Ms. SLAUGHTER, Mr. LEHMAN, and Mr. LAZIO.
 H.R. 2971: Mr. PAYNE of Virginia.
 H.R. 3031: Mr. BURTON of Indiana.
 H.R. 3137: Mr. RICHARDSON.
 H.R. 3334: Mr. ROHRBACHER.
 H.R. 3488: Mr. MILLER of Florida.
 H.R. 3538: Ms. SLAUGHTER.
 H.R. 3739: Mr. STUMP.
 H.R. 3971: Mr. DUNCAN and Mr. McCANDLESS.
 H.R. 4091: Ms. PELOSI.
 H.R. 4142: Mr. SWIFT.
 H.R. 4416: Mr. EHLERS, Mr. HILLIARD, Mr. CALVERT, Mr. LIGHTFOOT, Mr. JOHNSON of South Dakota, Mr. LEWIS of Georgia, Mr. CONDIT, Mr. POMBO, Mr. STENHOLM, Mr. DOOLEY, Mr. LAROCO, and Mr. BARRETT of Wisconsin.
 H.R. 4507: Mr. TORKILDSEN.
 H.R. 4557: Mr. HASTERT.
 H.R. 4574: Mr. GOODLATTE.
 H.R. 4710: Mr. SPRATT, Mr. EDWARDS of California, Mr. GUTIERREZ, Mr. HOLDEN, Mr. TRAFICANT, Mr. WASHINGTON, Mr. FILNER, Mr. WATT, Mr. CONYERS, Mr. YATES, Mr. KINGSTON, Mr. NADLER, Mr. GONZALEZ, Mr. MILLER of California, Mr. BROWN of Ohio, and Mr. VENTO.
 H.R. 4873: Mr. SISISKY.
 H.R. 4874: Mr. RIDGE, Mr. FROST, and Mrs. UNSOELD.
 H.R. 4875: Mr. HILLIARD, Mr. FROST, and Mr. EVANS.
 H.R. 4877: Mr. JOHNSON of South Dakota.
 H.R. 4878: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS, and Mr. GENE GREENE of Texas.
 H.R. 4880: Mr. FROST.
 H.R. 4887: Mr. ROTH.
 H.R. 4912: Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. BERMAN, Mr. BORSKI, Mr. BARLOW, Mr. BILBRAY, Mr. DEUTSCH, Mr. DINGELL, Ms. ESHOO, Mr. FARR, Mr. FAZIO, Mr. SABO, Mr. SARPALIUS, Mr. SCHUMER, Mr. SLATTERY, Mr. TORRICELLI, Mr. WHITTEN, Mr. FORD of Tennessee, and Mr. BLUTE.
 H.R. 4995: Mr. COOPER and Mr. MOORHEAD.
 H.R. 5014: Mr. FROST, Mr. JOHNSON of South Dakota, and Mr. EVANS.
 H.R. 5032: Mr. LAUGHLIN, Mr. KOPETSKI, Mr. KINGSTON, Mrs. UNSOELD, and Mrs. THURMAN.
 H.R. 5062: Mr. EWING, Ms. PRYCE of Ohio, Mr. TANNER, Mr. ROYCE, Mr. STUMP, Mr. BOUCHER, Mr. PICKETT, Mr. WELDON, Mr. BROWN of California, Mr. GOODLING, Mr. RICHARDSON, Mr. BARRETT of Wisconsin, Mr. GLICKMAN, Mr. LANCASTER, Mr. MINGE, Mr. INGLIS of South Carolina, Mr. SKELTON, Mr. DEAL, and Mr. COOPER.
 H.R. 5068: Ms. ROYBAL-ALLARD.
 H.R. 5110: Mr. GIBBONS, Mr. MATSUI, Mrs. KENNELLY, Mr. LEVIN, and Mr. BACCHUS of Florida.
 H.J. Res. 326: Mr. PALLONE.
 H.J. Res. 332: Mr. GILCHREST, Mr. PAYNE of New Jersey, Mr. FRANK of Massachusetts,

Mr. SKELTON, Mr. KNOLLENBERG, Ms. NORTON, Mr. GORDON, Mr. ROBERTS, Mr. ROGERS, and Mr. VISCLOSKY.

H.J. Res. 385: Mr. MARTINEZ, Mr. LIPINSKI, and Mr. BURTON of Indiana.

H.J. Res. 389: Mr. STUDDS, Mr. OXLEY, Mr. DEUTSCH, Mr. BECERRA, Mr. BROOKS, Mr. SHAW, Mr. FARR, Mr. LAROCO, Mr. DEAL, Mr. POMEROY, Mr. JOHNSON of South Dakota, Mr. MANTON, Mr. ORTIZ, Mr. KNOLLENBERG, Mr. RUSH, Mr. STUPAK, Mr. THORNTON, Mr. KING, Mr. CASTLE, and Mr. STARK.

H.J. Res. 398: Mr. MINGE, Mr. HERGER, Mr. LEWIS of California, Mr. BEREUTER, Mr. SERRANO, Mr. TOWNS, Mr. HILLIARD, Mr. MATSUI, Mr. BARCA of Wisconsin, Mr. FRANKS of Connecticut, Mr. DEFAZIO, Mr. PICKLE, Mr. LEWIS of Florida, Mr. ROWLAND, Mr. EVANS, Mr. FIELDS of Louisiana, Mr. TALENT, Mr. MICHEL, Mr. SHAW, Mr. BLILEY, Mr. MEEHAN, Mr. TAYLOR of Mississippi, Mr. DEUTSCH, Mr. FISH, Mr. GEKAS, Mr. TORKILDSEN, Mr. JOHNSON of South Dakota, Mr. CASTLE, Mr. SAM JOHNSON, Ms. NORTON, Mrs. THURMAN, Mr. HALL of Ohio, Mr. POSHARD, Mr. NEAL of North Carolina, Mr. BILBRAY, Mr. BARLOW, Ms. MOLINARI, Mr. RANGEL, Mr. SAXTON, and Mr. DIAZ-BALART.

H.J. Res. 401: Ms. FURSE, Mr. GEJDENSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. KIM, Mr. LAFALCE, Mr. McCRERY, Mr. MCHALE, Mr. MINETA, Mr. MYERS of Indiana, Mr. POSHARD, Mr. ROBERTS, Mr. ROSE, Mr. SHAW, Mr. STOKES, Mr. STUDDS, Mr. WHITTEN, Mr. WILSON, and Mr. YOUNG of Alaska.

H. Con. Res. 19: Mr. FINGERHUT.

H. Con. Res. 227: Mr. CRAPO.

H. Con. Res. 286: Mr. BATEMAN, Mr. EMERSON, Mr. LIVINGSTON, Mrs. MEYERS of Kansas, Mr. ROHRBACHER, and Mr. WALKER.

H. Res. 136: Mr. BARCIA of Michigan.

H. Res. 519: Mr. BARRETT of Nebraska.

H. Res. 546: Mr. PORTMAN, Mr. QUINN, Mr. COX, Mr. McCANDLESS, and Mr. PORTER.

115.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 140: Mr. SHAYS.

H.R. 3222: Mr. BARCIA of Michigan.

H.R. 4821: Mr. LUCAS.

THURSDAY, SEPTEMBER 29, 1994 (116)

The House was called to order by the SPEAKER.

116.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 28, 1994.

Mr. HEFLEY, 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. HEFLEY 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.

116.2 COMMUNICATIONS

Under clause 2 of rule XXIV,

3886. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); was taken from the speaker's table and referred to the Committee on Foreign Affairs.

¶116.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the bill (H.R. 995) "An Act to amend title 38, United States Code, to improve reemployment rights of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes."

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

S. 2170. An Act to provide a more effective, efficient, and responsive Government.

¶116.4 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT ON
H.R. 4650

Mr. FROST, by direction of the Committee on Rules, called up the following resolution (H. Res. 554):

Resolved, That all points of order against the conference report to accompany the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, and against its consideration are waived.

When said resolution was considered. After debate,

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

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

¶116.5 DEFENSE APPROPRIATIONS

Mr. MURTHA, pursuant to House Resolution 554, called up the following conference report (Rept. No. 103-747):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 47, 56, 69, 71, 75, 88, 95, 98, 102, 103, 106, 109, 117, 130, 132, 133, 139, 140, 142, 148, 149, 164, and 215.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 15, 20, 22, 23, 27, 29, 31, 33, 35, 39, 40, 41, 45, 51, 53, 55, 59, 61, 63, 64, 65, 66, 67, 74, 78, 83, 85, 87, 90, 92, 99, 119, 120, 121, 122, 123, 124, 126, 128, 136, 137, 146, 150, 151, 153, 154, 156, 166, 170, 171, 173, 180, 181, 182, 184, 185, 186, 187, 191, 196, 197, 203, 205, 206, and 209, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate num-

bered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *\$20,609,770,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$17,569,137,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$5,774,871,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$17,181,479,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$2,161,620,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,401,809,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$348,748,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$768,834,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$3,339,505,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,233,429,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$17,507,088,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *Provided, That of the funds appropriated in this paragraph, not less than \$388,599,000 shall be made available only for conventional ammunition care and maintenance: Provided further, That of the funds appropriated in this paragraph, \$5,800,000 shall be made available only for the removal of equipment and the repair and restoration of structures at the National Center for Toxicological Research, Jefferson, Arkansas: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available only for payment to the DoD 50th Anniversary of World War II Commemoration Appropriation: Provided further, That of the funds appropriated under this heading, \$9,500,000 shall be made available only to purchase an easement for use by the Army's Schofield Barracks Military Reservation for the purpose of waste water disposal: Provided further, That notwithstanding Army Regulation 200-1, the Secretary of the Army may obligate not to exceed \$2,000,000 through the Army Corps of Engineers to contribute to a multi-party remediation effort at the Alaska Roundhouse site at Cordova, Alaska: Provided further, That such funds may only be obligated to match contributions made by other private, State or Municipal authorities to the remediation effort; and the Senate agree to the same.*

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$21,054,470,000*; and the Senate agree to the same.

Amendment numbered 16:

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

Delete the matter stricken and delete the matter inserted by said amendment.

And the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

After the word "Provided" named in said amendment delete the word "further" and in lieu of the sum named in said amendment insert: *\$45,874,000*; and the Senate agree to the same.

Amendment numbered 18:

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

In lieu of the matter inserted by said amendment insert: *Provided further, That of the funds appropriated under this heading, \$46,300,000 shall be made available only for naval shipyard modernization projects to remain available for obligation until September 30, 1996; and the Senate agree to the same.*

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,988,215,000*; and the Senate agree to the same.

Amendment numbered 21:

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

In lieu of the sum proposed by said amendment insert: *\$18,763,427,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate num-

bered 24, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: *Provided, That the Secretary of the Air Force may acquire all right, title and interest of any party in and to two parcels of real property, including improvements thereon, consisting of approximately 27 acres, located near King Salmon Air Force Station: Provided further, That this authority may be exercised only for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) and the Air Force Installation Restoration Program; and the Senate agree to the same.*

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *\$10,500,104,000; and the Senate agree to the same.*

Amendment numbered 28:

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

In lieu of the sum proposed by said amendment insert: *\$1,243,209,000; and the Senate agree to the same.*

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$831,219,000; and the Senate agree to the same.*

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$81,862,000; and the Senate agree to the same.*

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,471,505,000; and the Senate agree to the same.*

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$2,440,288,000; and the Senate agree to the same.*

Amendment numbered 37:

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

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That of the funds appropriated in this paragraph, \$10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District; and the Senate agree to the same.*

Amendment numbered 38:

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

In lieu of the sum proposed by said amendment insert: *\$2,772,928,000; and the Senate agree to the same.*

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,780,200,000; and the Senate agree to the same.*

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad and the X Paralympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad and the X Paralympiad; \$14,400,000: Provided, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

1995 SPECIAL OLYMPICS WORLD GAMES

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1995 Special Olympics World Games to be held in New Haven, Connecticut) provided by any component of the Department of Defense to the 1995 Special Olympics World Games; \$3,000,000.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$65,000,000; and the Senate agree to the same.*

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; for supporting the demilitarization of military technologies and production infrastructure; \$400,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, \$10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic and North Pacific regions.

And the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,063,164,000; and the Senate agree to the same.*

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: *Provided, That the Secretary of the Army will report to the House and Senate Committees on Appropriations on the concept, organization, requirements, and mission need documents for the High Capacity Air Ambulance, utilizing low cost fixed wing aircraft, no later than April 15, 1995; and the Senate agree to the same.*

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$813,795,000; and the Senate agree to the same.*

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,151,914,000; and the Senate agree to the same.*

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$1,181,221,000; and the Senate agree to the same.*

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$2,673,148,000; and the Senate agree to the same.*

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$4,627,645,000; and the Senate agree to the same.*

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$2,159,080,000; and the Senate agree to the same.*

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *\$417,779,000; and the Senate agree to the same.*

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Nuclear submarine main steam condenser industrial base, \$1,000,000; ; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$377,521,000 ; and the Senate agree to the same.*

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$5,412,464,000; and the Senate agree to the same.*

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$3,329,171,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *\$23,900,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$422,410,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$6,379,962,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That the Department of the Air Force shall initiate procurement of non-developmental airlift aircraft no later than September 30, 1995*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$3,650,262,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$288,401,000*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$6,965,201,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$2,088,230,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$800,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$5,521,413,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$8,796,168,000*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That for continued research and development programs at the National Center for Physical Acoustics, centering on the ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, \$1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed \$250,000 of such sum may be used to provide special equipment as may be required for particular projects: Provided further, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: Provided further, That funds appropriated in this paragraph for development of the LPD-17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$12,202,572,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *Provided, That not less than \$12,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: Provided further, That not less than \$20,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences: Provided further, That not less than \$13,000,000 of the funds appropriated in this paragraph shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$9,099,387,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *Provided, That not less than \$75,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That \$50,000,000 shall be made available only to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b) (3) of such section: Provided further, That of the funds appropriated in this paragraph, \$15,000,000 shall be transferred to the Department of Energy to address environmental restoration and management needs through the Center for Bioenvironmental Research: Provided further, That not less than \$20,000,000 of the funds appropriated in this paragraph shall be made available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all states eligible as of the date of enactment of this Act for the National Science Foundation Experimental Program to Stimulate Competitive Research; and the Senate agree to the same.*

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$238,003,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$945,238,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *\$724,400,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *Provided, That \$25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: Provided further, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of*

Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That not to exceed \$43,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744): Provided further, That \$110,000,000 may be used for the acquisition and conversion of one maritime repositioning ship for use by the Marine Corps MPS Enhancement Program, and notwithstanding any other provision of law, that such conversion shall be performed in a United States shipyard; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$9,930,759,000; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$9,601,170,000; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$329,589,000; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : *Provided further, That of the funds appropriated under this heading, \$5,000,000 shall be made available only for nursing research. Provided further, That of the funds appropriated under this heading, \$14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That until the end of September 30, 1995, the Secretary of the Air Force shall, through contract or otherwise, continue to provide health care in the base hospital at Plattsburgh Air Force Base, New York, to persons entitled to health care in facilities of the uniformed services: Provided further, That of the funds appropriated under this heading, not more than \$3,400,000 shall be made available to permit private sector or non-federal physicians, who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria, to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome-affected veterans;* and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$575,449,000; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$355,784,000; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$198,965,000; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: \$721,266,000, of which \$10,000,000 is hereby transferred to the "Military Construction, Navy" appropriation for construction of a Relocatable Over-the-Horizon Radar in Puerto Rico: *Provided, That section 9136 of Public Law 102-396 is amended by adding the words "purchasing or" before the word "leasing" and by changing the designation "T-47" to "OT-47B";* and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$92,684,000; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK19-3 grenade machine guns;

M16A2 rifles;

M249 Squad Automatic Weapons;

M4 carbine rifles.

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8013A; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8021. All new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

And further

Amend the matter retained by said amendment as follows:

In lieu of section number "8021" named in said retained matter insert: 8021A; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

In lieu of the sum named in said restored matter insert: \$203,736,000; and further

Amend the matter retained by said amendment as follows:

In lieu of section number "8025" named in said retained matter insert: 8025A; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8026A.

After the words "not apply to handguns" named in said retained matter insert: *and ammunition;* and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8041A; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8050A; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DoD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DoD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The Secretary of Defense may not obligate more than one-half of the funds available for each defense FFRDC, and more than one-half of the total amount available for defense FFRDCs, until the congressional defense committees receive the annual funding ceilings for fiscal year 1995 for each defense FFRDC and each subcomponent of a defense FFRDC identified as a separate sub-entity due to the significantly unique nature of its functions.

(d) Limitation on Compensation. No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive

Schedule Level I by that FFRDC: Provided, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(e) Limitation on Compensation. No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties: Provided further, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(f) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1995 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(g) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than \$1,252,650,000 may be obligated for financing activities of FFRDCs: Provided, That the total amount appropriated in title IV of this Act is hereby reduced by \$100,000,000 to reflect the funding ceiling contained in this subsection.

(h) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional \$251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

(i) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional \$19,055,000 to reflect savings from the decreased use of major non-profit federally-funded research institutions and university-affiliated research centers by the Department of Defense.

And the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8055A; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8058A, and further

On page 77, line 12, of the House engrossed bill, H.R. 4650, strike out "\$2,000,000" and insert in lieu thereof: \$1,000,000; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8064A; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8075A; and the Senate agree to the same.

Amendment numbered 155:

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter retained by said amendment insert:

SEC. 8081A. In addition to amounts appropriated or otherwise made available by this Act, \$67,000,000 is hereby appropriated and shall be made available only for liquidating deficiencies in the amounts specified in the appropriations "National Guard Personnel, Army, 1993", \$55,000,000; and "Reserve Personnel, Army, 1993", \$12,000,000.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at Department of Defense (DoD) science and technology sites under the cognizance of the Director of Defense Research and Engineering and DoD test and evaluation facilities under the Director of Test and Evaluation, OUSD (A&T): Provided, That the contracts, contract modifications, contract options, or other agreements are awarded as the result of full and open competition based upon the requirements of the user.

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

In lieu of the number "75" named in said restored matter in two instances insert: 50, and further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8093A; and the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8094A; and the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate num-

bered 160, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: \$75,000,000; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8097A; and the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

(TRANSFER OF FUNDS)

Sec. 8099. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

CG-47 cruiser program, \$6,000,000;

LSD-41 landing ship dock program, \$1,700,000;

T-AGOS ocean surveillance ship program, \$5,000,000;

For craft, outfitting, post delivery, and cost growth, \$2,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, \$11,719,000;

MSH coastal mine hunter program, \$3,419,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

Trident ballistic missile submarine program, \$650,000;

DDG-51 destroyer program, \$633,000;

CG-47 cruiser program, \$283,000;

T-AO fleet oiler program, \$2,800,000;

AO conversion program, \$400,000;

For craft, outfitting, and post delivery, \$5,900,000;

Weapons Procurement, Navy, 1993/1995, \$18,069,000;

National Guard and Reserve Equipment, 1994/1996, \$5,145,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

SSN-688 attack submarine program, \$18,496,000;

AOE fast combat support ship program, \$15,384,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, \$15,351,000;

LSD-41 cargo variant ship program, \$4,773,000;

LHD-1 amphibious assault ship program, \$7,028,000;

AO conversion program, \$1,900,000;

Aircraft Procurement, Navy, 1993/1995, \$100,642,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, \$6,035,000;

SSN-688 attack submarine program, \$19,659,000;

CVN nuclear aircraft carrier program, \$104,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LHD-41 amphibious assault ship program, \$3,400,000;

T-AO fleet oiler program, \$3,488,000;

T-AGOS surveillance ship program, \$3,197,000;

AO conversion program, \$1,300,000;

Weapons Procurement, Navy, 1993/1995, \$178,000;

Other Procurement, Navy, 1993/1995, \$22,400,000;

Research, Development, Test and Evaluation, Navy, 1994/1995, \$41,700,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN-688 attack submarine program, \$18,939,000;

SSN-21 attack submarine program, \$37,123,000;

MHC coastal mine hunter program, \$1,700,000;

AOE combat support ship program, \$17,901,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic submarine program, \$2,400,000;

Aircraft carrier service life extension program, \$346,000;

MCM mine countermeasures program, \$657,000;

Oceanographic ship program, \$3,964,000;

LCAC landing craft air cushion program, \$1,188,000;

Aircraft Procurement, Navy, 1993/1995, \$6,000,000;

Weapons Procurement, Navy, 1993/1995, \$6,753,000;

Other Procurement, Navy, 1994/1996, \$1,297,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, \$9,046,000;

MHC coastal mine hunter program, \$3,575,000;

AOE combat support ship program, \$9,984,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, \$39,500,000;

DDG-51 destroyer program, \$8,200,000;

LSD-41 dock landing ship cargo variant ship program, \$22,427,000;

Aircraft Procurement, Navy, 1994/1996, \$17,000,000;

Other Procurement, Navy, 1994/1996, \$666,000;

Procurement, Marine Corps, 1993/1995, \$6,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN-21 attack submarine program, \$48,240,000;

LHD-1 amphibious assault ship program, \$43,600,000;

MHC coastal mine hunter program, \$2,553,000;

From:

Aircraft Procurement, Navy, 1993/1995, \$42,000,000;

Other Procurement, Navy, 1994/1996, \$29,261,000;

National Guard and Reserve Equipment, 1994/1996, \$5,183,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG-51 destroyer program, \$64,958,000;

MHC coastal mine hunter program, \$11,486,000;

From:

Weapons Procurement, Navy, 1993/1995, \$30,000,000;

Other Procurement, Navy, 1994/1996, \$38,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG-51 destroyer program, \$26,894,000;

LSD-41 cargo variant ship program, \$5,663,000;

MHC coastal mine hunter program, \$7,615,000;

AOE combat support ship program, \$28,266,000;

From:

Weapons Procurement, Navy, 1994/1996, \$14,000,000;

Other Procurement, Navy, 1994/1996, \$763,000;

National Guard and Reserve Equipment, 1994/1996, \$4,672,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD-1 amphibious assault ship program, \$15,131,000;

Oceanographic ship program, \$4,304,000.

And the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8101. Not later than May 1, 1995, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate an independent cost effectiveness study of Air Force bomber programs: Provided, That of the total amounts available to the Department of Defense for financing the activities of defense federally funded research and development centers during fiscal year 1995, \$4,500,000 shall be made available within 30 days after the enactment of this Act for the purposes of the aforementioned study.

And the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Balances of the funds appropriated in Public Laws 102-172, 102-396, and 103-139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged with the appropriation heading entitled "Summer Olympics" appearing under title II of this Act and shall be available only for purposes described under that heading.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8104A; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8106. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) Of the funds provided in the Department of Defense Appropriations Act, 1994 (Public Law

103-139), the Secretary of Defense shall transfer a total of \$60,000,000 to the National Aeronautics and Space Administration (NASA): Provided, That of that amount, \$25,000,000 shall be transferred from Procurement, Defense-Wide, 1994/1996, and shall only be used for LANDSAT 7: Provided further, That of that amount, \$35,000,000 shall be transferred from Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, and shall only be used for Single-Stage-to-Orbit research and development at Phillips Laboratory, Albuquerque, New Mexico and, pursuant to the President's call for a supporting role for DOD in this technology, the funds shall be used in activities to support NASA-led construction of an Advanced Technology Demonstrator X-vehicle and to finish the original flight test program of the DC-X1 test vehicle.

(c) \$30,000,000 made available in this Act for Research, Development, Test and Evaluation, Air Force and \$10,000,000 made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-139) for Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies: Provided, That the \$30,000,000 in fiscal year 1995 funds shall not be available for obligation until the Secretary of Defense submits a detailed plan describing the proposed development program for the new family of expendable launch vehicles.

And further

Amend the matter retained by said amendment as follows:

In lieu of section number "8106" named in said retained matter insert: 8106A.

After the words "(10 U.S.C. Sec. 1175) payments if rehired" named in said retained matter insert: in a civilian position; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation and Maintenance, not less than \$4,500,000 shall be obligated and expended only for operation and maintenance, automatic data processing equipment, transition assistance or in-house central design development and activities for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: Provided, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement and Operation and Maintenance, Defense-Wide not less than \$18,000,000 shall be obligated and expended only for automatic data processing equipment or software, in-house central design development and activities, and transition assistance for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, of which \$8,000,000 shall be available in procurement funds and \$5,000,000 shall be available in operation and maintenance funds only for the establishment of a Continuity of Operations (COOP) center that shall be collocated with the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station for the contingency preservation of computer data for the Department of Defense Data and Megacenter consolidation initiative: Provided further, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office and

the Enlisted Personnel Management Center, supported by the collocated Naval Computer and Telecommunications Station, as the central design activities for development, integration, coding, documentation, and system management for the software development and maintenance of the Naval active and reserve single Source Data Collection System: Provided further, That the Bureau of Naval Personnel shall remain as the Program Manager for definition of functional requirements and priorities: Provided further, That the last provision of Section 8023 of Public Law 103-139, is hereby repealed.

(TRANSFER OF FUNDS)

SEC. 8107A. In addition to amounts appropriated or otherwise made available in this Act, \$8,000,000 shall be made available for pay and allowances for the Office of the Assistant Secretary of Defense for Reserve Affairs to be available only for support of Civil-Military Cooperation program operations, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code: Provided, That the funds made available by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8108. No funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1995, except for field operating agencies funded within the National Foreign Intelligence Program.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8108A; and the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8111. Funds made available to the Department of the Navy for the EA-6B program in this Act and prior Department of Defense Appropriations Acts may be used to procure any lower cost alternative to the ADVCAP upgrade program considered by the Department of the Navy to be appropriate and cost effective.

And the Senate agree to the same.

Amendment numbered 174:

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

Delete the words "January 1" named in said restored matter and insert in lieu thereof: April 1

In lieu of the sum "\$30,000,000" named in said restored matter insert: \$20,000,000

And further

In lieu of the matter retained by said amendment insert:

SEC. 8114A. (a) FISCAL YEAR 1995 COST-OF-LIVING ADJUSTMENT FOR MILITARY RETIREES.— (1) The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(2) For the purposes of subsection (a):

(A) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(B) The term "retired pay" includes retainer pay.

(b) FUTURE COST-OF-LIVING ADJUSTMENTS FOR MILITARY RETIREES.—

(1) Subject to paragraph (2), subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended—

(A) in the heading, by striking out "THROUGH 1998" and inserting in lieu thereof "THROUGH 1996"; and

(B) in clause (ii)—

(i) by striking out "THROUGH 1998" and inserting in lieu thereof "AND 1996";

(ii) by striking out "of 1994, 1995, 1996, or 1997" and inserting in lieu thereof "of 1994 or 1995"; and

(iii) by striking out "September" and inserting in lieu thereof "March".

(2) Paragraph (1) shall be effective only if—

(A) the President, in the budget of the President for fiscal year 1996, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the first session of the 104th Congress qualifying offsetting legislation.

(3) If the conditions in paragraph (2) are met, then the amendments by paragraph (1) shall take effect on January 1, 1996.

(4) For purposes of this subsection:

(A) The term "qualifying offsetting legislation" means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 1996, 1997, and 1998 to be made from the Department of Defense Military Retirement Fund by reason of the amendment made by paragraph (1);

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term "PayGo scorecard" means the estimates that are made with respect to fiscal years through fiscal year 1998 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: 8115A; and the Senate agree to the same.

Amendment numbered 176:

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8116. Such additional sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

And the Senate agree to the same.

Amendment numbered 177:

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8117. After April 15, 1995, none of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of \$250,000 per year.

And the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 8118. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure: Provided, That the Department of Defense shall prepare and submit to the Congressional defense committees a report on reductions of civilian technicians which may be required to align civilian technician positions with force structure changes in the Reserve component.

And the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 8119. During the current fiscal year and hereafter, the Department of State and the Department of Defense are authorized to provide interagency courier service on a non-reimbursable basis.

And the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8123. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under state command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 3686 (2) and 8686 (2) of title 10, United States Code.

And the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8128. The Secretary of Defense shall report to the congressional defense committees the existing standards for the provision of concurrent retirement and disability benefits to members of the Armed Forces with not less than twenty years of service: Provided, That this evaluation will address the number of individuals retired from the Armed Forces under conditions of total disability; the cost of extending concurrent benefits to these individuals; the

comparability of the policy to Office of Personnel Management guidelines for civilian federal employees; the comparability of this policy to prevailing private sector standards; the number of individuals potentially eligible for concurrent benefits who now receive other forms of federal assistance and the cost of that assistance: Provided further, That the Secretary shall submit this report not later than March 15, 1995.

And the Senate agree to the same.

Amendment numbered 189:

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows:

Delete all the matter in said amendment appearing after "or rank in grade of the member." down to and including "preceding calendar quarter." and insert in lieu thereof:

(c) *REPORTS*.—Not later than April 15 and October 15 of each calendar year while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a semi-annual report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding six months.

And the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8130. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

And the Senate agree to the same.

Amendment numbered 192:

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8132. The Secretary of Defense, from within funds provided in this Act, may obligate not to exceed \$75,000 to fulfill Department of Defense obligations under the Educational Loan Repayment Programs for state-sponsored student loan programs not covered under Title IV, Part B or E of the Higher Education Act of 1965 (Title 20 U.S.C. 1071-1087).

And the Senate agree to the same.

Amendment numbered 193:

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8133. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate, within sixty days of this Act becoming law, not less than \$39,750,000 from the funds appropriated in this Act or previous Acts under the heading "Aircraft Procurement, Navy", solely to procure, integrate, and install, on an urgent basis, AN/USH-42 mission recorders modified for use in S-3B aircraft.

And the Senate agree to the same.

Amendment numbered 194:

That the House recede from its disagreement to the amendment of the Senate num-

bered 194, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8134. Subparagraph (B) of section 7306(d)(1) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7306(a) of such title of the aircraft carrier U.S.S. Saratoga (CV-60) to the U.S.S. Saratoga Museum Foundation, Inc., a foundation organized under the laws of the State of Florida.

And the Senate agree to the same.

Amendment numbered 195:

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

RESTRICTION ON FUNDING UNITED STATES MILITARY PERSONNEL IN SOMALIA

SEC. 8135. None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel, except for the protection of United States personnel, after September 30, 1994.

And the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

Delete the word "Congress" named in said amendment in four instances and insert in lieu thereof: *Senate*; and the Senate agree to the same.

Amendment numbered 199:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8139. Notwithstanding any other provision of law, the Secretary of a military department may enter into a contract for use of commercial or proprietary credit card services for augmenting or replacing any in-house account receivable system in use by a nonappropriated fund instrumentality under the jurisdiction of that Secretary if the Secretary determines that such contract is in the best interest of that department: Provided, That any Department of Defense initiative to contract for credit card services shall require full and open competitive procedures and be based on the program concepts determined by the military department(s) morale, welfare and recreation (MWR) and service division(s) affected by such initiative.

And the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8140. It is the sense of the Congress that the Secretary of Defense should name the new research facility under construction to house the Walter Reed Army Institute of Research, in honor of Senator Daniel K. Inouye.

And the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

Delete the word "availability" named in said amendment and insert in lieu thereof: *available*; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

Delete the word "Senate" named in said amendment and insert in lieu thereof: *Congress*; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8144. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

And the Senate agree to the same.

Amendment numbered 207:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8147. Of the funds appropriated by title VIII of Public Law 102-396 (106 Stat. 1899) for defense reinvestment for economic growth, the unobligated balance of the funds made available by such title for military service members occupational conversion and training shall remain available for obligation until September 30, 1995.

And the Senate agree to the same.

Amendment numbered 208:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8148. Under the heading "Humanitarian Assistance" in title II of this Act, on line one, strike "For transportation for" and insert in lieu thereof "For": Provided, That the proviso contained under this heading in the Department of Defense Appropriations Act for 1994 (Public Law 103-139) is hereby repealed.

And the Senate agree to the same.

Amendment numbered 210:

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8150. In addition to amounts appropriated elsewhere in this Act to the Department of Defense, \$14,200,000 is authorized and appropriated only for the Utility Reconfiguration Project at the Philadelphia Naval Complex.

And the Senate agree to the same.

Amendment numbered 211:

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8151. Notwithstanding section 303(a) (5) and (6) of the Defense Production Act, or any other provision of law, the Department of Defense will negotiate and award an appropriate contract to the sole domestic producer of nuclear steam generator tubing for aircraft carriers, in an amount not to exceed \$17,500,000 from funds provided in Public Law 103-139 for Defense Production Act Purchases.

And the Senate agree to the same.

Amendment numbered 212:

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows:

In lieu of the sum "\$78,265,000" named in said amendment insert: *\$93,265,000*; and the Senate agree to the same.

Amendment numbered 213:

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8153. No funds appropriated by this Act may be obligated or expended during fiscal year

1995 for retiring, or preparing to retire, any B-52H, B-1B, or F-111 bomber aircraft.

SEC. 8154. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8155. Amendments to Public Law 103-317 (including rescission).

(a) Of the funds appropriated under the heading, "Contributions to International Organizations" in Public Law 103-317, \$4,561,000 are rescinded. In addition, under this heading in said Public Law, delete "; of which not to exceed \$4,000,000 is available to pay arrearages, the payment of which" and substitute "; Provided, That any payment of arrearages made from these funds".

(b) Under the heading, "Payment to the Asia Foundation" in Public Law 103-317, delete "\$10,000,000" and substitute "\$15,000,000".

(c) Under the heading "Securities and Exchange Commission", "Salaries and Expenses", in Public Law 103-317, insert the following:

"For an additional amount for 'Salaries and Expenses', \$192,000,000: Provided, That such amount is available only upon enactment of legislation that continues for fiscal year 1995 the rate of fees collected under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), as provided by Public Law 103-121 (107 Stat. 1168), at 1/20th of one percent and that deposits the difference in such fees (between 1/50th of one percent and 1/20th of one percent) as an offsetting collection to this appropriation: Provided further, That the total amount appropriated for fiscal year 1995 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1995 appropriation from the General Fund estimated at not more than \$74,856,000: Provided further, That any such fees collected in excess of \$192,000,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995."

SEC. 8156. Of the amounts provided in title III of this Act, \$304,900,000 are permanently canceled: Provided, That the Secretary of Defense shall allocate the amount of budgetary resources canceled by this section in an equal percentage to each program, project and activity funded in title III of this Act.

(RESCISSION)

SEC. 8157. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount:

"Aircraft Procurement, Navy, 1993/1995", \$200,000,000.

(TRANSFER OF FUNDS)

SEC. 8158. Of the funds provided in Title II of this Act under the heading "Operation and Maintenance, Defense-Wide", \$500,000,000 shall be transferred to the following accounts in the specified amounts:

"Operation and Maintenance, Army", \$140,000,000;

"Operation and Maintenance, Navy", \$140,000,000;

"Operation and Maintenance, Marine Corps", \$80,000,000;

"Operation and Maintenance, Air Force", \$140,000,000.

And the Senate agree to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1995".

TITLE IX—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION

The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, namely:

DEPARTMENT OF DEFENSE MANAGEMENT FUNDS EMERGENCY RESPONSE FUND

For the "Emergency Response Fund", \$299,300,000: Provided, That these funds may be used to reimburse other appropriations of the Department of Defense available during fiscal year 1994 for costs incurred before the date of the enactment of this Act for emergency relief for Rwanda and for emergency migrant processing and safe haven costs in or around Cuba and may be used to reimburse other appropriations available to the Department of Defense for costs incurred for the same purposes: Provided further, That the entire amount under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That any change in the United States mission in Rwanda from one of strict refugee relief to security, peace-enforcing, or nation-building or any other substantive role shall not be implemented without the further approval of the Congress: Provided further, That no funds provided in this Act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, except for any action that is necessary to protect the lives of United States citizens.

And the Senate agree to the same.

- JOHN P. MURTHA,
- NORMAN D. DICKS,
- CHARLES WILSON,
- W.G. (BILL) HEFNER,
- MARTIN OLAV SABO,
- JULIAN C. DIXON,
- PETER J. VISCLOSKEY,
- GEORGE (BUDDY) DARDEN,
- DAVID R. OBEY,
- JOSEPH M. MCDADE,
- C.W. BILL YOUNG,
- BOB LIVINGSTON,
- JERRY LEWIS,
- JOE SKEEN,

Managers on the Part of the House.

- DANIEL K. INOUE,
- FRITZ HOLLINGS,
- J. BENNETT JOHNSTON,
- ROBERT BYRD,
- PATRICK J. LEAHY,
- JIM SASSER,
- DENNIS DECONCINI,
- DALE BUMPERS,
- FRANK R. LAUTENBERG,
- TOM HARKIN,
- TED STEVENS,
- ALFONSE D'AMATO,
- THAD COCHRAN,
- ARLEN SPECTER,
- PETE V. DOMENICI,
- DON NICKLES,
- PHIL GRAMM,
- CHRISTOPHER S. BOND,
- MARK O. HATFIELD,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

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

The question being put, viva voce,

Will the House agree to said conference report?

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

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

A quorum not being present,

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

When there appeared { Yeas 327
Nays 86

116.6 [Roll No. 446] YEAS—327

- | | | |
|--------------|----------------|---------------|
| Abercrombie | Ewing | Leach |
| Ackerman | Farr | Lehman |
| Andrews (ME) | Fazio | Levin |
| Andrews (NJ) | Filner | Levy |
| Andrews (TX) | Fingerhut | Lewis (CA) |
| Baessler | Fish | Lewis (FL) |
| Baker (LA) | Flake | Lewis (GA) |
| Ballenger | Foglietta | Lewis (KY) |
| Barca | Ford (MI) | Lightfoot |
| Barcia | Ford (TN) | Lipinski |
| Barlow | Fowler | Livingston |
| Barrett (NE) | Franks (CT) | Long |
| Bateman | Frost | Lowe |
| Beilenson | Furse | Lucas |
| Bentley | Galleghy | Machtley |
| Bereuter | Gejdenson | Maloney |
| Berman | Gephardt | Mansueti |
| Bevill | Geren | Manton |
| Bilbray | Gibbons | Manzullo |
| Bilirakis | Gilchrist | Margolies- |
| Bishop | Gillmor | Mezvinsky |
| Blackwell | Gilman | Markey |
| Bliley | Gingrich | Martinez |
| Blute | Glickman | Matsui |
| Boehlert | Gonzalez | Mazzoli |
| Boehner | Goodlatte | McCandless |
| Bonilla | Gordon | McCloskey |
| Bonior | Grandy | McCollum |
| Borski | Green | McDade |
| Boucher | Greenwood | McDermott |
| Brewster | Gunderson | McHale |
| Brooks | Gutierrez | McHugh |
| Browder | Hall (OH) | McKeon |
| Brown (CA) | Hall (TX) | McKinney |
| Brown (FL) | Hamburg | McMillan |
| Brown (OH) | Hamilton | Meehan |
| Bryant | Harman | Meek |
| Byrne | Hastert | Menendez |
| Callahan | Hastings | Mfume |
| Calvert | Hefner | Mica |
| Camp | Hinche | Michel |
| Canady | Hoagland | Miller (CA) |
| Cantwell | Hobson | Mineta |
| Cardin | Hochbrueckner | Mink |
| Carr | Holden | Moakley |
| Castle | Horn | Molinari |
| Chapman | Houghton | Mollohan |
| Clay | Hoyer | Montgomery |
| Clayton | Hughes | Moorhead |
| Clinger | Hunter | Moran |
| Clyburn | Hutchinson | Morella |
| Coleman | Hyde | Murphy |
| Collins (GA) | Inhofe | Murtha |
| Collins (MI) | Inslee | Neal (MA) |
| Condit | Istook | Oberstar |
| Cooper | Jacobs | Obey |
| Coppersmith | Johnson (CT) | Olver |
| Costello | Johnson (GA) | Ortiz |
| Coyne | Johnson (SD) | Orton |
| Cramer | Johnson, E. B. | Owens |
| Cunningham | Kanjorski | Oxley |
| Danner | Kaptur | Packard |
| Darden | Kasich | Pallone |
| de la Garza | Kennedy | Parker |
| Deal | Kennelly | Pastor |
| DeLauro | Kildee | Payne (NJ) |
| Derrick | Kim | Payne (VA) |
| Deutsch | King | Pelosi |
| Dickey | Kingston | Peterson (FL) |
| Dicks | Kleczka | Pickett |
| Dingell | Klink | Pickle |
| Dixon | Kolbe | Pombo |
| Dooley | Kopetski | Pomeroy |
| Durbin | Kreidler | Porter |
| Edwards (TX) | LaFalce | Portman |
| Emerson | Lambert | Poshard |
| Engel | Lancaster | Price (NC) |
| English | Lantos | Pryce (OH) |
| Eshoo | LaRocco | Quillen |
| Evans | Laughlin | Quinn |
| Everett | Lazio | Rahall |

Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Shuster

Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)

Thornton
Thurman
Torres
Torrice
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NAYS—86

Allard
Archer
Army
Bachus (AL)
Barrett (WI)
Bartlett
Barton
Becerra
Bunning
Burton
Buyer
Clement
Coble
Collins (IL)
Combust
Conyers
Cox
Crane
Crapo
DeFazio
DeLay
Dellums
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)

Ehlers
Fawell
Fields (TX)
Frank (MA)
Franks (NJ)
Gekas
Goodling
Goss
Grams
Hancock
Hansen
Hefley
Herger
Hoekstra
Hoke
Huffington
Inglis
Johnson, Sam
Johnston
Klein
Klug
Knollenberg
Kyl
Linder
McInnis
Meyers
Miller (FL)
Minge
Myers

Nadler
Nussle
Paxon
Penny
Peterson (MN)
Petri
Ramstad
Roberts
Royce
Sanders
Saxton
Schaefer
Sensenbrenner
Shays
Solomon
Stump
Thomas (WY)
Walker
Watt
Waxman
Woolsey
Wyden
Zeliff
Zimmer

NOT VOTING—21

Applegate
Bachus (FL)
Baker (CA)
Fields (LA)
Gallo
Hayes
Hilliard

Hutto
Jefferson
Lloyd
McCrery
McCurdy
McNulty
Neal (NC)

Slattery
Smith (IA)
Sundquist
Thompson
Torkildsen
Washington
Wheat

So the conference report was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶116.7 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. McDERMOTT, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, September 28, 1994.

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

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

Mr. SOLOMON demanded that the vote be taken by the yeas and nays,

which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 249
Nays 163

¶116.8 [Roll No. 447]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Bastenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combust
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor

Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchev
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inglis
Insee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kantor
Kennedy
Kennelly
Kildee
Kingston
Klecza
Klein
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Long
Lowe
Maloney
Mann
Manton
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver

Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torrice
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—163

Allard
Archer
Army
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehler
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clayton
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrist
Gringrich
Goodlatte

Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella

Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Applegate
Bachus (FL)
Boehner
Fields (LA)
Gallo
Hayes
Hilliard
Hutto

Klink
Lloyd
McCrery
McCurdy
McNulty
Sabo
Slattery
Sundquist

Synar
Thompson
Torkildsen
Washington
Wheat
Williams

So the Journal was approved.

¶116.9 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, 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. 4556), "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

¶116.10 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 349

Mr. FROST, by direction of the Committee on Rules, called up the following resolution (H. Res. 550):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Govern-

ment, and for other purposes. All points of order against the conference report and against its consideration are waived except for the provisions of clause 2 of rule XXVIII (the three-day availability requirement for conference reports). The conference report shall be considered as read.

When said resolution was considered. After debate,

116.11 WORDS TAKEN DOWN

Mr. BRYANT, during debate addressed the House, and during the course of his remarks,

Mr. WALKER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

You have misquoted me pretty grossly, Mr. OXLEY. You are one of the Members for whom I have a great deal of respect and admire very much in this institution, but I find it very hard to understand why you would simply not come forward and say, as those of you who are speaking on that side, or thinking—We want to play free golf, we want free meals. You are not concerned about charity, you are not concerned about congressional baseball, you are just concerned about more freebies, and this bill says no to the freebies-seeking Members of Congress, who I regret to say are a small minority of this House, yet you create a bad impression for the rest of us. This bill says no.

On motion of Mr. BRYANT, by unanimous consent, the words were withdrawn.

By unanimous consent, the SPEAKER pro tempore, Mrs. MEEK, recognized Mr. BRYANT to proceed in order. After further debate,

116.12 CALL OF THE HOUSE

The SPEAKER pro tempore, Mrs. MEEK, recognized Mr. DREIER to move a call of the House.

On motion of Mr. DREIER, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

116.13 [Roll No. 448]

ANSWERED "PRESENT"—408

Abercrombie Bonilla Combest
 Ackerman Bonior Condit
 Allard Borski Conyers
 Andrews (ME) Boucher Cooper
 Andrews (NJ) Brewster Coppersmith
 Andrews (TX) Browder Costello
 Armye Brown (CA) Cox
 Bachus (AL) Brown (FL) Coyne
 Baesler Brown (OH) Cramer
 Baker (CA) Bryant Crane
 Baker (LA) Bunning Crapo
 Ballenger Burton Cunningham
 Barca Buyer Danner
 Barcia Byrne Darden
 Barlow Callahan de la Garza
 Barrett (NE) Calvert Deal
 Barrett (WI) Camp DeFazio
 Bartlett Canady DeLauro
 Barton Cantwell DeLay
 Bateman Cardin Dellums
 Becerra Carr Derrick
 Beilenson Castle Deutsch
 Bentley Chapman Diaz-Balart
 Bereuter Clay Dickey
 Bevill Clayton Dicks
 Bilbray Clement Dingell
 Bilirakis Clinger Dixon
 Bishop Clyburn Doolittle
 Blackwell Coble Dorman
 Bliley Coleman Dreier
 Blute Collins (GA) Duncan
 Boehlert Collins (IL) Dunn
 Boehner Collins (MI) Durbin

Edwards (TX) Kopetski
 Ehlers Kreidler
 Emerson Kyl
 Engel LaFalce
 English Lambert
 Eshoo Lancaster
 Evans Lantos
 Everett LaRocco
 Ewing Laughlin
 Farr Lazio
 Fawell Leach
 Fazio Lehman
 Fields (TX) Levin
 Filner Levy
 Fingerhut Lewis (CA)
 Fish Lewis (FL)
 Flake Lewis (GA)
 Foglietta Lewis (KY)
 Ford (MI) Lightfoot
 Ford (TN) Linder
 Fowler Lipinski
 Franks (CT) Livingston
 Franks (NJ) Long
 Frost Lowey
 Furse Lucas
 Gallegly Machtley
 Gejdenson Maloney
 Gekas Mann
 Gephardt Manton
 Geren Manzullo
 Gibbons Margolies-
 Gilchrest Mezvinsky
 Gillmor Markey
 Gilman Martinez
 Gingrich Matsui
 Glickman Mazzoli
 Gonzalez McCandless
 Goodlatte McCloskey
 Gordon McCollum
 Goss McDermott
 Grams McHale
 Grandy Shuster
 Green McInnis
 Greenwood McKeon
 Gunderson McKinney
 Gutierrez McMillan
 Hall (OH) Meehan
 Hall (TX) Meek
 Hamburg Menendez
 Hamilton Meyers
 Hancock Mica
 Hansen Michel
 Harman Miller (CA)
 Hastert Miller (FL)
 Hastings Mineta
 Hefley Minge
 Hefner Mink
 Herger Moakley
 Hinchey Molinari
 Hoagland Mollohan
 Hobson Montgomery
 Hochbrueckner Moorhead
 Hoekstra Moran
 Hoke Morella
 Holden Murphy
 Horn Murtha
 Houghton Myers
 Hoyer Nadler
 Huffington Neal (MA)
 Hughes Neal (NC)
 Hunter Nussle
 Hutchinson Oberstar
 Hyde Inglis
 Inhofe Ortiz
 Inslee Orton
 Istook Owens
 Jacobs Oxley
 Jefferson Packard
 Johnson (CT) Pallone
 Johnson (GA) Parker
 Johnson (SD) Pastor
 Johnson, E. B. Paxon
 Johnson, Sam Payne (NJ)
 Johnston Payne (VA)
 Kanjorski Pelosi
 Kaptur Penny
 Kasich Peterson (FL)
 Kennedy Peterson (MN)
 Kennelly Petri
 Kildee Pickett
 Kim Pickle
 King Pomo
 Kingston Pomeroy
 Kleczka Porter
 Klein Portman
 Klink Poshard
 Klug Price (NC)
 Knollenberg Pryce (OH)
 Kolbe Quillen

Quinn
 Rahall
 Ramstad
 Rangel
 Ravenel
 Reed
 Regula
 Reynolds
 Richardson
 Roberts
 Roemer
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Rose
 Rostenkowski
 Roth
 Roukema
 Rowland
 Roybal-Allard
 Royce
 Rush
 Sabo
 Sanders
 Sangmeister
 Santorum
 Sarpaluis
 Sawyer
 Saxton
 Schaefer
 Schenk
 Schiff
 Schroeder
 Schumer
 Scott
 Sensenbrenner
 Serrano
 Sharp
 Shaw
 McCollum
 Shays
 Shepherd
 Shuster
 Siskey
 Skaggs
 Skeeen
 Skelton
 Slaughter
 Smith (IA)
 Smith (MI)
 Smith (NJ)
 Smith (OR)
 Smith (TX)
 Snowe
 Solomon
 Spence
 Spratt
 Stearns
 Stenholm
 Stokes
 Strickland
 Studds
 Stump
 Moran
 Sundquist
 Sweet
 Swift
 Synar
 Talent
 Tanner
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Tejeda
 Thomas (CA)
 Thomas (WY)
 Thornton
 Thurman
 Torkildsen
 Torres
 Torricelli
 Towns
 Traficant
 Tucker
 Unsoeld
 Upton
 Valentine
 Velazquez
 Vento
 Visclosky
 Volkmer
 Vucanovich
 Walker
 Walsh
 Waters
 Watt
 Waxman
 Weldon
 Whitten
 Williams
 Wilson

Wise
 Wolf
 Woolsey
 Wyden
 Wynn
 Yates
 Young (AK)
 Young (FL)

Thereupon, the SPEAKER pro tempore, Mr. HASTINGS, announced that 408 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

After further debate, On motion of Mr. FROST, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

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

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

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 216 Nays 205

116.14 [Roll No. 449] YEAS—216

Abercrombie Fingerhut Margolies-
 Ackerman Flake Mezvinsky
 Andrews (ME) Foglietta Markey
 Andrews (NJ) Foley Martinez
 Andrews (TX) Ford (MI) Matsui
 Bacchus (FL) Ford (TN) Mazzoli
 Barca Frank (MA) McCloskey
 Barcia Franks (CT) McDermott
 Barlow Frost McHale
 Barrett (WI) Furse McKinney
 Becerra Gejdenson Meehan
 Beilenson Gephardt Menendez
 Berman Gibbons Mfume
 Bevill Glickman Miller (CA)
 Bilbray Gonzalez Mineta
 Bishop Gordon Minge
 Blackwell Green Mink
 Bonior Gutierrez Moakley
 Borski Hall (OH) Mollohan
 Boucher Hamburg Montgomery
 Brooks Hamilton Moran
 Browder Harman Morella
 Brown (CA) Hastings Murphy
 Brown (OH) Hefner Nadler
 Bryant Hilliard Neal (MA)
 Byrne Hinchey Neal (NC)
 Canady Hoagland Oberstar
 Cantwell Hochbrueckner Obey
 Cardin Hoyer Olver
 Carr Hughes Ortiz
 Clayton Inslee Owens
 Clyburn Jacobs Pallone
 Coleman Jefferson Pastor
 Conyers Johnson (GA) Payne (NJ)
 Cooper Johnson (SD) Pelosi
 Coppersmith Johnson, E. B. Penny
 Costello Johnston Peterson (FL)
 Coyne Kanjorski Peterson (MN)
 Cramer Kaptur Pickle
 Danner Kennedy Pomeroy
 Darden Kennelly Poshard
 de la Garza Kildee Price (NC)
 DeFazio Kleczka Rahall
 DeLauro Klein Rangel
 Dellums Klink Reed
 Derrick Kopetski Reynolds
 Deutsch Kreidler Richardson
 Diaz-Balart LaFalce Ridge
 Dickey Lambert Roemer
 Dicks Lancaster Roybal-Allard
 Dingell Lantos Rush
 Dixon LaRocco Sabo
 Doolittle Levin Sanders
 Dorman Lewis (GA) Sangmeister
 Dreier Lipinski Sawyer
 Duncan Long Schenk
 Dunn Lowey Schroeder
 Durbin Mann Schumer
 Scott
 Serrano

Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak

Swift
Synar
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torrice
Towns
Tucker
Unsoeld
Velazquez
Vento

Viscosky
Volkmer
Waters
Watt
Waxman
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—205

Allard
Archer
Army
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chapman
Clay
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich

Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murtha
Myers
Nussle
Orton
Oxley
Packard

Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Sweet
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Applegate
Fields (LA)
Gallo
Hayes
Hutto

Lloyd
McCrary
McCurdy
McDade
McNulty

Slattery
Thompson
Washington
Wheat

116.15 LOBBYING DISCLOSURE

Mr. BRYANT, pursuant to House Resolution 550, called up the following conference report (Rept. No. 103-750):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 349), to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the House amendments, insert the following:

TITLE I—LOBBYING DISCLOSURE

SECTION 101. SHORT TITLE.

This title may be cited as the "Lobbying Disclosure Act of 1994".

SEC. 102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 103. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is—

(A) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments; or

(B) an individual member or members, when the lobbying activities are conducted on behalf of, and financed separately by, 1 or more individual members and not by the coalition's or association's dues and assessments.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined

in section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))).

(8) GRASSROOTS LOBBYING COMMUNICATIONS.—The term "grassroots lobbying communications" means—

(A) any communication that attempts to influence a matter described in clause (i), (ii), (iii), or (iv) of section 103(10)(A) through an attempt to affect the opinions of the general public or any segment thereof;

(B) any communication between an organization and any bona fide member of such organization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of section 103(10)(A); and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include grassroots lobbying communications to the extent that such communications are made in support of a lobbying contact. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of "lobbying contact" under paragraph (10)(B).

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grassroots lobbying

So the resolution was agreed to.

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

communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing Federal income tax returns under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986, unless such communications are made by another registrant or any person or entity required to be identified under section 104(b)(5).

(10) LOBBYING CONTACT.—

(A) DEFINITION.—The term “lobbying contact” means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(II) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code, in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term “lobbying contact” does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a),

if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act; and

(II) the Securities and Exchange Commission,

relating to the regulatory responsibilities of such organization under that Act.

(11) LOBBYING FIRM.—The term “lobbying firm” means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(12) LOBBYIST.—The term “lobbyist” means any individual who is employed or retained by a client for financial or other compensation for services that include one or more lobbying contacts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(13) MEDIA ORGANIZATION.—The term “media organization” means a person or en-

tity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(14) MEMBER OF CONGRESS.—The term “Member of Congress” means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(15) ORGANIZATION.—The term “organization” means a person or entity other than an individual.

(16) PERSON OR ENTITY.—The term “person or entity” means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(17) PUBLIC OFFICIAL.—The term “public official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(18) STATE.—The term “State” means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 104. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed \$2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed \$5,000,

(as estimated under section 105) in the semi-annual period described in section 105(a) during which the registration would be made is

not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this title; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period, rounded to the nearest \$500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than \$5,000 toward the lobbying activities of the registrant in a semiannual period described in section 105(a); and

(B) participates significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than \$5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) the name, address, and principal place of business of any person or entity retained by the registrant to conduct grassroots lobbying communications on behalf of the registrant or the client (other than an employee of the registrant or a person or entity that is separately registered under this title in connection with such representation);

(6) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(7) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the

same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client, may so notify the Director and terminate its registration.

SEC. 105. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) GENERAL RULE.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed \$2,500; or

(ii) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed \$5,000,

in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b) or paragraph (4) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 104(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client;

(D) a description of the interest, if any, of any foreign entity identified under section 104(b)(4) in the specific issues listed under subparagraph (A); and

(E) a list of the specific issues on which any person or entity required to be identified under section 104(b)(5) has engaged in grassroots lobbying communications on behalf of the client;

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period;

(5) the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client; and

(6) a good faith estimate of the total expenses that the registrant and its employees incurred in connection with grassroots lobbying communications on behalf of the client (including any amount paid, in connection with such communications, to a person or entity required to be identified under section 104(b)(5)).

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) \$100,000 OR LESS.—Income or expenses of \$100,000 or less shall be estimated in accordance with the following categories:

(A) \$10,000 or less.

(B) More than \$10,000 but not more than \$20,000.

(C) More than \$20,000 but not more than \$50,000.

(D) More than \$50,000 but not more than \$100,000.

(2) MORE THAN \$100,000 BUT NOT MORE THAN \$500,000.—Income or expenses in excess of \$100,000 but not more than \$500,000 shall be estimated and rounded to the nearest \$50,000.

(3) MORE THAN \$500,000.—Income or expenses in excess of \$500,000 shall be estimated and rounded to the nearest \$100,000.

(4) ESTIMATES BASED ON TAX REPORTING SYSTEM.—In the case of any registrant that is required to report and does report lobbying expenditures as required by section 6033(b)(8) of the Internal Revenue Code of 1986, regulations prescribed under section 107 shall provide that the registrant may make a good faith estimate of applicable amounts that would be required to be disclosed under such section of the Internal Revenue Code of 1986 for the applicable semiannual period (by category of dollar value) to meet the requirements of subsections (b)(4) and (b)(6), if each time the registrant makes such an estimate, the registrant informs the Director that the registrant is making such an estimate.

(5) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

(d) CONTACTS.—

(1) CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

(2) CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter that is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

(3) CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress

shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

(e) **EXTENSION FOR FILING.**—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING FIRMS, AND AGENTS OF FOREIGN PRINCIPALS.

(a) **IN GENERAL.**—

(1) **PROHIBITION.**—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(2) **DEFINITION.**—For purposes of this section—

(A) the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value and such term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

(B) a gift to the spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official) shall be considered a gift to the covered legislative branch official if it is given with the knowledge and acquiescence of the covered legislative branch official and is given because of the official position of the covered legislative branch official.

(b) **GIFTS.**—The prohibition in subsection (a) includes the following:

(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a covered legislative branch official.

(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a covered legislative branch official (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official.

(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a covered legislative branch official.

(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of covered legislative branch officials.

(c) **NOT GIFTS.**—The following are not gifts subject to the prohibition in subsection (a):

(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) Food or refreshments of nominal value offered other than as part of a meal.

(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a covered legislative branch official, if such benefits are customarily provided to others in similar circumstances.

(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(6) Informational materials that are sent to the office of a covered legislative branch official in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

(d) **GIFTS GIVEN FOR A NONBUSINESS PURPOSE AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.**—

(1) **IN GENERAL.**—A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

(2) **NONBUSINESS PURPOSE.**—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(3) **FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.**—In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(B) Whether the gift was purchased by the individual who gave the item.

(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other covered legislative branch officials.

SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) **ESTABLISHMENT AND DIRECTOR.**—

(1) **ESTABLISHMENT.**—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(2) **DIRECTOR.**—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years. The Director may be removed for cause.

(C) Section 5316 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Lobbying Registration and Public Disclosure".

(b) **ADMINISTRATIVE POWERS.**—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code, define their duties and responsibilities, and direct and supervise their activities;

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting,

personnel, and procurement) with the General Services Administration, or such Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services, but the contract authority under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duties with the Office such personnel within the agency head's administrative jurisdiction as the Office may need for carrying out its functions under this title, with or without reimbursement;

(4) request agency heads to provide information needed by the Office, which information shall be supplied to the extent permitted by law;

(5) utilize, with their consent, the services and facilities of Federal agencies with or without reimbursement;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for purposes of aiding or facilitating the work of the Office; and

(7) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) **COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.**—In order to avoid unnecessary expense and duplication of function among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may request for its assistance in the performance of its functions under this title.

(d) **DUTIES.**—The Director shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration and reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal

Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this title available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this title for a period that ends not less than 3 years after the termination of the registration under section 104(d); and

(B) reports filed under this title for a period that ends not less than 3 years after the date on which the report is received;

(8) maintain a computer record of—

(A) the information contained in registrations for a period that ends not less than 5 years after the termination of the registration under section 104(d); and

(B) the information contained in reports filed under this title for a period that ends not less than 5 years after the date on which the reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 104 and 105 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 109 (after exhaustion of all appeals under section 111) to have committed a major or minor violation of this title and submit such list to the Congress as part of the report provided for under paragraph (13);

(13) make available to the public upon request and transmit to the President, the Secretary of the Senate, the Clerk of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on the Judiciary of the House of Representatives a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this title, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate; and

(14) study the appropriateness of the definition of "public official" under section 103(17) and make recommendations for any change in such definition in the first report filed pursuant to paragraph (13).

SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall notify the person or entity in writing of the nature of the alleged violation and provide an opportunity for the person or entity to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title if the person or entity provides adequate information or explanation to make such determination; or

(B) make a formal request for information under subsection (c) or a notification under section 109(a), if the information or explanation provided is not adequate to make a determination under subparagraph (A).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision in accordance with section 110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person or entity has violated this title, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may assemble and make available for inspection and copying or reproduction the material so requested.

SEC. 109. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 108 indicates that a person or entity may have violated this title, the Director shall—

(1) notify the person or entity in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person or entity with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person or entity within that 30-day period, afford the person or entity an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under section 108 and this section (including evidence presented at any such hearing) and

make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a written decision in accordance with section 110—

(A) directing the person or entity to correct the violation; and

(B) assessing a civil monetary penalty—

(i) in the case of a minor violation, which shall be no more than \$10,000, depending on the extent and gravity of the violation;

(ii) in the case of a major violation, which shall be more than \$10,000, but no more than \$200,000, depending on the extent and gravity of the violation;

(iii) in the case of a late registration or filing, which shall be \$200 for each week by which the registration or filing was late, unless the Director determines that the failure to timely register or file constitutes a major violation (as defined under subsection (e)(2)) in which case the amount shall be as prescribed by clause (ii); or

(iv) in the case of a failure to provide information requested by the Director pursuant to section 108(c), which shall be no more than \$10,000, depending on the extent and gravity of the violation, except that no penalty shall be assessed if the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written decision in accordance with section 110.

(d) CIVIL INJUNCTIVE RELIEF.—If a person or entity fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person or entity to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation, whether the violation was voluntarily admitted and corrected, the extent to which the person or entity may have profited from the violation, the ability of the person or entity to pay, and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 107 shall define major and minor violations. Major violations shall be defined to include a failure to register and any other violation that is extensive or repeated, if the person or entity who failed to register or committed such other violation—

(A) had actual knowledge that the conduct constituted a violation;

(B) acted in deliberate ignorance of the provisions of this title or regulations related to the conduct constituting a violation; or

(C) acted in reckless disregard of the provisions of this title or regulations related to the conduct constituting a violation.

(f) LIMITATION.—No proceeding shall be initiated under section 108 or this section unless the Director notifies the person or en-

tity who is to be the subject of the proceeding of the alleged violation within 3 years after the date on which the alleged violation occurred.

SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to sections 108 and 109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) a new or amended report or registration filed under this title; or

(2) a written decision issued by the Director under this section.

(b) WRITTEN DECISIONS.—All written decisions issued by the Director under sections 108 and 109 shall be made available to the public. The Director may provide for the publication of a written decision if the Director determines that publication would provide useful guidance. Before making a written decision public, the Director—

(1) shall delete information that would identify a person or entity who was alleged to have violated this title if—

(A) there was insufficient evidence to determine that the person or entity violated this title or the Director found that person or entity did not violate this title, and

(B) the person or entity so requests; and

(2) shall delete information that would identify any other person or entity (other than a person or entity who was found to have violated this title), if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information.

SEC. 111. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person or entity adversely affected by a written decision issued by the Director under section 109 may appeal such decision, except as provided under section 109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 112. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the First Amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking “the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence” and inserting “any activity that the person engaging in believes will, or that the person intends to, in any way influence”;

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking “established agency proceedings, whether formal or informal.” and inserting “judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.”;

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

“(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.”;

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking “political propaganda” and inserting “informational materials”; and

(B) by striking “and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal”;

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking “political propaganda” and inserting “informational materials”; and

(B) by striking “(i) in the form of prints, or” and all that follows through the end of the subsection and inserting “without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.”;

(6) in section 4(c) (22 U.S.C. 614(c)), by striking “political propaganda” and inserting “informational materials”;

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking “and all statements concerning the distribution of political propaganda”;

(B) in subsection (b) by striking “, and one copy of every item of political propaganda”;

(C) in subsection (c) by striking “copies of political propaganda”;

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking “or in any statement under section 4(a) hereof con-

cerning the distribution of political propaganda”; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking “, including the nature, sources, and content of political propaganda disseminated or distributed”.

SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

“(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).”;

(2) in paragraph (3) by striking all that follows “loan shall contain” and inserting “the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.”; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting “or a lobbyist for a foreign entity (as the terms ‘lobbyist’ and ‘foreign entity’ are defined under section 103 of the Lobbying Disclosure Act of 1994)” after “an agent for a foreign principal”.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended (1) by inserting “or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 103(7) of that Act” after “an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938”, and (2) by striking out “, as amended,”.

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting “or a lobbyist for a foreign entity (as defined in section 103(7) of the Lobbying Disclosure Act of 1994)” after “an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)”.

SEC. 117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the applica-

tion of such provision to other persons and circumstances shall not be affected thereby.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.

SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 104; and

(2) identify any other foreign entity identified pursuant to section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11) on the effective date of this title, or as soon thereafter as reasonably practicable.

SEC. 121. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 106 shall take effect on January 3, 1995. Beginning on that date, and for the remainder of calendar year 1995, such section

shall apply to any gift provided by a lobbyist or an agent of a foreign principal registered under the Federal Regulation of Lobbying Act or the Foreign Agents Registration Act, including any person registered under such Acts as of July 1, 1994, or thereafter.

(c) ESTABLISHMENT OF OFFICE.—Sections 107 and 118 shall take effect on the date of enactment of this Act.

(d) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 113, 114, 115, and 116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(e) REGULATIONS.—Proposed regulations required to implement this title shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this title shall be published.

(f) PHASE-IN PERIOD.—No penalty shall be assessed by the Director under section 109(e) for a violation of this title, other than for a violation of section 106, which occurs during the first semiannual reporting period under section 105 after the effective date prescribed by subsection (a).

(g) INTERIM RULES.—

(1) REPORTING RULE.—A person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986 may make a good faith estimate (by category of dollar value) of the amount that would not be deductible pursuant to that section for the applicable semiannual period to meet the requirements of sections 104(a)(3), 105(a)(2), and 105(b)(4), if the person or entity—

(A) makes such an estimate to meet the requirements of each such section of this title for a given calendar year; and

(B) informs the Director that the person or entity is making such an estimate in any registration or report including such an estimate.

(2) DE MINIMUS RULE.—In determining whether its employees are lobbyists under section 103(12)—

(A) a person or entity that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986, and makes an estimate of expenses pursuant to section 105(c)(4) of this title to meet the requirements of sections 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6) of this title, shall, in lieu of using the definition of “lobbying activities” in section 103(9) of this title, consider as lobbying activities—

(i) activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986;

(ii) activities described in section 4911(d)(2)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official; and

(B) a person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986, and makes an estimate of ex-

penses pursuant to paragraph (1) of this subsection, shall, in lieu of using the definition of “lobbying activities” in section 103(9), consider as lobbying activities—

(i) activities that are influencing legislation within the meaning of section 162(e)(1)(A) of the Internal Revenue Code of 1986;

(ii) activities that are attempts to influence the general public, as described in section 162(e)(1)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official.

(3) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under paragraph (1) of this section and section 105(c)(4) and report to the Congress—

(A) the differences between the definition of “lobbying activities” in section 103(9) and the definitions of “lobbying expenditures”, “influencing legislation”, and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(B) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(C) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

(4) SUNSET PERIOD.—This subsection shall cease to be effective on December 31, 1998.

(h) INTERIM DIRECTOR.—Within 30 days after the date of the enactment of this Act, the President shall designate an interim Director of the Office of Lobbying Registration and Public Disclosure, who shall serve at the pleasure of the President until a Director of such Office has been nominated by the President and confirmed by the Senate. The interim Director may not promulgate final regulations pursuant to section 107(d) or initiate procedures for alleged violations pursuant to sections 108 and 109.

TITLE II—CONGRESSIONAL GIFT RULES

SEC. 201. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

“1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

“2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

“(b)(1) For the purpose of this Rule, the term ‘gift’ means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

“(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual’s relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

“(c) The restrictions in subparagraph (a) shall not apply to the following:

“(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

“(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

“(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

“(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

“(5) Any food or refreshments which the recipient reasonably believes to have a value of less than \$20.

“(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

“(7) Food, refreshments, lodging, and other benefits—

“(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

“(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

“(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

“(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

“(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

“(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

“(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

“(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

“(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

“(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

“(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

“(16) Bequests, inheritances, and other transfers at death.

“(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

“(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

“(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

“(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

“(21) Opportunities and benefits which are—

“(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

“(B) offered to members of a group or class in which membership is unrelated to congressional employment;

“(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

“(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

“(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

“(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

“(22) A plaque, trophy, or other memento of modest value.

“(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

“(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

“(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

“(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

“(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

“(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a

charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

“(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

“(e) No Member, officer, or employee may accept a gift the value of which exceeds \$250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

“(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

“(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

“(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

“3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

“(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

“(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

“(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

“(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

“(1) the name of the employee;

“(2) the name of the person who will make the reimbursement;

“(3) the time, place, and purpose of the travel; and

“(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

“(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

“(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

“(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

“(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

“(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

“(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

“(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

“(d) For the purposes of this paragraph, the term ‘necessary transportation, lodging, and related expenses’—

“(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

“(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

“(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

“(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

“(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.”

SEC. 202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended read as follows:

“4. (a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

“(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

“(c)(1) For the purpose of this clause, the term ‘gift’ means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

“(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual’s relationship with the Member, officer,

or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

“(d) The restrictions in paragraph (b) shall not apply to the following:

“(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

“(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

“(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

“(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

“(5) Any food or refreshments which the recipient reasonably believes to have a value of less than \$20.

“(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

“(7) Food, refreshments, lodging, and other benefits—

“(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

“(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

“(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

“(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

“(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

“(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

“(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

“(12) Donations of products from the State that the Member represents that are in-

tended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

“(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member’s home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

“(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

“(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

“(16) Bequests, inheritances, and other transfers at death.

“(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

“(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

“(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

“(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

“(21) Opportunities and benefits which are—

“(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

“(B) offered to members of a group or class in which membership is unrelated to congressional employment;

“(C) offered to members of an organization, such as an employees’ association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

“(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

“(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

“(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

“(22) A plaque, trophy, or other memento of modest value.

“(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

“(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

“(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member’s, officer’s, or employee’s official position; or

“(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

“(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor’s unsolicited offer

of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds \$250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the

appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received."

SEC. 203. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section."

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this title.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 204. EXERCISE OF CONGRESSIONAL RULE-MAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on May 31, 1995.

And the House agree to the same.

JOHN BRYAN,
DAN GLICKMAN,
MIKE SYNAR,

Managers on the Part of the House.

JOHN GLENN,
CARL LEVIN,
DANIEL K. AKAKA,
BILL COHEN,
TED STEVENS,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

Mr. GEKAS moved to recommit the conference report on S. 349 to the committee of conference with instructions for the managers on the part of the House to carry out the following:

(1) In the proposed section 103—

(A) strike out paragraph (8),

(B) strike out the second sentence of paragraph (9)(A), and

(C) strike out subparagraph (B) of paragraph (9),

(2) Strike out paragraph (5) of section 104(b).

(3) Strike out paragraph (6) of section 105(b).

(4) In the proposed section 103(10)(B)(xviii), strike out the material following subclause (II).

(5) In the proposed section 103, insert before the period at the end of paragraph (12) the following: "or a person who spends more than \$100,000 in a 6 month period to influence decisionmaking in the executive and legislative branch."

(6) In the proposed section 106(c), strike paragraph (2).

(7) In the proposed Rule XXXV of the Standing Rules of the Senate strike out subparagraphs (a) and (c) of paragraph 2 and in clause 4 of Rule XLIII of the Rules of the House of Representatives strike out paragraphs (b) and (d) of clause 4.

(8) In title I redesignate sections 112 through 121 as sections 113 through 122, respectively, and add after section 111 the following:

SEC. 112. LEGISLATIVE SERVICE ORGANIZATIONS.

(a) COVERAGE.—Any entity affiliated with a legislative service organization shall be considered a lobbyist subject to—

(1) the registration, reporting, and disclosure requirements of sections 104 and 105

(2) the prohibition of section 106, and

(3) the amendments to the Standing Rules of the Senate and the Rules of the House of Representatives made by title II.

(b) OTHER REQUIREMENTS.—Each entity affiliated with a legislative service organization shall report to the Office of Lobbying Registration and Public Disclosure—

(1) the names and salaries of its staff,

(2) arrangements made with others to share staff and costs,

(3) relationships with other organizations in connection with lobbying activities, and

(4) any contributions, gifts, or reimbursements received.

(c) REPORTS.—Any person, organization, or foreign government which makes any contribution to any entity affiliated with a legislative service organization during the semiannual period beginning on the first day of January or the first day of July of each year shall report such contribution to the Office of Lobbying Registration and Public Disclosure not later than 30 days after the end of that semiannual period.

(d) SPECIAL FORM.—For purposes of reporting, the Office of Lobbying Registration and Public Disclosure shall issue a form that clearly identifies reportable activity by or to an entity affiliated with a legislative service organization.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(2) The term "legislative service organization" refers to a particular category of working groups or caucuses organized to provide legislative services and assistance to Members of the House of Representatives and certified by the Committee on House Administration.

(3) The term "entity affiliated" means an organization which is described in at least 2 of the following:

(A) An organization which spends at least 10 percent of its funds in any year on—

(i) travel expenses for Members of Congress or congressional staff,

(ii) meals, receptions, or other food and beverage expenses on activities attended by Members of Congress or congressional staff, and

(iii) gifts (other than educational materials) to Members of Congress or congressional staff.

(B) An organization which has a name which is like or similar to the name of an entity of the House of Representatives, including a legislative service organization or congressional member organization, or uses the word "congressional" in its official name or title.

(C) An organization which has a Member of Congress serving on its board of directors or holding another controlling position.

In the proposed section 103(3), strike "and" at the end of subparagraph (F), strike the period at the end of subparagraph (G) and insert "; and", and insert after subparagraph (G) the following:

(H) any other officer or employee not otherwise described in this paragraph serving in a position in the executive branch that is classified at or above GS-14 of the General Schedule."

At the end of the bill, add:

Any penalty applicable to lobbyists or lobbying firms in this bill shall also apply to Members of Congress.

Pending consideration of said motion,

¶116.16 POINT OF ORDER

Mr. BRYANT made a point of order against the motion, and said:

"Madam Speaker, I make a point of order that the motion to recommit offered by the gentleman from Pennsylvania [Mr. GEKAS] is not in order, in that it instructs the conferees to carry out instructions which exceed the scope of the matters committed to conference. Specifically, the motion to recommit contains language which expands the definition of lobbyists and expands the definition of covered executive branch officials.

"Both of these expanded definitions exceed the scope of the matters committed to conference. Therefore, Madam Speaker, I insist on the point of order."

Mr. GEKAS was recognized to speak to the point of order, and said:

"Madam Speaker, I believe that the motion to recommit is in order. The important feature of the motion to recommit has to do with campaign contributions in which we feel that, as we argued in the well of the House, the big gift that we should be banning is campaign contributions by lobbyists, not just sandwiches."

The SPEAKER pro tempore, Ms. PELOSI, sustained the point of order, and said:

"The gentleman from Texas makes a point of order against the motion to recommit offered by the gentleman from Pennsylvania.

"As discussed in section 26.12, chapter 33 of Procedure in the U.S. House of Representatives, a motion to recommit a conference report may not instruct House conferees to include matter beyond the scope of differences committed to conference by either House.

"The motion offered by the gentleman from Pennsylvania includes several instructions that violate this principle. For example, the motion instructs conferees to expand the definition of 'lobbyist' as defined in both the Senate bill and House amendment to include not only persons who spend a

certain period of time engaging in lobbying activities while serving a client but also those who spend more than a certain dollar amount within a fixed period to influence decisionmaking.

"Another example is found in the instruction that expands the definition of 'covered executive branch official' as defined in both the Senate bill and House amendment to include a position in the executive branch that is classified at or above GS-14 of the General Schedule.

"The inclusion of even one of the above-described instructions provides the Chair with an adequate basis to find the entire motion out of order on the grounds the instructions exceed the scope of differences committed to conference. Accordingly, the point of order is sustained."

Mr. GEKAS moved to recommit the conference report on S. 349 to the committee of conference with instructions for the managers on the part of the House to carry out the following:

(1) In the proposed section 103—

(C) strike out subparagraph (B) of paragraph (9),

(2) Strike out paragraph (5) of section 104(b).

(3) Strike out paragraph (6) of section 105(b).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit the confereer report with instructions.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. PELOSI, announced that the nays had it.

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

A quorum not being present,

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

When there appeared { Yeas 202
Nays 215

¶116.17 [Roll No. 450]
YEAS—202

Allard	Chapman	Gekas
Archer	Clement	Geren
Armey	Clinger	Gilchrest
Bachus (AL)	Coble	Gillmor
Baesler	Collins (GA)	Gilman
Baker (CA)	Combest	Gingrich
Baker (LA)	Condit	Goodlatte
Ballenger	Costello	Goodling
Barrett (NE)	Cox	Goss
Bartlett	Crane	Grams
Barton	Crapo	Grandy
Bateman	Cunningham	Greenwood
Bentley	Deal	Gunderson
Bereuter	DeLay	Hall (TX)
Bilirakis	Diaz-Balart	Hancock
Bliley	Dickey	Hansen
Blute	Doolittle	Hastert
Boehlert	Dornan	Hefley
Boehner	Dreier	Hefner
Bonilla	Duncan	Herger
Brewster	Dunn	Hobson
Brooks	Ehlers	Hoekstra
Bunning	Emerson	Hoke
Burton	Everett	Holden
Buyer	Ewing	Horn
Callahan	Fawell	Houghton
Calvert	Fields (TX)	Huffington
Camp	Fowler	Hunter
Canady	Franks (NJ)	Hutchinson
Castle	Gallegly	Hyde

Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari

Montgomery
Moorhead
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Posthard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays

Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

Serrano
Sharp
Shepherd
Skaggs
Slaughter
Torres
Torres
Torrice
Towns
Tucker
Traficant
Tucker
Unsold
Velazquez
Vento
Visclosky

Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

Levy
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Long
Lowe
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McHugh
McInnis
McKinney
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi

Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)

Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torrice
Towns
Tucker
Unsold
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Hayes
Hutto
Lloyd
McCrary
McCurdy
McDade

McNulty
Owens
Slattery
Thompson
Washington
Wheat

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce, Will the House agree to said conference report?

The SPEAKER pro tempore, Ms. PELOSI, announced that the yeas had it.

Mr. GEKAS demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 306 Nays 112

NAYS—215

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Filner

Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Murtha
Hilliard
Hinche
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslie
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowe
Maloney
Mann
Manton

Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott

¶ 116.18 [Roll No. 451] AYES—306

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Billbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer

Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gedjenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon

Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hefner
Hilliard
Hinche
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hutchinson
Hyde
Inslie
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin

NOES—112

Archer
Army
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bateman
Bentley
Bilely
Boehner
Brewster
Brooks
Brown (FL)
Bunning
Burton
Buyer
Callahan
Camp
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cox
Crane
Cunningham
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Fields (TX)

Fowler
Gallegly
Gingrich
Goss
Grams
Grandy
Hall (TX)
Hancock
Hansen
Hastings
Hefley
Herger
Hoekstra
Houghton
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Laughlin
Lewis (CA)
Lewis (FL)
Livingston
Lucas
McCandless
McCollum
McKeon
McMillan
Meek
Mica
Miller (FL)

Molinari
Moorhead
Moran
Murtha
Myers
Orton
Oxley
Packard
Parker
Paxon
Pombo
Quillen
Ravenel
Roberts
Rohrabacher
Rowland
Royce
Rush
Sarpalius
Schaefer
Shuster
Skeen
Smith (OR)
Spence
Stearns
Stump
Talent
Tanner
Taylor (NC)
Thomas (CA)
Traficant
Vucanovich
Walker
Whitten
Wilson
Young (AK)

NOT VOTING—17

Applegate
Clyburn
Fields (LA)
Fish
Gallo
Hayes

Hutto
Lloyd
McCrary
McCurdy
McDade
McNulty

Owens
Slattery
Thompson
Washington
Wheat

So the conference report was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶116.19 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the Senate to the bill (H.R. 4650) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes."

¶116.20 PROVIDING FOR THE CONSIDERATION OF H.R. 4683

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 552):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed on hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

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

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

¶116.21 SOLID WASTE DISPOSAL

The SPEAKER pro tempore, Mr. SKAGGS, pursuant to House Resolution 552 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. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes.

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

¶116.22 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. RICHARDSON:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Flow Control Act of 1994".

SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

(A) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section after section 4010:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) AUTHORITY.—Each State and each political subdivision thereof is authorized to require the movement of municipal solid waste generated, and recyclable material voluntarily relinquished by its owner, within its jurisdiction to one or more waste management facilities or recycling facilities if such requirement—

"(1) is imposed pursuant to a law, ordinance, or other official act of the State or political subdivision in effect on May 15, 1994; and

"(2) has been implemented by designating before May 15, 1994, the particular management facilities in operation as of May 15, 1994, to which the municipal solid waste and recyclables must be moved.

Such authorization shall include any political subdivision that has in fact implemented such requirements prior to May 15, 1994, by requiring municipal solid waste to be sent to particular waste management facilities, but for which the legal authority for requiring such movement of municipal solid waste does not require the designation of particular facilities to receive such waste, or such legal authority resides in a designated official of the political subdivision. The authority of this section shall only extend to the specific classes or categories of municipal solid waste which were actually subject to a requirement of movement to one or more waste management facilities on or before May 15, 1994. With respect to each designated facility, the authority of this section shall be effective for the remaining life of a contract between the State or political subdivision and any other person regarding the movement or delivery of such waste or recyclable materials (as in effect May 15, 1994), or until completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994), or for the remaining useful life of the facility, whichever is longer.

"(b) CERTAIN REDESIGNATIONS OF FACILITIES.—Notwithstanding the restrictions in subsection (a)(2), any political subdivision of a State, which (1) required the movement of municipal solid waste or recyclable materials voluntarily relinquished by its owner to

one or more waste management facilities or recycling facilities prior to May 15, 1994; (2) declared its intent to redesignate the facilities receiving such materials prior to May 15, 1994, and (3) as of the date of enactment of this section is in the process of redesignating the facilities receiving such materials, shall be granted the authority in subsection (a).

"(c) COMMITMENT TO CONSTRUCTION.—Notwithstanding the restrictions in subsection (a)(1) and (2), any political subdivision of a State may be granted the authority in subsection (a), if—

"(1) the law, ordinance, regulation, solid waste management plan, or legally binding provision specifically provides for the transportation or disposal of municipal solid waste generated within its boundaries, was in effect prior to May 15, 1994, and, in the case of a solid waste management plan, has the approval of either the State or the Administrator pursuant to this title, and

"(2) commits to the selection of one or more waste management facilities for such method of transportation facilities or disposal of municipal solid waste. Such a commitment to one or more waste management facilities is demonstrated by one or more of the following factors—

"(A) all required permits for the construction of such facility were submitted prior to May 15, 1994.

"(B) contracts for the construction of such facility were in effect prior to May 15, 1994.

"(C) revenue bonds were presented for sale to specifically provide revenue for the construction of such facility prior to May 15, 1994, or

"(D) the State or subdivision submitted to the appropriate regulatory agency or agencies, on or before May 16, 1994, administratively complete permit applications for the construction and operation of the waste management facility.

"(d) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision shall consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes, and against any cause of action for nuisance, personal injury or property loss under any State law.

"(e) FLOW CONTROL STUDY.—The Administrator, in cooperation with the National Academy of Public Administration, shall conduct a study of the extent to which the decision of the United States Supreme Court in *C & A Carbone v. Clarkstown*, New York has affected the ability of public and private agencies and entities to secure or retain financing for solid waste management facilities or services. Such study shall address whether such decision is likely to interfere with the implementation of State solid waste management plans, and whether such decision is likely to reduce the increased use of recycling or composting. The Administrator shall submit a report on such study to Congress, together with recommendations

for needed legislation, if any, not later than March 31, 1996.

“(f) EFFECT ON OTHER LAWS.—Nothing in this section shall be interpreted or construed to have any effect on any other law relating to the protection of human health and the environment, or the management of municipal solid waste.

“(g) DEFINITIONS.—For the purposes of this section—

“(1) The term ‘municipal solid waste’ means solid waste generated by the general public and from residential, commercial, institutional, and industrial sources, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible materials and noncombustible materials such as metal and glass, including residue remaining after recyclable materials have been separated from waste destined for disposal, and including septage, except that the term does not include—

“(A) any waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances and Control Act,

“(B) any waste, including contaminated soil and debris, resulting from response taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602 or 9606) or a corrective action taken under this Act;

“(C) medical waste;

“(D) industrial waste;

“(E) recyclable materials; or

“(F) sludge.

“(2) The term ‘recyclable materials’ means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, composting or organic materials such as food and yard waste, or reuse (other than for the purpose of incineration), only to the extent that the generator or owner of the materials has voluntarily made the materials available to the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials, and the State or political subdivision assumes such rights to, or ownership of such materials.

“(3) The term ‘waste management facility’ means any facility collecting, separating, storing, transporting, transferring, treating, processing, or disposing of municipal solid waste.”.

“(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item after the item relating to section 4010:

“Sec. 4011. Congressional authorization of State control over movement of municipal solid waste and recyclable materials.”.

It was decided in the } Yeas 161
negative } Nays 244

¶116.23 [Roll No. 452]
AYES—161

Allard	Bliley	Crane
Andrews (TX)	Blute	Crapo
Archer	Boehner	Cunningham
Army	Boniilla	de la Garza
Bachus (AL)	Boucher	de Lugo (VI)
Baker (CA)	Bryant	DeLauo
Barca	Bunning	DeLums
Barcia	Byrne	Derrick
Barrett (NE)	Callahan	Deutsch
Bartlett	Camp	Diaz-Balart
Barton	Canady	Dick
Becerra	Chapman	Dingell
Beilenson	Conyers	English
Bentley	Coppersmith	Eshoo
Bereuter	Cox	Ewing
Berman	Cramer	Fields (TX)
		Filner

Fowler	Leach	Rohrabacher
Frost	Lewis (GA)	Romero-Barcelo
Furse	Lightfoot	(PR)
Gallegly	Linder	Roth
Geren	Livingston	Roybal-Allard
Gilchrist	Machtley	Royce
Gingrich	Maloney	Sanders
Glickman	Mann	Sarpaluis
Gonzalez	Manton	Schaefer
Goodlatte	Manzullo	Schiff
Goodling	Martinez	Scott
Grams	McCollum	Serrano
Grandy	McHale	Shepherd
Green	McInnis	Skeen
Gunderson	Mfume	Smith (MI)
Hall (TX)	Michel	Smith (OR)
Hancock	Mineta	Smith (TX)
Harman	Moorhead	Solomon
Hastert	Morella	Spence
Hefley	Nadler	Stenholm
Hoekstra	Norton (DC)	Stump
Huffington	Nussle	Swett
Hunter	Obey	Talent
Hutchinson	Ortiz	Tanner
Hyde	Parker	Tejeda
Inglis	Pastor	Thomas (WY)
Jefferson	Payne (VA)	Torkildsen
Johnson, E. B.	Pelosi	Torres
Johnson, Sam	Pickle	Towns
Kennedy	Pombo	Upton
Kim	Porter	Velazquez
Kingston	Poshard	Vucanovich
Klink	Pryce (OH)	Waters
Klug	Quinn	Watt
Kolbe	Rahall	Waxman
Kopetski	Reed	Wilson
Kyl	Richardson	Young (AK)
LaFalce	Roberts	Zeliff

NOES—244

Abercrombie	Edwards (CA)	Lantos
Ackerman	Ehlers	LaRocco
Andrews (ME)	Emerson	Lazio
Bacchus (FL)	Evans	Lehman
Baessler	Everett	Levin
Baker (LA)	Farr	Levy
Ballenger	Fawell	Lewis (CA)
Barlow	Fazio	Lewis (FL)
Barrett (WI)	Fingerhut	Lewis (KY)
Bateman	Flake	Lipinski
Bevill	Foglietta	Long
Bilbray	Ford (TN)	Lowey
Bilirakis	Frank (MA)	Lucas
Bishop	Franks (CT)	Margolies-
Blackwell	Franks (NJ)	Mezvinsky
Boehert	Gejdenson	Markey
Bonior	Gekas	Matsui
Borski	Gephardt	Mazzoli
Brewster	Gibbons	McCandless
Brooks	Gillmor	McCloskey
Browder	Gilman	McDermott
Brown (CA)	Gordon	McHugh
Brown (FL)	Goss	McKeon
Brown (OH)	Greenwood	McKinney
Burton	Gutierrez	McMillan
Buyer	Hall (OH)	Meehan
Cantwell	Hamburg	Meek
Cardin	Hamilton	Menendez
Carr	Hansen	Meyers
Castle	Hastings	Mica
Clay	Hefner	Miller (CA)
Clayton	Herger	Miller (FL)
Clement	Hilliard	Minge
Clinger	Hinchey	Mink
Coble	Hoagland	Moakley
Coleman	Hobson	Molinari
Collins (GA)	Hochbrueckner	Mollohan
Collins (IL)	Hoke	Montgomery
Collins (MI)	Holden	Moran
Combest	Horn	Murphy
Condit	Houghton	Myers
Cooper	Hughes	Neal (MA)
Costello	Inslee	Neal (NC)
Coyne	Istook	Oberstar
Danner	Jacobs	Olver
Darden	Johnson (CT)	Orton
Deal	Johnson (GA)	Oxley
DeFazio	Johnson (SD)	Packard
DeLauo	Johnston	Pallone
Dellums	Kanjorski	Paxon
Derrick	Kaptur	Payne (NJ)
Deutsch	Kasich	Penny
Diaz-Balart	Kennelly	Peterson (FL)
Dick	Kildee	Peterson (MN)
Dickens	Klecza	Petri
Dingell	Klein	Pickett
Dixon	Knollenberg	Pomeroy
Dooley	Kreidler	Portman
Dornan	Lambert	Price (NC)
Durbin	Lancaster	Ramstad

Rangel	Shaw	Thurman
Ravenel	Shays	Torricelli
Regula	Shuster	Traficant
Reynolds	Siskis	Tucker
Roemer	Skaggs	Unsoeld
Rogers	Skelton	Valentine
Ros-Lehtinen	Slaughter	Vento
Rose	Smith (IA)	Visclosky
Rostenkowski	Smith (NJ)	Volkmer
Roukema	Snowe	Walker
Rowland	Spratt	Walsh
Rush	Stearns	Weldon
Sabo	Strickland	Whitten
Sangmeister	Studds	Williams
Santorum	Stupak	Wise
Sawyer	Swift	Wolf
Saxton	Synar	Woolsey
Schenk	Tauzin	Wyden
Schroeder	Taylor (MS)	Wynn
Schumer	Taylor (NC)	Young (FL)
Sensenbrenner	Thomas (CA)	Zimmer
Sharp	Thornton	

NOT VOTING—34

Andrews (NJ)	Hoyer	Quillen
Applegate	Hutto	Ridge
Blumenthal	Inhofe	Slattery
Calvert	King	Stark
Clyburn	Laughlin	Stokes
Engel	Lloyd	Sundquist
Faleomavaega	(AS)	Thompson
(AS)	McCrery	Underwood (GU)
Fields (LA)	McCurdy	Washington
Fish	McDade	Wheat
Ford (MI)	McNulty	Yates
Gallo	Murtha	
Hayes	Owens	

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

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

When Mr. MONTGOMERY, Acting Chairman, pursuant to House Resolution 552, 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. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

“SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

“(a) AUTHORITY.—Each State and each qualified political subdivision may, in accordance with this section, exercise flow control authority within the boundaries of such State or political subdivision, as the case may be, for each of the following:

“(1) Municipal solid waste generated from household sources within the boundaries of the State or qualified political subdivision.

“(2) Municipal solid waste generated within the boundaries of the State or qualified political subdivision, if, before May 15, 1994, the State or qualified political subdivision adopted a law, ordinance, regulation, solid waste management plan or legally binding provision that—

“(A) exercised flow control authority over such solid waste with respect to a proposed or existing waste management facility designated before May 15, 1994, or

“(B) identified the use of 1 or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated

within its boundaries, and committed to the designation of 1 or more waste management facilities for that method or methods.

“(3) Recyclable materials generated within the boundaries of the State or subdivision. Any State or qualified political subdivision meeting the requirements of subparagraph (A) or (B) of paragraph (2) may also, after the effective date of this section, direct, limit, regulate or prohibit the transportation, management, and disposal of such solid waste from any existing or future waste management facility to any other existing or future waste management facility, and may do so without regard to subsection (b)(2).

“(b) LIMITATIONS.—(1) A State or qualified political subdivision may exercise the authority described in paragraph (3) of subsection (a) with respect to recyclable materials only if—

“(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

“(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

“(2) A State or qualified political subdivision may exercise the authority provided by subsection (a)(1) or (a)(3) only if the State or qualified political subdivision—

“(A) before exercising the authority described in subsection (a)(1), establishes a program to separate, or divert at the point of generation, recyclable materials from the municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect; and

“(B) after conducting 1 or more public hearings—

“(i) finds, on the basis of the record developed at the hearing or hearings that it is necessary to exercise the authority to meet the current solid waste management needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for management of municipal solid waste or recyclable materials; and

“(ii) provides a written explanation of the reasons of the finding described in clause (i).

“(3) The authority to direct, limit, regulate, or prohibit the transportation, management, or disposal of solid waste pursuant to subsection (a)(2) shall apply only to the specific classes or categories of solid waste to which the authority under subsection (a)(2)(A) was applied by the State or qualified political subdivision before May 15, 1994, and/or to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to designate a waste management facility under subsection (a)(2)(B).

“(4) The authority granted under subsection (a)(2) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding provision, 1 or more proposed or existing waste management facilities within 5 years of the date of enactment of this section.

“(c) COMPETITIVE DESIGNATION PROCESS.—A State or qualified political subdivision may exercise the authority provided by subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process with respect to waste management facilities or facilities for recyclable materials which—

“(1) ensures that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by

the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or subdivision;

“(2) sets forth the goals of the designation process, including at a minimum—

“(A) capacity assurance;

“(B) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

“(C) any other goals determined to be relevant by the State or qualified political subdivision;

“(3) identifies and compares reasonable and available alternatives and options for designation of the facilities;

“(4) provides for public participation and comment;

“(5) ensures that the designation of the facilities is accomplished through an open competitive process during which the State or qualified political subdivision—

“(A) identifies in writing the criteria to be utilized for selection of the facilities;

“(B) provides an opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

“(C) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

“(6) bases the designation of each such facility on reasons that shall be stated in a public record.

“(d) CERTIFICATION.—(1) A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under subsection (c).

“(2) In making a certification under paragraph (1), a Governor shall—

“(A) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

“(B) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that they satisfy the requirements of subsection (c);

“(C) provide interested persons an opportunity to comment on the proposed certification, for a period of time not less than 60 days after publication of the notice; and

“(D) public notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

“(e) OWNERSHIP OF RECYCLABLE MATERIALS.—

“(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision (or any designee thereof) to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision, unless the generator or owner voluntarily made the materials available to the State or qualified political subdivision (or any designee thereof) and relinquished any rights to, or ownership of, such materials.

“(2) PROHIBITION ON PROHIBITED TRANSFERS.—Nothing in this section shall prohibit any person from selling, purchasing, or accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless the generator or owner voluntarily made the materials available to the State or qualified political subdivision (or any designee thereof) and re-

linquished any rights to, or ownership of, such materials.

“(f) EXISTING LAWS AND CONTRACTS.—

“(1) IN GENERAL.—This section shall not supersede, abrogate, or otherwise modify any of the following:

“(A) Any contract or other agreement (including any contract containing an obligation to repay the outstanding indebtedness on any proposed or existing waste management facility) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility pursuant to a law, ordinance, regulation, solid waste management plan or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994.

“(B) Any other contract or agreement entered into before May 15, 1994, for the management of solid waste.

“(C)(i) Any law, ordinance, regulation, solid waste management plan or legally binding provision—

“(I) that is adopted before May 15, 1994; and

“(II) that pertain to the transportation, management, or disposal of municipal solid waste generated within the boundaries of a State or qualified political subdivision;

if the law, ordinance, regulation, solid waste management plan or legally binding provision is applied to the transportation, management, or disposal of municipal solid waste, generated from household sources within its boundaries, to a proposed or existing waste management facility designated before May 15, 1994, under such law, ordinance, regulation, solid waste management plan or legally binding provision.

“(ii) Any law, ordinance, regulation, solid waste management plan or legally binding provision—

“(I) that is adopted before May 15, 1994;

“(II) that pertains to the transportation, management, or disposal of municipal solid waste generated within the boundaries of a State or qualified political subdivision; and

“(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste that is generated, or is commingled with municipal solid waste that is generated, from commercial, institutional, or industrial sources within its boundaries, or construction debris or demolition debris, generated within its boundaries;

provided that the law, ordinance, regulation, solid waste management plan or legally binding provision is applied to the transportation, management, or disposal of such solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, under such law, ordinance, regulation, solid waste management plan or legally binding provision.

“(iii) Any law, ordinance, regulation, solid waste management plan or legally binding provision—

“(I) that is adopted before May 15, 1994; and

“(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision;

provided that the law, ordinance, regulation, solid waste management plan or legally binding provision is applied to the transportation or management of recyclable materials, that are generated within its boundaries and with respect to which the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, under such law, ordinance,

regulation, solid waste management plan or legally binding provision.

"(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

"(3) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall comply with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

"(g) SAVINGS CLAUSE.—(1) Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws and regulations that apply to the disposal or management of solid waste at waste management facilities or facilities for recyclable materials.

"(2) Nothing in this section shall be interpreted to authorize a qualified political subdivision to exercise the authority granted by this section in a manner inconsistent with State law.

"(h) EFFECT ON INTERSTATE COMMERCE.—The exercise of flow control authority in compliance with this section by a State or qualified political subdivision shall itself be considered a reasonable regulation of commerce and shall not itself be considered as imposing an undue burden on or otherwise impairing, restraining, or discriminating against interstate commerce.

"(i) DEFINITIONS.—As used in this section:

"(1) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct the transportation of such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

"(2) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—(i) The term 'municipal solid waste' means all waste materials discarded for disposal by households, including single and multifamily residences.

"(ii) The term also includes waste materials generated by commercial, institutional, and industrial sources, to the extent such wastes—

"(I) are essentially the same as waste normally generated by households; or

"(II) were collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d).

"(iii) The term includes residue remaining after recyclable materials have been sepa-

rated, or diverted at the point of generation, from waste materials described in clause (i) or (ii).

"(iv) The term also includes any waste material or waste substance removed from a septic tank, septic pit, or cesspool.

"(v) Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

"(B) EXCLUSIONS.—The term does not include any of the following:

"(i) Any solid waste identified or listed as a hazardous waste under section 3001.

"(ii) Solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

"(iii) Any solid waste, including contaminated soil and debris, resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606),

"(II) a response action taken under a State law with authorities comparable to the authorities of section 104 or 106, or

"(III) a corrective action taken under this Act.

"(iv) Recyclable materials.

"(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

"(vi) Industrial solid waste.

"(vii) Any solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator or a company with which the generator is affiliated.

"(viii) Any medical waste referred to in section 11002 that is segregated from, or not mixed with, solid waste.

"(4) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the governmental entity or political subdivision.

"(5) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

"(6) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste adopted by a State or qualified political subdivision pursuant to and conforming with State law.

"(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which solid waste is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

"(8) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The phrase 'Committed to the designation of one or more waste management facilities' as used in subsection (a)(2)(B) means that the State or qualified political subdivision, prior to May 15, 1994, was legally bound to designate one or more existing or future waste management facilities, or performed or

caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

"(A) Solicitation of proposals for designation of a waste management facility.

"(B) Purchase of land on which the waste management facility to be designated will be located.

"(C) Execution of a legally binding contract or franchise agreement for waste collection services expressly for the delivery of waste to a waste management facility to be designated.

"(D) Other action since January 1, 1993, that evidences recent significant financial commitment for the continuing development of a waste management facility for which a designation will be made unless such action has been halted by a court order based upon a ruling under the Constitution of the United States."

(b) TABLE OF CONTENTS.—The table of contents for such subtitle D is amended by adding at the end of the items relating to such subtitle the following new item:

"Sec. 4011. Congressional authorization of State control over transportation, management, and disposal of municipal solid waste."

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. ROEMER, announced that the yeas had it.

So the bill was passed.

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

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

¶116.24 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4299

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-766) the resolution (H. Res. 555) waiving points of order against the conference report to accompany the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

¶116.25 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 6

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-767) the resolution (H. Res. 556) waiving points of order against the conference report to accompany the bill (H.R. 6) to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for other purposes.

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

116.26 PROVIDING FOR THE
CONSIDERATION OF H.R. 4926

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 543):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4926) to require the Secretary of the Treasury to identify foreign countries which may be denying national treatment to United States banking organizations and to assess whether any such denial may be having a significant adverse effect on such organizations, and to require Federal banking agencies to take such assessments into account in considering applications by foreign banks under the International Banking Act of 1978 and the Bank Holding Company Act of 1956. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

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

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

116.27 BEGINNING FARMER TECHNICAL
CORRECTIONS ACT

On motion of Mr. JOHNSON of South Dakota, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 5065) to amend the Consolidated Farm and Rural Development Act to make technical corrections to certain provisions relating to beginning farmers and ranchers.

When said bill was considered and read twice.

Mr. JOHNSON of South Dakota submitted the following amendment in the nature of a substitute which was agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beginning Farmer Technical Corrections Act of 1994".

SEC. 2. LAND OWNERSHIP LIMITATION MADE INAPPLICABLE TO OPERATING LOANS.

Section 343(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)) is amended by adding after and below the end the following:

"As used in subtitle B, the term 'qualified beginning farmer or rancher' shall have the meaning given in the preceding sentence without regard to subparagraph (F)."

SEC. 3. GRADUATION OF BORROWERS WITHOUT REGARD TO YOUTH LOANS.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by adding at the end the following:

"(e) DISREGARD OF LOANS MADE TO YOUTHS.—As used in this section, the term 'loan' does not include any loan made under section 311(b)."

SEC. 4. DIRECT LOAN HISTORY AND GUARANTEE HISTORY TO BE CONSIDERED SEPARATELY IN APPLYING THE TRANSITION RULE FOR GRADUATION OF BORROWERS.

Section 319(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949(b)(2)) is amended to read as follows:

"(2) TRANSITION RULES.—

"(A) CONSIDERATION OF DIRECT LOAN HISTORY.—If, as of October 28, 1992, the Secretary has, for 5 or more years, made a loan to a borrower under this subtitle, then, after the 5th year (occurring after October 28, 1992) for which a loan has been made to the borrower under this subtitle, the Secretary shall not make a loan to the borrower under this subtitle.

"(B) CONSIDERATION OF GUARANTEE HISTORY.—If, as of October 28, 1992, the Secretary has, for 10 or more years, provided a guarantee under this subtitle with respect to a loan made to a borrower, then, after the 5th year (occurring after October 28, 1992) for which a guarantee has been provided under this subtitle with respect to a loan made to the borrower, the Secretary shall not provide a guarantee under this subtitle with respect to a loan made to the borrower."

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 vote whereby the bill, as amended, was passed was, by unanimous consent, laid on the table.

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

116.28 FARM CREDIT FINANCING
AGRICULTURAL EXPORTS

On motion of Mr. JOHNSON of South Dakota, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 4379) to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes.

When said bill was considered and read twice.

Mr. JOHNSON of South Dakota submitted the following amendment in the nature of a substitute which was agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Credit System Agricultural Export and Risk Management Act".

SEC. 2. PARTICIPATION DEFINED.

Section 3.1(11)(B) of the Farm Credit Act of 1971 (12 U.S.C. 2122(11)(B)) is amended by adding at the end the following new clause:

(iv) As used in this subparagraph, the term 'participate' or 'participation' refers to multilender transactions, including syndications, assignments, loan participations, subparticipations, or other forms of the purchase, sale, or transfer of interests in loans, other extensions of credit, or other technical and financial assistance."

SEC. 3. AGRICULTURAL EXPORT FINANCING.

Section 3.7(b) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)) is amended—

(A) in paragraph (1)—
(i) by striking "assistance to (A)" and inserting "assistance to";
(ii) by striking "the export or" and inserting "the"; and
(iii) by striking "and (B)" and all that follows through "subparagraph (A): *Provided*, That a" and inserting "if the"; and
(B) by striking paragraph (2) and inserting the following new paragraph:

"(2)(A) A bank for cooperatives may make or participate in loans and commitments to, and extend other technical and financial assistance to—

"(i) any domestic or foreign party for the export, including (where applicable) the cost of freight, of agricultural commodities or products thereof, farm supplies, or aquatic products from the United States under policies and procedures established by the bank to ensure that the commodities, products, or supplies are originally sourced, where reasonably available, from one or more eligible cooperative associations described in section 3.8(a) on a priority basis, except that if the total amount of the balances outstanding on loans made by a bank under this clause that—

"(I) are made to finance the export of commodities, products, or supplies that are not originally sourced from a cooperative, and

"(II) are not guaranteed or insured, in an amount equal to at least 95 percent of the amount loaned, by a department, agency, bureau, board, commission, or establishment of the United States or a corporation wholly-owned directly or indirectly by the United States,

exceeds an amount that is equal to 50 percent of the bank's capital, then a sufficient interest in the loans shall be sold by the bank for cooperatives to commercial banks and other non-System lenders to reduce the total amount of such outstanding balances to an amount not greater than an amount equal to 50 percent of the bank's capital; and

"(ii) except as provided in subparagraph (B), any domestic or foreign party in which an eligible cooperative association described in section 3.8(a) (including, for the purpose of facilitating its domestic business operations only, a cooperative or other entity described in section 3.8(b)(1)(A)) has an ownership interest, for the purpose of facilitating the domestic or foreign business operations of the association, except that if the ownership interest by an eligible cooperative association, or associations, is less than 50 percent, the financing shall be limited to the percentage held in the party by the association or associations.

"(B) A bank for cooperatives shall not use the authority provided in subparagraph (A)(ii) to provide financial assistance to a party for the purpose of financing the relocation of a plant or facility from the United States to another country."

SEC. 4. CONFORMING AMENDMENT.

Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended—

(A) by striking subparagraph (B);
(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(C) by aligning the margin of subparagraph (D) (as so redesignated) so as to align with the margin of subparagraph (C) (as so redesignated).

SEC. 5. LOAN PARTICIPATION AUTHORITY FOR FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS.

IN GENERAL.—Title IV of the Farm Credit Act of 1971 (12 U.S.C. 2151 et seq.) is amended by inserting after section 4.18 (12 U.S.C. 2206) the following new section:

“SEC. 4.18A. AUTHORITY OF FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS TO PARTICIPATE IN LOANS TO SIMILAR ENTITIES FOR RISK MANAGEMENT PURPOSES.

“(a) DEFINITIONS.—As used in this section:“(1) PARTICIPATE AND PARTICIPATION.—The terms ‘participate’ and ‘participation’ shall have the meaning provided in section 3.1(11)(B)(iv).

“(2) SIMILAR ENTITY.—The term ‘similar entity’ means a person that—

“(A) is not eligible for a loan from the Farm Credit Bank or association; and

“(B) has operations that are functionally similar to a person that is eligible for a loan from the Farm Credit Bank or association in that the person derives a majority of the income of the person from, or has a majority of the assets of the person invested in, the conduct of activities that are functionally similar to the activities that are conducted by an eligible person.

“(b) LOAN PARTICIPATION AUTHORITY.—Notwithstanding any other provision of this Act, any Farm Credit Bank or direct lender association chartered under this Act may participate in any loan of a type otherwise authorized under title I or II made to a similar entity by any person in the business of extending credit, except that a Farm Credit Bank or direct lender association may not participate in a loan under this section if—

“(1) the participation would cause the total amount of all participations by the Farm Credit Bank or association under this section involving a single credit risk to exceed 10 percent (or the applicable higher lending limit authorized under regulations issued by the Farm Credit Administration if the stockholders of the respective Farm Credit Bank or association so approve) of the total capital of the Farm Credit Bank or association;

“(2) the participation by the Farm Credit Bank or association would equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by other Farm Credit System institutions, would cause the cumulative amount of the participations by all Farm Credit System institutions in the loan to equal or exceed 50 percent of the principal of the loan;

“(3) the participation would cause the cumulative amount of participations that the Farm Credit Bank or association has outstanding under this section to exceed 15 percent of the total assets of the Farm Credit Bank or association; or

“(4) the loan is of the type authorized under section 1.11(b) or 2.4(a)(2).

“(c) PRIOR APPROVAL REQUIRED.—

“(1) IN GENERAL.—With respect to a similar entity that is eligible to borrow from a bank for cooperatives under title III, the authority of a Farm Credit Bank or association to participate in a loan to the entity under this section shall be subject to the prior approval of the bank for cooperatives having, at the time the loan is made, the greatest loan volume in the State in which the headquarters office of the similar entity is located.

“(2) TERMS AND CONDITIONS.—Approval under paragraph (1) may be granted on an annual basis and under such terms and conditions as may be agreed on between the Farm Credit Bank or association, as the case may be, and the bank for cooperatives granting the approval.

“(3) APPROVAL BY SUPERVISING FARM CREDIT BANK.—An association may not participate in a loan to a similar entity under this section without the approval of the supervising Farm Credit Bank of the association.”.

SEC. 6. CONFORMING AMENDMENTS.

Section 3.1(11)(B)(i)(I)(bb) of the Farm Credit Act of 1971 (12 U.S.C. 2122(11)(B)(i)(I)(bb)) is amended—

(A) by striking “the other banks for cooperatives under this subparagraph” and inserting “other Farm Credit System institutions”; and

(B) by striking “all banks for cooperatives” and inserting “all Farm Credit System institutions”.

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

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

¶116.29 LOANS AND GRANTS FOR TIMBER-DEPENDENT COMMUNITIES

On motion of Mr. JOHNSON of South Dakota, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 4196) to ensure that all timber-dependent communities qualify for loans and grants from the Rural Development Administration.

When said bill was considered and read twice.

Mr. JOHNSON of South Dakota submitted the following amendment in the nature of a substitute which was agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. TEMPORARY EXPANDED ELIGIBILITY OF CERTAIN TIMBER-DEPENDENT COMMUNITIES IN THE PACIFIC NORTHWEST FOR LOANS AND GRANTS FROM THE RURAL DEVELOPMENT ADMINISTRATION.

(a) FINDINGS.—Congress finds the following:

(1) Timber-dependent communities in the Pacific Northwest have contributed significantly to the economic needs of the United States and have helped ensure an adequate national supply of timber and timber products.

(2) A significant portion of the timber traditionally harvested in the Pacific Northwest is derived from Federal forest lands, and these forests have played an important role in sustaining local economies.

(3) A number of traditionally timber-dependent communities are experiencing significant economic difficulties as a result of their proximity to the range of the north-west spotted owl.

(4) These timber-dependent communities need economic assistance to help them diversify, including support from water and waste facility loans and grants and community facility loans and grants funded through the Rural Development Administration.

(b) EXPANDED ELIGIBILITY.—During the period beginning on the date of the enactment of this Act and ending on September 30, 1998, the terms “rural” and “rural area”, as used in the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), shall include any town, city, or municipality—

(1) part or all of which lies within 100 miles of the boundary of a national forest covered by the Federal document entitled “Forest Plan for a Sustainable Economy and a Sustainable Environment”, dated July 1, 1993;

(2) that is located in a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, or forest-related industries such as recreation and tourism; and

(3) that has a population of not more than 25,000 inhabitants.

(c) EFFECT ON STATE ALLOTMENTS OF FUNDS.—This section shall not be taken into consideration in allotting funds to the various States for purposes of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or otherwise affect or alter the manner under which such funds were allotted to States before the date of the 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.

By unanimous consent, the title was amended so as to read: “A bill to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.”.

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

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

¶116.30 NATIONAL HIGHWAY SYSTEM

On motion of Mr. MINETA, by unanimous consent, the bill of the Senate (S. 1887) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; was taken from the Speaker’s table.

When said bill was considered and read twice.

Mr. MINETA submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 4385, 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 vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

When on motion of Mr. MINETA, by unanimous consent, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. ROEMER, by unanimous consent, announced the appointment of Messrs. MINETA, OBERSTAR, RAHALL, SHUSTER, and PETRI, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶116.31 MOTOR CARRIERS REGULATIONS

On motion of Mr. RAHALL, by unanimous consent, the Committee on Public Works and Transportation was discharged from further consideration of the bill (H.R. 5123) to make a technical

correction to an Act preempting State economic regulation of motor carriers.

When said bill was considered and read twice.

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

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intrastate Tow and Wrecker Truck Transportation Technical Correction Act of 1994".

SEC. 2. TECHNICAL CORRECTION.

Section 11501(h)(2) of title 49, United States Code, is amended as follows:

- (1) Strike "and" after subparagraph (A).
- (2) Strike the period at the end of subparagraph (B) and insert in lieu thereof "; and".
- (3) Insert the following new subparagraph at the end thereof:

"(C) does not restrict the regulatory authority of an agency with statewide jurisdiction, insofar as such authority relates to tow trucks or wreckers providing for-hire services."

SEC. 3. EXPIRATION.

The amendment made by section 2 shall cease to be in effect on January 1, 1997.

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

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

¶116.32 ENROLLED BILLS SIGNED

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

H.R. 4230. An Act to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes.

H.R. 4539. An Act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4602. An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4650. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

¶116.33 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. 2144. An Act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

H.R. 4624. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the year ending September 30, 1995, and for other purposes.

¶116.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FIELDS of Louisiana, for today and September 30;

To Mrs. LLOYD, for today;

To Mr. HUTTO, for today; and

To Mr. FALEOMAVAEGO, for today and through October 3.

And then,

¶116.35 ADJOURNMENT

On motion of Mr. WELDON, at 9 o'clock and 51 minutes p.m., the House adjourned.

¶116.36 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. MINETA: Committee on Public Works and Transportation. H.R. 4967. A bill to designate the Federal building and U.S. courthouse in Detroit, MI, as the "Theodore Levin Federal Building and United States Courthouse"; with amendments (Rept. No. 103-762). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4910. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse" (Rept. No. 103-763). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4939. A bill to designate the U.S. courthouse located at 201 South Vine Street in Urbana, IL, as the "Frederick S. Green United States Courthouse" (Rept. No. 103-764). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4394. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; with amendments (Rept. No. 103-765 Pt. 1). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 555. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103-766). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 556. Resolution waiving points of order against the conference report to accompany the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes (Rept. No. 103-767). Referred to the House Calendar.

¶116.37 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. CONYERS (for himself, Mr. CLINGER, Mr. TOWNS, and Mr. SHAYS):

H.R. 5128. A bill to strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by the Congress, of Federal mandates on State, local, and tribal governments without adequate funding in a manner that may displace other essential governmental priorities, to better assess both costs and benefits

of Federal legislation and regulations on State, local, and tribal governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. BARCA of Wisconsin:

H.R. 5129. A bill to provide for a reduction in the number of members of the Armed Forces of the United States stationed in Europe unless the European member nations of NATO assume an increased share of the non-personnel costs of U.S. military installations in those nations; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. GOODLING (for himself, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. ARMEY, Mr. FAWELL, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. MCKEON, Mr. MILLER of Florida, and Mr. CASTLE):

H.R. 5130. A bill to extend for 1 year the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for certain other purposes; to the Committee on Education and Labor.

By Mr. HINCHEY (for himself and Mr. KANJORSKI):

H.R. 5131. A bill to amend the Housing and Community Development Act of 1974 to prohibit the Secretary of Housing and Urban Development from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUTCHINSON:

H.R. 5132. A bill to establish a period during which individuals under 65 years of age who are entitled to benefits under part A of the Medicare Program on the basis of a disability or end state renal disease may enroll under part B of the Medicare Program in order to meet eligibility requirements for health benefits under the Civilian Health and Medical Program of the Uniformed Services under title 10, United States Code; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. POMBO (for himself and Mr. THOMAS of California):

H.R. 5133. A bill to provide for expediting an investigation by the International Trade Commission by providing for the monitoring of the importation of certain kinds of tomatoes and peppers; to the Committee on Ways and Means.

By Mr. SANTORUM (for himself, Ms. PRYCE of Ohio, Mr. CANADY, Mr. CLINGER, Mr. WELDON, Mr. BOEHNER, Mr. ARMEY, Mr. RIDGE, Ms. MOLINARI, Mr. KYL, Mr. DELAY, Mr. CUNNINGHAM, Mr. LIVINGSTON, Mr. BACHUS of Alabama, Mr. HUNTER, Mr. TORKILDSEN, Mr. INGLIS of South Carolina, Mr. LINDER, Mr. ROTH, Mr. MCCOLLUM, Ms. DUNN, Mr. DUNCAN, and Mr. KNOLLENBERG):

H.R. 5134. A bill to protect victims of crime; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 5135. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to clarify provisions governing fiduciary duties in relation to external benefits, social investing, and economically targeted investments; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. TAUZIN:

H.R. 5136. A bill entitled, "The Offshore Supply Vessel Construction and Development Act of 1994"; to the Committee on Merchant Marine and Fisheries.

By Mr. VOLKMER:

H.R. 5137. A bill to amend the Internal Revenue Code of 1986 to restore and increase the deduction for the health insurance costs of

self-employed individuals; to the Committee on Ways and Means.

¶116.38 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RAMSTAD introduced a bill (H.R. 5138) for the relief of Saeed Ghasemimehr; which was referred to the Committee on the Judiciary.

¶116.39 ADDITIONAL SPONSORS

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

- H.R. 22: Mr. CARR.
- H.R. 300: Mr. CASTLE.
- H.R. 393: Mr. ANDREWS of Maine.
- H.R. 739: Mr. LEVY.
- H.R. 885: Mr. BARCIA of Michigan.
- H.R. 911: Mr. DE LA GARZA.
- H.R. 1322: Mr. GLICKMAN and Mr. UNDERWOOD.
- H.R. 2213: Mr. BARCIA of Michigan.
- H.R. 2418: Mr. TORKILDSEN.
- H.R. 2717: Mr. BLUTE.
- H.R. 3207: Ms. SLAUGHTER.
- H.R. 3393: Mr. BARCIA of Michigan.
- H.R. 3449: Mr. LEWIS of Kentucky.
- H.R. 3538: Mrs. MORELLA and Mr. JOHNSTON of Florida.
- H.R. 3619: Mr. HERGER.
- H.R. 3851: Mr. FIELDS of Texas.
- H.R. 4279: Mr. LEWIS of Georgia.
- H.R. 4404: Mr. RAMSTAD, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. KLECZKA, Mr. SABO, Mr. MINGE, Mr. MAZZOLI and Mr. HORN.
- H.R. 4411: Mr. ENGEL.
- H.R. 4578: Mr. EVANS and Ms. SLAUGHTER.
- H.R. 4589: Mr. BARCA of Wisconsin.
- H.R. 4610: Mr. ROSE, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. DURBIN, Mr. DUNCAN, Mr. SARPALIUS, and Mr. BARLOW.
- H.R. 4786: Mr. PARKER.
- H.R. 4830: Mr. TORKILDSEN.
- H.R. 4831: Mr. FROST and Mr. SKEEN.
- H.R. 4936: Mr. GUNDERSON, Mr. KASICH, Mr. STUMP, Mr. KOPETSKI, Mr. LIGHTFOOT, Mr. SPENCE, and Mr. ZIMMER.
- H.R. 4942: Mr. ORTIZ.
- H.R. 4957: Mr. MENENDEZ, Mr. HAMBURG, and Mr. BARCA of Wisconsin.
- H.R. 4996: Mr. KLECZKA and Mr. HILLIARD.
- H.R. 4997: Ms. NORTON, Mr. REYNOLDS, Mr. GEJDENSON, Mr. ABERCROMBIE, Mr. PORTER, Mr. DEUTSCH, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Ms. FURSE.
- H.R. 4998: Mr. GILLMOR.
- H.R. 5062: Mr. LAFALCE, Mr. SAM JOHNSON of Texas, Mr. SCHIFF, Mr. MAZZOLI, Mr. GRAMS, Mr. TAYLOR of North Carolina, Mr. MCCURDY, Mr. SISISKY, Mr. COBLE, Mr. SANGMEISTER, Mr. DICKEY, Mr. RAMSTAD, Mr. SKEEN, Mr. CLAY, Mrs. VUCANOVICH, and Mr. GREENWOOD.
- H.R. 5071: Mr. BONIOR, Mr. LUCAS, and Mr. MCCLOSKEY.
- H.R. 5082: Mr. MCCLOSKEY, Mr. PETRI, Mr. HASTINGS, Mr. OLVER, Mr. GINGRICH, Mr. GRAMS, Mr. TORKILDSEN, Mr. SHARP, Mr. LEWIS of Kentucky, Mr. KIM, Ms. ROSLEHTINEN, Mr. HUFFINGTON, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. COOPER, Mr. HALL of Texas, Mr. REGULA, Mr. FAWELL, Mr. DIAZ-BALART, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. BUNNING, Mr. SABO, Mr. DORNAN, Mr. HUNTER, Mr. MCCANDLESS, Mr. COX, Mr. PACKARD, Mr. CONDIT, Mr. CALVERT, Mr. COPPERSMITH, Mr. MINGE, Mr. BARLOW, Mr. OBEY, Mr. DEFazio, Mr. PICKLE, Ms. PRYCE of Ohio, Mr. LONG, Mr. CUNNINGHAM, and Ms. ROYBAL-ALLARD.
- H.R. 5083: Ms. PELOSI.
- H.R. 5111: Mr. TAYLOR of North Carolina, Mr. SARPALIUS, Mr. TALENT, Mr. VALENTINE, Mr. MANZULLO, Mr. FRANK of Massachusetts, Ms. SHEPHERD, Mr. HAMBURG, Mr. HEFLEY,

Ms. ROYBAL-ALLARD, Mrs. THURMAN, Mr. FROST, Mr. DOOLEY, and Mr. WHEAT.

H.J. Res. 184: Mr. MCDADE, Mr. QUINN, Mr. HASTERT, Mr. POSHARD, and Mr. BACCHUS of Florida.

H.J. Res. 332: Mr. TAYLOR of Mississippi, Mr. KENNEDY, Mr. TEJEDA, Ms. ROYBAL-ALLARD, and Mr. SERRANO.

H.J. Res. 358: Mr. SHAW, Mr. JOHNSON of South Dakota, Mr. SKEEN, Mr. EVANS, Mr. RAHALL, Mr. BATEMAN, Mr. LANCASTER, Mr. MACHTLEY, and Mr. MARTINEZ.

H.J. Res. 385: Ms. MCKINNEY, Mrs. BENTLEY, Mr. BERMAN, Mr. CLEMENT, Mr. CALAHAN, and Mr. COPPERSMITH.

H.J. Res. 398: Mrs. KENNELLY, Mr. MCKEON, Mr. BISHOP, Mr. OLVER, Mr. REYNOLDS, Mr. OBERSTAR, Mr. STOKES, Mrs. BYRNE, Mr. SCOTT, Mr. WELDON, Mr. GREENWOOD, Mr. EWING, Mr. GILMAN, Mr. CRAPO, Mr. SLATTERY, Mr. GALLEGLY, Mr. BLACKWELL, Mr. KILDEE, Ms. BROWN of Florida, Mr. LANCASTER, Mr. COLLINS of Georgia, Mr. PETRI, Ms. MCKINNEY, Mr. OXLEY, Mr. DIXON, Mr. REGULA, Mr. LEVY, Mr. ORTIZ, Mr. TAYLOR of North Carolina, Mr. FILNER, Mr. SCHUMER, Mr. CLYBURN, Mr. GOODLING, Mr. GORDON, Mr. YATES, Mr. KLECZKA, Ms. MARGOLIES-MEZVINSKY, Mr. THOMPSON, Mr. MCDERMOTT, Mr. WATT, Mr. THORNTON, Mr. HEFNER, Ms. KAPTUR, Mr. TUCKER, Mr. VENTO, Mr. JOHNSTON of Florida, Mrs. LOWEY, Mr. RICHARDSON, and Mr. MCINNIS.

H.J. Res. 401: Mr. ANDREWS of Maine, Mr. CALVERT, Ms. DELAURO, Mr. EDWARDS of Texas, Mr. GLICKMAN, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HAMBURG, Mr. HILLIARD, Mr. HUGHES, Mr. FRANK of Massachusetts, Mr. MCHUGH, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mr. NEAL of North Carolina, Mr. ORTIZ, Mr. SISISKY, and Mr. SPENCE.

H.J. Res. 418: Mr. MANTON, Mr. BURTON of Indiana, Mr. SWETT, Mr. WYDEN, Ms. NORTON, Ms. PRYCE of Ohio, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. EMERSON, Mrs. UNSOELD, Mr. MONTGOMERY, Mr. MEEHAN, Ms. SNOWE, Mrs. JOHNSON of Connecticut, Ms. MCKINNEY, Mrs. MORELLA, Mr. WILSON, Mr. MFUME, Mr. STENHOLM, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. DOOLITTLE, Ms. SHEPHERD, Ms. WOOLSEY, Mr. SHARP, Mr. FROST, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. CALVERT, Mr. ORTIZ, Mr. BAKER of California, Mr. BROWDER, Mr. COBLE, Mr. CONYERS, Ms. COLLINS of Michigan, Mr. EWING, Mr. EVANS, Mr. GLICKMAN, Mr. HEFNER, Mr. HUTTO, Mr. LANCASTER, Mr. TORRICELLI, Mr. HAMILTON, Mr. HERGER, Mr. MARTINEZ, Mr. YOUNG of Florida, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. BORSKI, Mr. HOLDEN, Mr. JEFFERSON, Mr. TOWNS, Mr. WYNN, Ms. FURSE, Mr. LEWIS of Georgia, Mr. CONDIT, Mrs. MEYERS of Kansas, Mrs. ROUKEMA, Mr. ROWLAND, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. TRAFICANT, Mr. PETE GEREN of Texas, Mrs. BENTLEY, Mr. SISISKY, Mr. LANTOS, Mr. PICKLE, Mr. HOYER, Mr. COLEMAN, Ms. SCHENK, Mr. ROSE, Mr. SPENCE, Mr. THORNTON, Mr. COPPERSMITH, Mr. HUGHES, Mr. STOKES, Mr. PAYNE of Virginia, Mr. RICHARDSON, Mr. SABO, Mr. DEAL, Mr. HALL of Ohio, Mr. GREENWOOD, AND Mr. SYNAR.

H. Con. Res. 98: Mr. DIXON and Mr. SHAYS.

H. Con. Res. 212: Mr. LAFALCE and Mr. WYNN.

H. Con. Res. 281: Mr. PALLONE, Mr. FROST, Mr. FILNER, Mr. ENGEL, and Mr. BARCA of Wisconsin.

H. Con. Res. 296: Mr. BACCHUS of Florida, Mr. KLEIN, Mr. PALLONE, Mr. HUTTO, Mr. LEWIS of California, Mr. BERMAN, Ms. LOWEY, Mr. MCNULTZ, Mr. LIPINSKI, Mr. MANTON, Mr. HOCHBRUECKNER, Mr. FROST, Mr. SAWYER, Mrs. UNSOELD, Mr. FILNER, Mr. GILMAN, Mr. MCDERMOTT, Mr. ORTIZ, and Mr. ENGEL.

H. Res. 525: Mr. CALVERT, Mr. DICKEY, and Mr. MANZULLO.

¶116.40 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

- H.R. 3222: Mr. PETRI.
- H.R. 3949: Mr. FROST.

FRIDAY, SEPTEMBER 30, 1994 (117)

The House was called to order by the SPEAKER.

¶117.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, September 29, 1994.

Ms. DELAURO, 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.

Ms. DELAURO objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 212
Nays 136

¶117.2 [Roll No. 453] YEAS—212

Abercrombie	Evans	Klein
Ackerman	Everett	Klink
Andrews (ME)	Farr	Kopetski
Andrews (NJ)	Fazio	Kreidler
Andrews (TX)	Filner	LaFalce
Bacchus (FL)	Fingerhut	Lambert
Baesler	Fish	Lancaster
Barca	Flake	Lantos
Barcia	Foglietta	LaRocco
Barlow	Ford (TN)	Laughlin
Barrett (WI)	Frank (MA)	Lehman
Bateman	Frost	Levin
Becerra	Furse	Lewis (GA)
Bevill	Gejdenson	Livingston
Bilbray	Geren	Long
Bishop	Gillmor	Lowey
Bontor	Gilman	Maloney
Borski	Glickman	Mann
Boucher	Gonzalez	Margolies-
Brooks	Gordon	Mezvinsky
Brown (OH)	Green	Markey
Byrne	Greenwood	Matsui
Cantwell	Gutierrez	Mazzoli
Cardin	Hall (OH)	McCloskey
Carr	Hamburg	McDermott
Chapman	Hamilton	McHale
Clayton	Harman	McKinney
Clement	Hastings	Meehan
Collins (IL)	Hefner	Meek
Combest	Hilliard	Mfume
Condit	Hochbrueckner	Miller (CA)
Conyers	Holden	Mineta
Cooper	Houghton	Minge
Coppersmith	Hoyer	Mink
Costello	Hughes	Moakley
Coyne	Inglis	Mollohan
Danner	Inslee	Montgomery
Darden	Jefferson	Murtha
Deal	Johnson (GA)	Myers
DeLauro	Johnson (SD)	Neal (MA)
Dellums	Johnson, E. B.	Oberstar
Deutsch	Johnston	Obey
Dicks	Kanjorski	Olver
Dixon	Kaptur	Ortiz
Dooley	Kasich	Orton
Durbin	Kennedy	Owens
Edwards (CA)	Kennelly	Pallone
Engel	Kildee	Parker
English	Kingston	Pastor
Eshoo	Klecza	Payne (NJ)