HOUSE OF REPRESENTATIVES—*Monday, October 5, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We reach out in prayer, gracious God, to all those people who face this day without the comfort of family and friends, those people who know the anxieties of existence with little support from those near and dear to them. We remember the homeless and forgotten, those for whom life has little meaning. We remember the hostages in distant lands who are separated from those they love.

May Your spirit, O God, which is not bound by the barriers of time or place touch these people in the depths of their hearts and give them that hope and peace that You alone can give. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

MESSAGE FROM THE SENATE

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

H.R. 242. An act to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI;

H.R. 797. An act to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park;

H.R. 1205. An act to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida; and

H.R. 2035. An act to amend the act establishing Lowell National Historical Park, and for other purposes.

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

H.R. 2712. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes;

H.R. 2714. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1988, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2712) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. STENNIS, Mr. MCCLURE, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. RUDMAN, Mr. WEICKER, Mr. NICKLES, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2714) entitled "An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1988, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BUMPERS, Ms. MIKULSKI, Mr. REID, Mr. STENNIS, Mr. GRASSLEY, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1451) entitled "An act to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes," disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints for all but Native American programs section of the bill: Mr. KENNEDY, Mr. MATSUNAGA, Mr. PELL, Mr. COCHRAN, and Mr. HATCH;

For Native American programs only: Mr. INOUYE, Mr. MELCHER, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. EVANS, Mr. MURKOWSKI, and Mr. MCCAIN, to be the conferees on the part of the Senate.

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

S. 253. An act to convey Forest Service land to Flagstaff, AZ;

S. 322. An act to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; and

S. Con. Res. 80. Concurrent resolution to express the appreciation of the Congress to the city of Philadelphia, the National Park Service, and We the People 200, Inc., for their hospitality during the July 16, 1987, ceremonies commemorating the bicentennial of the Great Compromise.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, DC,
October 2, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:04 a.m. on Friday, October 2, 1987, the following message from the Secretary of the Senate: That the Senate agreed to the House amendments to S. 1691.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, he signed the enrolled bill, S. 1691.

CORRECTIONS IN APPOINTMENT OF CONFEREES ON H.R. 3, TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

The SPEAKER. Without objection, the Chair makes the following corrections in the appointment of conferees on H.R. 3, the Omnibus Trade Act:

(1)(a) The first panel from the Committee on Foreign Affairs is appointed for consideration of section 3871 of the Senate amendment, in lieu of section 3881.

(b) For consideration of section 331 of the House bill, Messrs. Wolpe, Feighan, and Lagomarsino are appointed, vice Messrs. Berman, Bilbray and Miller of Washington.

(c) Mr. Gejdenson, vice Mr. Levine of California is appointed for consideration of sections 601 through 612, 621 through 623, 625, 631 through 637, 641 through 651, 653 and 663 of the House bill, in lieu of section 451.

(d) For consideration of sections 301 through 317, 323 and 324 of the House bill, Mr. Feighan is appointed, vice Mr. Levine of California.

(e) For consideration of section 1020 of the Senate amendment, Messrs. Wolpe, Feighan and Lagomarsino are appointed, vice

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Messrs. Berman, Bilbray and Miller of Washington.

(2) From the second panel from the Committee on Foreign Affairs, Messrs. Bilbray and Broomfield are appointed, vice Messrs. Mica and Bereuter for consideration of sections 1303 through 1306 and 1310 of the House bill, and sections 3902 through 3907, 3910, and 3912 of the Senate amendment.

(3) For the second panel from the Committee on Energy and Commerce, delete section 703 of the House bill from the sections under consideration.

(4) From the Committee on Energy and Commerce, for consideration of section 331 of the House bill, and modifications committed to conference, Mr. Sharp is appointed in lieu of Mr. Markey.

(5) The sixth panel from the Committee on the Judiciary is appointed for consideration of section 703(h) of the House bill, and modifications committed to conference.

(6) For the first panel from the Committee on Government Operations, Mr. Wise is appointed in lieu of Mr. Weiss.

(7) The eighth panel from the Committee on Science, Space and Technology is appointed for consideration of section 412 of the Senate amendment, in lieu of section 411.

There was no objection.

COMMUNICATION FROM THE HONORABLE BILL BONER, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable BILL BONER:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1987.

Hon. JAMES WRIGHT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a letter that I am sending today to the Governer of Tennessee regarding my resignation. As you may know I am leaving the House of Representatives and being sworn in as Mayor of Nashville, Tennessee today at five o'clock.

Thank you for the leadership you have shown to all of the Members of the 100th Congress, and please do not hesitate to call on me if you need my assistance.

Again, I appreciate your friendship.

Sincerely,

BILL BONER,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1987.

Hon. NED MCWHERTER,
Governor, Nashville, TN.

DEAR GOVERNOR MCWHERTER: The purpose of this letter is to advise you of my resignation from the United States House of Representatives effective at the close of business on Monday, October 5, 1987.

It is my intent to be sworn in as the Mayor of Nashville, Tennessee at the end of business on Monday, October 5, 1987.

Sincerely,

WILLIAM H. BONER,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 5, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 11:54 p.m. on October 3, 1987 and said to contain a message from the President with respect to a trade agreement with the Government of Canada.

With great respect, I am,

Sincerely yours,

DONALD K. ANDERSON,
Clerk, House of Representatives.

TRADE AGREEMENT WITH THE GOVERNMENT OF CANADA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Ways and Means:

To the Congress of the United States:

In accordance with section 102(e)(1) of the Trade Act of 1974, as amended ("Act"), I hereby notify the Congress of my intention to enter into a trade agreement with the Government of Canada on January 2, 1988, contingent upon a successful completion of negotiations. On December 10, 1985, I provided written notice of such negotiations to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, as required by section 102(b)(4)(A)(ii)(I) of that act.

In accordance with the procedures specified in the act, I will submit any such agreement that I sign, together with implementing legislation and statements of administrative action, for congressional approval in accordance with the fast track legislative procedures set forth in section 151 of the act.

RONALD REAGAN.

THE WHITE HOUSE, *October 3, 1987.*

PROTECTION FOR FIREFIGHTERS, PARAMEDICS, AND OTHER SECURITY AND MEDICAL EMERGENCY PERSONNEL

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, I ask my colleagues to join me in providing significant and important protection to those who help protect us.

I am speaking of firefighters, paramedics, and other emergency personnel who upon a moment's notice must go to the scene of a disaster, oftentimes their lives themselves at risk, to help protect individuals such as ourselves.

In the course of that protection, they expose themselves to the risk of infection from diseases such as hepatitis and AIDS.

Legislation that Congressmen HOYER, WAXMAN, and I today are introducing will provide for notification, education, and prevention mechanisms for America's emergency medical personnel. For victims of serious accidents, seconds almost always mean the difference between life and death. Emergency personnel do not operate in a sterile environment and do not have the opportunity to take all the protections that a hospital setting might provide. Gloves and gowns cannot protect someone from broken glass and twisted metal, and certain diseases such as AIDS and hepatitis can be transmitted by blood to blood contact between emergency personnel and an accident victim.

Notification, education, and prevention, the key to helping protect those who help to protect us.

CONGRESS SHOULD SUPPORT THE UNITED STATES-CANADA TRADE AGREEMENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, our best and closest neighbor and trading partner, Canada, and the United States have now reached an agreement whereby the most open and free trade possibilities ever known to two countries in the world will go into effect if only, if only one condition can be removed. That condition which clouds the whole possibility is the Congress of the United States.

Because of some protectionist movement that is visible in all the doings of the Congress of the United States, there is that possibility—I hope that we will reject it—but there is that possibility that the protectionist mood for political purposes, as I view it, that protectionist mood might crash down against this agreement that could mean total new prosperity for both the United States and Canada.

We owe it to the world, we owe it to each other, and the Congress of the United States should be the prompter and supporter, not the obstacle to this great agreement about to be reached.

AUTO WORKERS ARE AMONG MOST PRODUCTIVE WORKERS IN THE WORLD

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I must say that I am dismayed at the conduct of the Vice President, Mr. BUSH. Spe-

cifically his remarks with regard to the auto workers and their comparison with Soviet auto workers.

I understand that he has already made an apology which I think was certainly in order, but I must say as a former blue-collar worker, someone who has worked in many different capacities in our community as a professional and now serving and representing my people in Congress, including a significant number of UAW Ford plant workers, I am very concerned about this sort of attitude which pervades the public image about the auto workers and other workers in this country. American blue-collar workers have been among the most productive workers in the world and I think if we provide the investment in terms of human and physical resources that they will continue to be the most productive. Surely, we need to improve the investment in capital both human and physical. At a time when we are attempting to increase productivity especially with auto workers and quality programs that Ford and other companies have put in place, which will provide a real contribution to productivity, we don't need a put down from our Vice President or other public officials. These efforts are undermined by such slighthanded comments and cause a lot more damage than might be realized. Any official of this Government going abroad making these statements should weigh their comments carefully especially in the Soviet Union of all places because such comments are harmful to all of us. I think it serves as a warning when we are abroad to try to speak well of the working men and women in this country as a matter of public policy.

You can't build up a nation when the leaders of that nation are tearing down the foundation upon which that nation, our Nation, the United States of America is built by the American workers. I commend the UAW leader Owen Beiber, for his statement and the Vice President for his apology.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3296

Mrs. SAIKI. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3296.

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 6, 1987.

□ 1215

TRAVEL EXPENSES FOR CERTAIN PARTICIPANTS IN THE WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3226) to amend the Anti-Drug Abuse Act of 1986 to permit certain participants in the White House Conference for a Drug Free America to be allowed travel expenses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF TRAVEL EXPENSE REIMBURSEMENT; AUTHORITY TO RECEIVE DONATIONS.

(a) TRAVEL EXPENSES.-Subsection (d) of section 1936 of the Anti-Drug Abuse Act of 1986 (20 U.S.C. 4601 Note) is amended to read as follows:

"(d)(1) While away from home or regular place of business in the performance of services for the conference, a participant in the conference may, in the sole discretion of the executive director and subject to the limitation contained in paragraph (2), be allowed travel expenses, including per diem allowance in lieu of subsistence, in the same amount, and to the same extent, as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5, United States Code.

"(2) Travel expenses may be allowed a conference participant under paragraph (1) only if the executive director finds on the basis of a written statement submitted by the participant that the participant would otherwise be unable to participate in the conference.

"(3) Total travel expenses allowed under this subsection shall not exceed $400,000.".

(b) AUTHORITY TO ACCEPT GIFTS.—Section 1936 of the Anti-Drug Abuse Act of 1986 (20 U.S.C. 4601 Note) is amended by adding at the end the following:

"(e)(1) The conference may accept, use, and dispose of gifts or donations for the sole purpose of carrying out its responsibilities under this subtitle.

"(2) Gifts or donations accepted under paragraph (1) of this subsection are limited to—

"(A) food, food services, transportation, or lodging and related services; or

"(B) funds for the sole purpose of providing food, food services, transportation, or lodging and related services.".

SEC. 2. FINAL REPORT.

Section 1937(a) of the Anti-Drug Abuse Act of 1986 (20 U.S.C. 4601 Note) is amended by striking out "six months after the effective date of this Act" and inserting "July 31, 1988" in lieu thereof.

SEC. 3. AUTHORIZATION.

Section 1938 of the Anti-Drug Abuse Act of 1986 (20 U.S.C. 4601 Note) is amended by striking out "$2,000,000" and inserting "$3,500,000" in lieu thereof.

The SPEAKER pro tempore (Mr. ECKART). Is a second demanded?

Mr. SHAW. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on the Judiciary favorably reports the bill, H.R. 3226 to amend the Anti-Drug Abuse Act of 1986 to improve the White House Conference for a Drug Free America.

The bill has four parts. First, it would permit the White House Conference for a Drug Free America to pay for transportation, lodging and meals of certain participants who would otherwise be unable to participate. For the conference to be most effective, we must assure that it has the participation of the most knowledgable persons regardless of their ability to pay to participate.

In the battle against drug abuse there is a significant number of very dedicated persons who work as volunteers or for low wages. Many of them have developed the knowledge of effective drug abuse control techniques acquired in their indepth experience. Some of these persons would make a great contribution to the work of the conference but they cannot afford to attend the conference at their own expense. This bill allows the executive director to pay travel expenses and per diem for such persons.

The executive director has assured the committee that she will exercise the discretion granted to her in a very careful and restrictive manner. The bill requires that persons seeking expense reimbursement submit a written statement that without reimbursement they would be unable to attend. The executive director has worked with the committee in developing guidelines to assure that only persons who cannot raise the funds for their participation in the conference are reimbursed.

Second, a related provision will permit the conference to accept donations of food and transportation, or funds for food and transportation. Many businesses are eager to assist the conference to help assure that it is successful. This provision will help reduce the costs of the conference to the Government and to the participants.

Third, the bill sets the due date for the final report on the conference to July 31, 1988.

Finally the bill authorizes an appropriation for fiscal year 1988 for the White House conference at $3,500,000. The 1986 Anti-Drug Abuse Act appropriated $5 million for fiscal 1987 and authorized $2 million for fiscal year 1988. The conference used the $5 million appropriation as the total budget for planning the conference; $1.5 million has been spent in fiscal year 1987. Some $3.5 million of the 1987 appropriation has been returned to the Treasury. This bill authorizes the $3.5 million appropriation necessary to hold the conference, do the research, and to write, print and distribute the report.

The administration supports this bill.

I think this conference is extremely important. It is the best opportunity to bring together the professional and grassroots expertise that exists throughout the Nation to share the lessons of the many successes that have been achieved.

When we look at the drug problem, we often look at the enormous numbers that the total problem presents: Over $100 billion in annual profits for the drug traffickers, hundreds of thousands of crimes are caused by drugs, and the lives of millions of people are wasted on drugs.

Sometimes we forget that millions of children have never used drugs, that thousands of former drug addicts have been treated and now live healthy and productive lives, that dozens of schools that once were cesspools of drugs are now drug free and academically thriving. Those successes did not just happen, they were created by some hard work and some good ideas and planning. The White House Conference for a Drug Free America is an opportunity to teach America about the way success in the fight against drug abuse can be achieved.

Mr. Speaker, I reserve the balance of my time.

Mr. RODINO. Mr. Speaker, H.R. 3226 will permit the White House Conference for a Drug Free America to pay for travel and lodging expenses of participants who could not otherwise afford to participate, authorizes an appropriation for fiscal year 1988, and makes several technical changes.

I am very pleased about the plans for the White House Conference for a Drug Free America. The American people have sent a clear message to Congress that they want to have more effective approaches to the drug abuse problem developed. Those of us who have been working on this problem for many years know that the solutions will not be easy. We need to identify the techniques and programs that are working to reduce drug abuse and that are most effective in combating drug trafficking so that the effective programs can be replicated throughout the country.

The White House conference format is designed to canvas not only the nationally recognized experts but the people who have been at work on the problem at the neighborhood, local, and State level, day after day, who have learned what is effective. The people in the trenches have some very valuable things to tell the conference. However, because of the limited budgets many drug abuse treatment and prevention programs operate within, these potential participants may not be able, at their own expense, to go to a regional conference, or to a conference here in Washington. This bill will give the conference the ability to pay the transportation and expenses of such participants so we can benefit from their knowledge.

With this conference we are looking for new insight into the complex problems that result from drug abuse. We need to go beyond repeating the rhetoric of the past, or repackaging unsuccessful approaches in new jargon.

The first of the regional meetings will start in a few weeks. Prompt action is very important and I urge the passage of the bill.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my distinguished colleague from New Jersey, the chairman of the Subcommittee on Crime, in support of H.R. 3226. This bill will allow the White House Conference for a Drug Free America to fulfill its legislative mandate by providing for the travel expenses of participants with limited financial resources whose expertise is of great value to the conference. H.R. 3226 will also provide the necessary appropriations authority, while still costing less than the amount originally authorized in last year's Anti-Drug Abuse Act. Hopefully, the conference will produce a report that will offer a distinct and lasting contribution to our fight against drug abuse.

As a member of the Subcommittee on Crime, I have had the privilege of participating in the war against drug abuse being fought with great resolve by this body. Certainly my constituents in south Florida can sadly testify to the need for this body to be engaged in this war. I am encouraged by the many legislative efforts of Congress in recent years, however, I am discouraged by the fact that the abuse of drugs continues to be a major problem in this country.

There is clearly a need Mr. Speaker, for a national strategy against drug abuse that is broad ranged, long term, and comprehensive in its nature. To that end, I commend the President for creating the National Drug Policy Board by Executive order earlier this year. The Policy Board, chaired by Attorney General Meese, centralizes oversight for all Federal drug control programs, including drug law enforcement and drug abuse prevention, education, treatment, and rehabilitation. The work of this Board should be of great benefit to Congress as we evaluate the best way to allocate our limited resources and most effectively battle against drug abuse.

Mr. Speaker, the White House Conference for a Drug Free America will attempt to evaluate the drug abuse programs that have been initiated throughout the country by State and local governments, the Federal Government, and private organizations. It will endeavor to determine which programs have been most successful, and at the same time, provide a forum for exchanging information. In particular, the conference may help Congress improve in its responsibility for funding drug enforcement efforts. The competition for dollars between Federal agencies and between the Federal and local levels of government is great.

The Subcommittee on Crime made some changes to this legislation to ensure that the travel expenses provided by the conference's executive director go to those who have a true need. Guidelines have been developed which will enhance accountability by the conference, as well as protect it from those participants who would abuse this privilege. It is in the interest of the conference and this Congress to encourage broad participation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when the idea of the White House conference first was enunciated, I along with many others was reluctant to see the value of such a conference since we have conferenced a lot of these subject matters to death, it seems. However, even though in the face of the factual situation that there were task forces on the horizon and active groups already studying the various problems to help us implement the momentous legislation we passed in the last two sessions both in drug-related crimes and others in the Comprehensive Crime Act which would help law enforcement in every aspect of it and help educate and help all the various elements in the battle against drugs, some of us had doubts that this was just an extra possible waste of taxpayers' money umbrella to place over these efforts that were already going on.

Since that time I have been convinced by further discussions with everyone concerned that, first of all, it cannot hurt to have the White House conference; and second, perhaps, just perhaps, and I am hoping that it does work out this way, that such a conference would be able to put together a cohesion of all these elements which we already have put into the drug bill that we passed last year and go a step further in this never ending, it seems, war on drugs.

Even though I have had original grave reservations and now have a tinge of reluctance, I will support the legislation.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to congratulate the gentleman from Florida [Mr. McCOLLUM], the ranking minority member of the Subcommittee on Crime, as well as the gentleman from Florida [Mr. SHAW], a member of the subcommittee, for their work in expediting this particular piece of legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I am pleased to rise in support of H.R. 3226, to amend the Anti-Drug Abuse Act of 1986 to permit certain participants in the White House Conference for a Drug Free America to be allowed travel expenses, and for other purposes. As my colleagues will recall, subtitle S of the Anti-Drug Abuse Act of 1986 provided for the convening of a White House Conference for a Drug Free America. The conference is scheduled to convene in Washington, DC, on February 28, through March 3, 1988, at the D.C. Convention Center. The purpose of the conference is to bring together the best minds in the country to develop innovative solutions to the multifaceted problem of drug abuse.

Mr. Speaker, last year you led a noble effort to free Americans from the bondage of drug abuse. As chairman of the Select Committee on Narcotics Abuse and Control, I was proud to assist you in this effort. Passage of the Anti-Drug Abuse Act was the result of a bipartisan consensus in the Congress that drug abuse was a national cancer destroying the vitality of our people. House Minority Leader ROBERT MICHEL and Congressman BENJAMIN GILMAN, the ranking minority member of the Select Committee on Narcotics, helped mobilize bipartisan support for this measure.

I think all of the Members of this House who voted in favor of the Anti-Drug Abuse Act can take pride in the enactment of this historic legislation. The bill provided a total of $1.7 billion in fiscal year 1987 to step up our Nation's war against drugs. Criminal penalties for various drug offenses were increased. Money laundering was made a crime. Resources for international narcotics control were doubled to $118 billion. Badly needed equipment to fight the drug war was provided, and major grant programs of assistance to State and local governments for narcotics law enforcement, drug abuse education, and drug abuse prevention and treatment were started.

Chairman PETER RODINO of the Judiciary Committee, Chairman WILLIAM HUGHES of the Crime Subcommittee, Congressman FRANK GUARINI, and myself worked to include in the comprehensive bill a section calling for the convening of a White House conference on drug abuse. We felt that a White House conference would serve to focus the Nation's attention on the problem of drug abuse. In the 25 years since the last White House drug abuse conference was held, the problem of drugs have become much worse. Heroin and marijuana are readily available, use of cocaine and crack is skyrocketing out of sight, and we are now faced with the terrible problem of IV drug use and acquired immune deficiency syndrome [AIDS].

Despite the work which went into the passage of the Anti-Drug Abuse Act, it was impossible to predict with certainty in advance what particular language should be included in legislation to achieve the best result. It is now apparent that slight modifications to the Anti-Drug Abuse Act are necessary, if we are to have a successful White House Conference for a Drug Free America.

Specifically, H.R. 3226 would amend the Anti-Drug Abuse Act of 1986 to permit the executive director of the White House conference to pay for transportation, lodging, and meals of certain participants who would otherwise be unable to participate. We would not want to deprive the conference of the ideas of men and women who are knowledgeable about drug abuse but may not otherwise be able to afford the travel costs involved. Total reimbursement for travel expenses under the bill would be limited to $400,000. The authority to pay these travel expenses would not increase the authorization of appropriations for the conference, but would merely permit use of available funds for this purpose.

H.R. 3226 would also amend the Anti-Drug Abuse Act to permit the conference to accept donations of food and transportation, or funds for food and transportation. As the law is currently written, this is not permitted. Granting the conference this authority will allow it to accept generous offers from corporate and other donors when conducting conference events.

The bill also amends existing law and extends the due date for the final report of the conference to July 31, 1988, instead of 6 months after the effective date of the act. The final provision of H.R. 3226 would authorize an appropriation for the conference for fiscal year 1988 of $3.5 million. It is my understanding, that the conference expects to spend a total of $5 million for all of its activities and has spent or obligated $1.5 million to date. There is currently no specific appropriation request from the administration pending for fiscal year 1988, except a request for authority to carry over the unspent fiscal year 1987 funds totaling $3.5 million. H.R. 3226 authorizes the appropriation of $3.5 million in fiscal year 1988.

I commend Chairman RODINO and Chairman HUGHES for their work in improving upon last year's bill. H.R. 3226 contains amendments to the act to improve the efficiency of the White House Conference for a Drug Free America. I urge my colleagues to join me in voting in favor of H.R. 3226.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3226, amending the Anti-Drug Abuse Act of 1986 to allow travel expenses for certain participants in the White House Conference for a Drug Free America, and authorizing $3.5 million for the Conference for fiscal year 1988.

I also want to commend the distinguished chairman of the House Judiciary Committee [Mr. RODINO] for conceiving the White House Drug Conference—an idea that I believe originated during our Narcotics Select Committee's hearing in Newark, in April 1986, which he chaired and which I attended—and for his leadership in bringing this measure to the floor for consideration. The gentleman from new Jersey [Mr. HUGHES], chairman of the Judiciary's Subcommittee on Crime, is also to be commended for speedily holding hearings on this measure and for favorably reporting it to the full committee.

In May 1986, Chairman RODINO introduced House Joint Resolution 631, which I cosponsored, providing for a White House Conference on Narcotics Abuse and Control. This measure was eventually included in the Anti-Drug Abuse Act of 1986, Public Law 99-570, and the Conference was renamed the White House Conference for a Drug Free America.

Mr. Speaker, H.R. 3226 is not controversial. It simply permits the White House Drug Conference, at the discretion of the Executive Director, to pay travel expenses to those participants, who because of cost considerations would be unable to participate in the Conference. Under current law, all participants in the Drug Conference are required to pay their own expenses, which would preclude many individuals who are active in helping to prevent and control drug abuse in our Nation from participating. H.R. 3226 corrects that problem and would limit travel expenses for all such participants of the conference to $400,000.

The bill would also permit the Conference to accept gifts of food, food services, transportation, or lodging, or funds to provide for such purchases.

Although the Anti-Drug Abuse Act of 1986 authorized $5 million for the conference in fiscal year 1987 and $2 million for fiscal year 1988, only $1.5 million of the $5 million has been spent. H.R. 3226 would authorize $3.5 million for fiscal year 1988, and extend the due date of the Conference's final report to July 31, 1988.

Mr. Speaker, if we are going to win the war against narcotics trafficking and drug abuse, then our Nation urgently needs to formulate, adopt, and implement a comprehensive, coordinated drug strategy. The White House Drug Conference, which will hold six regional conferences throughout our Nation and a national conference in our Nation's Capital early next year, is intended to help achieve that objective. It intends to bring together some of the best minds from the private sector and from our Federal, State, and local institutions who will help formulate a drug strategy and recommend policy alternatives for all of us to consider.

Accordingly, Mr. Speaker, I urge my colleagues to support this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 3226, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

BIG BEND NATIONAL PARK ADDITION

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2325) to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas, as amended.

The Clerk read as follows:

H.R. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundaries of Big Bend National Park, established by the Act of June 20, 1935 (16 U.S.C. 156) are hereby revised to include the lands and interests therein, together with all improvements thereon, within the area comprising approximately 67,125 acres as generally depicted on the map entitled "Harte Ranch Addition, Big Bend National Park", numbered 155/80,044 and dated September 1987. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to acquire lands and interests therein, together with all improvements thereon, within the addition described in such map by donation, purchase with donated or appropriated funds, or exchange.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2325 introduced by our colleague Representative LAMAR SMITH makes possible the acceptance of a very generous donation of nearly 68,000 acres of land for Big Bend National Park. This land, formerly owned by the Harte brothers, was given to the Texas Nature Conservancy with the intention that it become part of the park as soon as possible. Today we have the opportunity to do just that.

The Harte Ranch covers much of the North Rosillos Mountain Range and is an important viewshed from the north entrance road to the park. It also has the Buttrill Spring, a significant water resource in this arid area. Several rare plant species grow at the ranch and delicate ecosystems flourish at its springs.

The committee adopted an amendment in the nature of a substitute which references a map that draws a boundary around both the existing park and the proposed addition. The substitute authorizes the Secretary of the Interior to acquire the land within the boundary by donation, purchase or exchange. The Texas nature conservancy will donate their land; the other two landowners affected by this change have both written to support it.

Mr. Speaker, I endorse this bill, and want to commend the Harte brothers for their generosity to the American people. Their donation will help preserve valuable resources and help protect Big Bend National Park.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2325, to authorize the National Park Service to accept the donation of a 67,100-acre land parcel for addition to Big Bend National Park in Texas.

The parcel, known as the Harte Ranch, is adjacent to the park and currently owned by the Texas Nature Conservancy. The former owners, Ed and Houston Harte, donated the ranch to the nature conservancy in 1984 with the wish that it could become a part of the park sometime in the future. The ranch, also known as the North Rosillas Mountains Preserve, is a very diverse area which serves as a home for numerous rare and endangered plants and animals. There is no question that, based on its resources, the ranch will prove to be a beautiful and valuable addition to Big Bend National Park.

During committee consideration of H.R. 2325, the bill was amended to allow acquistion of the Harte Ranch by means other than donation. However, I believe it is important to clarify that this amendment is only to allow for the acquisition of two small inholdings within the ranch should the owners desire to sell their land to the park service at some future date. Incidentally, both of these landowners have indicated their support for inclusion of their land within the park. The rest of the ranch will be donated by the Texas Nature Conservancy.

I would like to commend the sponsor of H.R. 2325, Mr. LAMAR SMITH, and his staffer, Phil Broadbent, for the time and effort they have invested in this legislation. It has been a pleasure to work with LAMAR on this important issue. I would also like to thank the subcommittee chairman, Mr. VENTO, for moving this legislation forward expeditiously. Finally, I want to commend the Texas Nature Conservancy for its assistance with this bill and for its generosity in donating the Harte Ranch to the Park Service. During my time in Congress, I have enjoyed a good working relationship with the nature conservancy, an organization I have always admired and respected for its efforts to protect some of our Nation's most beautiful and outstanding natural resources. It was a pleasure to work with this group again, and particularly with Mr. Andrew Sansom, executive director of the Texas Nature Conservancy.

Mr. Speaker, H.R. 2325 is an excellent bill which enjoys bipartisan and administration support. It will result in only minor costs to the Federal Government for operation and maintenance of the ranch addition and possible future acquisition of the small inholdings. In return, it will serve as a significant contribution to Big Bend National Park. Therefore, I urge my colleagues to approve H.R. 2325.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 2325, legislation to authorize the addition of 67,000 acres to Big Bend National Park in Texas. The bill would allow the National Park Service to accept this land as a donation from the Texas Nature Conservancy. The property, known as the Harte Ranch or North Rosillas Mountains Preserve, was given to the nature conservancy by its previous longtime owners, Ed and Houston Harte, with the stipulation that it would be retained in its natural state and donated to Big Bend National Park as soon as possible.

The land itself is a varied mix of desert, mountains, and prairie. It includes approximately one-fourth of the Rosillas Mountains, as well as their highest peak. It also contains Buttrill Springs, the most productive spring in the Rosillas range.

The Trans-Pecos region in west Texas forms the northern boundary of the Chihuahua Desert, and it is widely recognized for its great beauty and astonishing natural diversity. Some 736

rare or unique plant and animal species have been recorded in the Trans-Pecos area. The land also contains rich archeological sites that illustrate the human history of the region, including remnants from prehistoric peoples, Indian cultures, and early ranching operations. This land will make an extraordinary addition to Big Bend National Park, and will help to accommodate the increasing number of park visitors.

I am happy to report that the land comes generally unencumbered. There are no oil or gas leases in effect, and there are only two tracts owned by other than the nature conservancy—both are accessible by public roads. Each of these landowners has expressed a willingness to have their land included within the park boundary.

H.R. 2325 has the support of the administration and the Governor of Texas, as well as the county government, the local chamber of commerce, and various conservation organizations. Twenty of my colleagues from Texas have joined me in cosponsoring this measure.

I want to thank the chairman of the subcommittee, Mr. VENTO, for his efforts which have been crucial in moving this bill forward. My thanks go also to Mr. LAGOMARSINO, the ranking minority member, as well as to the other members of the subcommittee and the full Interior Committee who have given this bill their support.

Mr. Speaker, I believe this kind of public-private partnership can become an important part of our continuing efforts to preserve American's natural, historic and cultural resources. Thanks to the generosity of the Harte brothers and Texas Nature Conservancy, we have an excellent opportunity to acquire this land at no cost to the taxpayers, and to preserve an important part of our heritage for future generations. I urge passage of H.R. 2325.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ECKART). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2325, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JIMMY CARTER NATIONAL HISTORIC SITE AND PRESERVATION DISTRICT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2416) to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF JIMMY CARTER NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Jimmy Carter National Historic Site in the State of Georgia. In administering the historic site, the Secretary shall—

(1) preserve the key sites and structures located within the historic site associated with Jimmy Carter during his lifespan;

(2) provide for the interpretation of the life and Presidency of Jimmy Carter; and

(3) present the history of a small rural southern town.

(b) DESCRIPTION OF JIMMY CARTER NATIONAL HISTORIC SITE.—(1) The historic site shall consist of the lands and interests in lands (including the real property described in paragraph (2)) as generally depicted on the map entitled "Jimmy Carter National Historic Site and Preservation District Boundary Map," numbered NHS-JC-80000, and dated April 1987. The map shall be on file and available for public inspection at appropriate offices of the National Park Service.

(2) The real property referred to in paragraph (1) is that real property which has significant historical association with the life of James Earl Carter, Jr., 39th President of the United States, located in the town of Plains and the County of Sumter, Georgia, and described more particularly as follows—

(A) the home of former President Carter on Woodland Drive in Plains, Georgia, including the residence and approximately 2.9 acres across Woodland Drive;

(B) the Plains Railroad Depot, adjacent to the Seaboard Coast Line Railroad, which served as the campaign headquarters of former President Carter;

(C) the boyhood home of former President Carter, consisting of the residence, together with not more than 15 acres, located west of Plains near the community of Archery, Georgia;

(D) the 100-foot wide scenic easements on either side of Old Plains Highway from the intersection of U.S. Highway 280 to the boyhood home referred to in subparagraph (C);

(E) the Plains High School and grounds of approximately 12 acres; and

(F) the Gnann House at 1 Woodland Drive, which is adjacent to the residence referred to in subparagraph (A) of former President Carter.

(c) ACQUISITION OF REAL AND PERSONAL PROPERTY.—(1) Except as otherwise provided in this subsection and subject to such terms, reservations, and conditions as the Secretary determines reasonable or necessary, the Secretary may acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise—

(A) lands and interests in lands within the boundaries of the historic site; and

(B) personal property and artifacts for purposes of the historic site.

(2) The Carter home (described in subsection (b)(2)(A)), the Plains Railroad Depot (described in subsection (b)(2)(B)), and the Plains High School (referred to in subsection (b)(2)(E)) may only be acquired by donation.

(3) Former President and Mrs. Carter may, as a condition of the acquisition of the Carter home (described in subsection (b)(2)(A)), reserve for themselves a right of use and occupancy of the home for a term of years or for a term ending at the deaths of President and Mrs. Carter.

(4) The Administrator of the General Services Administration shall acquire by purchase the Gnann House (described in subsection (b)(2)(F)) to be used for security purposes during the lives of former President and Mrs. Carter, or for such period as they may be entitled to security pursuant to Federal law, after which time the Gnann House shall be transferred to the Secretary of the Interior for administrative purposes by the National Park Service.

SEC. 2. JIMMY CARTER NATIONAL PRESERVATION DISTRICT.

(a) JIMMY CARTER NATIONAL PRESERVATION DISTRICT.—In order to preserve and interpret the life of James Earl Carter, Jr. and the rural southern town of Plains, Georgia, including the 20th century south and the roles of agriculture and the agricultural economy there is hereby established the Jimmy Carter National Preservation District, which shall consist of the area identified on the map referred to in section 1(b)(1) as "Preservation District". The preservation district shall include the Plains Historic District as listed in the National Register of Historic Places on June 28, 1984, and those agricultural lands not to exceed 650 acres and that portion of Bond Street as depicted on such map.

(b) PRESERVATION EASEMENTS.—(1) The Secretary may obtain by donation or purchase preservation easements on historically or culturally significant (as determined by the Secretary) buildings and open spaces located within the preservation district. Each preservation easement shall contain (but need not be limited to) provisions that the Secretary shall have the right of access at reasonable times to the portions of the property covered by that easement for interpretive or other purposes, and that no changes or alterations shall be made to such portions of the property except by mutual agreement.

(2) The Secretary may mark, interpret and provide technical assistance to properties within the preservation district in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects.

SEC. 3. ADMINISTRATION OF HISTORIC SITE AND PRESERVATION DISTRICT

(a) IN GENERAL.—The Secretary shall administer the historic site and the preservation district in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) COOPERATION WITH STATE OF GEORGIA.—The Secretary may enter into a cooperative agreement with the State of Georgia pursuant to which the Secretary may cooperate in the operation and use of the State of Georgia Visitor Center in Sumter County.

(c) HISTORY.—The Secretary shall gather oral history on the historic site its occupants, and environs. The Secretary may also preserve personal property that has been acquired by the Secretary for purposes of the historic site.

(d) REPORT.—25 years after the date of enactment of this Act, the Secretary shall convene a distinguished group of nationally recognized historians, scholars, and other experts to examine the life of President Carter in greater historical perspective. The group shall examine the research then available on President Carter, his life and Presidency, and make recommendations on interpretation, preservation, and other issues (as appropriate) at the Jimmy Carter National Historic Site and the Jimmy Carter National Preservation District.

SEC. 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory commission to provide advice on achieving balanced and accurate interpretation of the historic site.

(b) MEMBERSHIP.—The commission shall consist of a group of five nationally recognized scholars with collective expertise on the life and Presidency of Jimmy Carter, the 20th century rural south, historic preservation, and the American Presidency.

(2) The commission members shall be appointed by the Secretary for staggered terms of 3 years each. Any vacancy on the commission shall be filled in the same manner in which the original appointment was made. Any member of the Commission appointed for a definite term may serve after the expiration of such term until a successor is appointed.

(3) Meetings of the Commission shall be called twice annually by the Secretary.

(c) EXPENSES.—The Secretary is authorized to pay, in accordance with section 5703 of title 5, United States Code, the expenses reasonably incurred by the members of the Commission in carrying out their responsibilities under this Act.

SEC. 5. MANAGEMENT PLAN.

Not later than 3 years after the date of enactment of this Act, the secretary shall develop and submit to the Congress a general management plan for the use and development of the historic site and the preservation district. Such plan shall—

(1) be prepared in accordance with section 12(b) of the Act entitled "An Act to improve the administration of the national park system by the Secretary, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-1 et seq.), and shall be consistent with the purposes of this Act;

(2) include consideration of the economic feasibility and interpretive necessity of providing a transportation system for visitor use; and

(3) address the preservation and interpretation of Plains High School (referred to in section 1(b)(2)(E)) including appropriate use by the town of Plains.

Following a determination of the appropriate uses of the Plains High School for the town of Plains, the Secretary may enter into a cooperative agreement with the town concerning its use of the high school.

SEC. 6. DEFINITIONS.

For the purposes of this Act—

(1) the term "preservation district" means the Jimmy Carter National Preservation District established under section 2;

(2) the term "historic site" means the Jimmy Carter National Historic Site established under section 1; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this Act, except that not more than $3,500,000 is authorized to be appropriated for acquisition of real and personal property (including preservation easements) and development of the preservation district and the historic site.

(b) COST SHARING.—Not more than 60 percent of the aggregate cost of restoring the plains High School (referred to in section 1(b)(2)(E)) may be provided from appropriated Federal funds. The remaining 40 percent, non-Federal share of such cost may be in the form of cash, goods, or services, fairly valued.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2416, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2416, introduced by our colleague, RICHARD RAY, establishes the Jimmy Carter National Historic Site in Plains, GA. James Earl Carter, the 39th President of our Nation, has his roots deep in Plains. He was born there, grew up there, and returned there after leaving the White House. The bill preserves key structures associated with his life and his Presidential campaign. In addition, Plains, GA. preserves a key part of our Nation's story—that of the modern South with its rich agricultural heritage.

The Jimmy Carter National Historic Site is established by H.R. 2416 includes his boyhood home, his current home and the Gnann House next door, the Plains railroad depot—location for his Presidential campaign—and the Plains High School as well as a historic preservation district. This will protect the key structures and scenes of Jimmy and Rosalyn Carter's Plains.

Mr. Speaker, the Jimmy Carter National Historic Site will serve to help all of us, as well as future generations, to remember Jimmy Carter's life, accomplishments, Presidency and his times. The Jimmy Carter National Historic Site is an appropriate addition to the National Park System. I strongly endorse the passage of H.R. 2416. A similiar measure passed the House in the 99th Congress but the Senate deferred action because no hearing had been held by the Senate committee. I'm confident that the Senate will act on this measure in the 100th Congress. The NPS and the community and people of Plains have worked hard to achieve this legislation as well as the Georgia delegation led by RICHARD RAY—he deserves our thanks and praise.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to comment briefly on H.R. 2416, to designate the Jimmy Carter National Historic Site and Preservation District in Plains, GA.

As the subcommittee chairman has explained, the site would include the former President's home and boyhood home, the Plains High School and grounds, the Plains railroad depot which served as the Carter campaign headquarters, a 100-foot wide corridor on either side of the old Plains highway leading to the boyhood home and the Gnann house adjacent to the Carter residence.

H.R. 2416 requires that the Carter residence, the railroad depot and the Plains High School be acquired through donation only. The National Park Service [NPS] would seek to acquire easements on the road frontage near the boyhood home. The Gnann house is to be acquired by the Administrator of the General Services Administration for security purposes during the lives of former President and Mrs. Carter, after which time it will be transferred to the Secretary of the Interior to be used for administrative purposes.

The preservation district is to preserve and interpret Jimmy Carter's life and the town of Plains, GA, including the role which agriculture played in the development of the area. The preservation district will encompass 650 acres upon which the Secretary may acquire preservation easements and provide technical assistance in marking and interpreting the area.

The bill also establishes an advisory commission to assist with interpretation at the site. It further requires the development of a management plan

concerning the use and development of the historic site and preservation district.

Mr. Speaker, while I am not opposed to the establishment of a historic site for former President Carter, I would like to note for the record it appears this would be the most extensive site within the National Park System associated with a former President. Hence, it will probably be the most expensive as well. The estimated costs for acquisition and development of the site exceed $3 million. Annual maintenance costs are estimated at over one-half million dollars. Therefore, I am concerned about the costs associated with H.R. 2416 in light of the enormous Federal Budget deficits.

I am especially concerned about the inclusion of the Plains High School in the site as it would be by far the most expensive property to restore, operate, and maintain. In an effort to partially address this concern, I worked with the subcommittee chairman and the bill's sponsor, RICHARD RAY, and developed a compromise to improve the bill. During the committee process, I offered several minor amendments to assist in reducing the potential cost of the site, along with a major amendment to require that 40 percent of the estimated $1.5 million needed for the restoration of the Plains High School come from non-Federal entities; and to place a $3.5 million cap on the appropriations authorization for acquisition and development of the site. All of the amendments were adopted. I do not feel the cost-sharing requirement imposes too great of a burden on the town of Plains since the non-Federal share of the costs may be in the form of goods and services. In addition, other non-Federal entities, such as the State government and historical and preservation organizations could certainly assist in meeting the 40 percent funding requirement.

As Members may recall, similar legislation was considered in the last Congress in combination with a measure by my colleague from California, Representative DANNEMEYER, to establish a historic site for former President Richard Nixon. However, since that time, the Nixon Birthplace Foundation, utilizing private funds, has acquired and began operation of a Nixon site in Yorba Linda, CA, which includes the Nixon birthplace. Consequently, at the foundation's request, the establishment of a Nixon site within the National Park System has not been under consideration in this Congress.

Mr. Speaker, while I remain concerned about the costs of the Carter site, I do feel my amendments improve the bill primarily by requiring appropriate cost-sharing by non-Federal entities. In this regard, I want to thank the sponsor of H.R. 2416, Mr. RAY, and the subcommittee chairman, Mr. VENTO, for working with me to help address my concerns. Their cooperation is greatly appreciated.

Mr. RAY. Mr. Speaker, before beginning my remarks on H.R. 2416, I want to thank the distinguished chairman of the Subcommittee on National Parks and Public Lands who has been instrumental in bringing this legislation to the floor of the House today. In addition, I want to thank the distinguished ranking minority member, Mr. LAGOMARSINO, for the role he has played in developing the bill we are now debating.

Mr. Speaker, earlier this year I introduced, along with the entire Georgia congressional delegation, H.R. 2416, the Jimmy Carter National Historic Site bill. This measure seeks to establish an historic site and preservation district in Plains, GA, to commemorate the life and achievements of our 39th President. I have introduced similar legislation in the past two Congresses, and an earlier version of this bill passed the House last year. However, that bill did not pass until near the end of the 99th Congress, and I regret that the Senate did not take any action on it. Senator WALLOP, who was chairman of the Subcommittee on National Parks and Public Lands, told me at the time that his subcommittee would not pass the bill unless they could hold a hearing. Unfortunately, time was too short for such a hearing to be held.

I had intended to introduce an identical version of this earlier legislation at the beginning of the 100th Congress. However, last December the National Park Service came forward with a proposal for an historic site in Plains. This plan eliminated some of the properties that would have been acquired under the old bill, and it also created a preservation district which the old bill did not do. It was supported by the citizens of Plains as well as President and Mrs. Carter. This Park Service proposal is the basis for H.R. 2416.

The legislation would authorize the acquisition of a number of properties including the present Carter home, a strip of land across from the present Carter home on Woodland Drive, the President's boyhood home, the Plains High School, and the railroad depot which served as President Carter's campaign headquarters. Also, the Gnann house which is next to the present Carter home and currently houses the Secret Service will be acquired for use by the Park Service.

President and Mrs. Carter have announced that their residence and the land across Woodland Drive will be donated to the National Park Service. Also, the city of Plains will donate the high school, and the Plains Historic Preservation Trust will donate the railroad depot. The preservation trust is also working to acquire the boyhood home, so that it can be donated to the Government.

Two amendments were adopted by the Subcommittee on National Parks and Public Lands during mark up of H.R. 2416. The first placed a cap on the amount of Federal funds which could be used for the acquisition and development of the historic site. The other stipulated that no more than 60 percent of the cost for renovating the Plains High School should come from Federal funds. I believe that both of these amendments significantly strengthened the bill which was subsequently approved unanimously by the Interior Committee.

I believe it is important that H.R. 2416 be enacted so that we can preserve the Plains area which has such significance in the life of one of our Presidents. It is particularly significant that this former President still resides in Plains and has throughout his life regarded Plains as home. Even today, although the Carters travel extensively, they still spend a majority of their time in Plains.

Plains is probably more closely tied to a President than the hometown of any other President. In addition, President and Mrs. Carter are personally interested in preserving their family history and the memorabilia associated with their past. They want to maintain the character of their hometown, so that future generations can get an accurate, detailed picture of the background and roots of this President. I wish my colleagues could all visit this small town of 680 people. Despite all the publicity, the city has changed very little since President Carter's election as President. The citizen's of Plains efforts, as well as the Carter's, in preserving this rural southern community will make this town an historic site perhaps more authentic than any other like it.

Mr. Speaker, through the introduction of this legislation, I am proud to have a part in this important contribution to history and to future generations, and I encourage my colleagues to vote for and support H.R. 2416, the Jimmy Carter National Historic Site Bill.

Mr. BIAGGI. Mr. Speaker, I rise today in support of H.R. 2416, which would establish the Jimmy Carter National Historic Site and Preservation District in Plains, GA. I can think of no one who better deserves this honor.

Jimmy Carter's unrivaled leadership, unquestioned honesty and integrity, and unsurpassed personal commitment to his Nation and its people merits historical preservation and reflection. This legislation would not only establish the Carter home as a national historic site, it would also include landmarks such as Plains High School, Plains Railroad Depot and other scenic easements. It is indeed fitting that our children, grandchildren and great-grandchildren will have the opportunity to witness the background of a truly great American and witness the South of the 20th century from which he emerged. I urge my colleagues to join me in this fitting tribute to President Carter.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are working pretty quickly today, and I know the gentlemen from Georgia [Mr. RAY] wanted to be on the floor, as well as other members of the committee, the gentlemen from Georgia [Mr. DARDEN and Mr. LEWIS], all of whom lead the Georgia delegation in dealing with this, and in fact all of the Members that have sponsored this measure, including the gentleman from Georgia [Mr. ROWLAND].

These Members have worked hard on this measure, and I commend it to the Members.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CALIFORNIA MILITARY LANDS WITHDRAWAL ACT OF 1987

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1548) to withdraw certain Federal lands in the State of California for military purposes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Military Lands Withdrawal Act of 1987".

SEC. 2. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 4(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 3.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 4(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 227,369 acres in Imperial and Riverside Counties, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Withdrawal" dated July 1987 and filed in accordance with section 3.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and

(2) file maps and the legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 4. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 2 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 2 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation;

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 2(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this Act.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this Act, the Secretary of the Navy, after consultation with the Secretary of the Interior, may take such action as the Secretary of the Navy determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 2 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this Act.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 2 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 2) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 2 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 2.

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(f) ADDITIONAL MILITARY USES.—Lands withdrawn by section 2 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this Act will be used for defense-related purposes other than those specified in section 2. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 2(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this Act and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 2(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 2(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 2(a). The Secretary of the Interior shall transmit such report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 2(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with the memorandum of understanding entered into between the Secretary of the Interior and the Secretary of the Navy on August 3, 1983.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 2(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This Act shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 2(a).

SEC. 5. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this Act shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this Act for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this Act may not be extended or renewed except by an Act or joint resolution.

SEC. 6. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this Act, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this Act at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Interior and Insular Affairs of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 7. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this Act, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 2 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this Act, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this Act which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this Act the Secretary of the Interior determines that some of the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provisions of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this Act as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 8. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 7(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 9. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 10. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any geothermal leasing or other authorized non-military activity conducted on lands described in section 2 of this Act.

SEC. 11. MISCELLANEOUS.

(a) AMENDMENTS.—(1) Section 2(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606) is amended by striking out "the office of the commander, Barry M. Goldwater Air Force Base" and inserting in lieu thereof "the office of the commander, Luke Air Force Base".

(2) Section 3(a)(3)(A) of such Act is amended by striking out "other than" and by inserting in lieu thereof "including".

(3) Section 7(a) of such Act is amended by striking out "cleanup achieved" and by inserting in lieu thereof "decontamination activities performed".

(b) EL CENTRO RANGES.—The Secretary of the Interior is authorized to permit the Secretary of the Navy to use until January 1, 1990 the public lands in Imperial County, California, generally depicted on the map entitled "El Centro Ranges" dated July, 1987, for the same purposes and to no greater extent than such lands were used by the Secretary of the Navy as of July 1, 1987. Such permission shall be through a cooperative agreement or other appropriate means. Such use shall be subject to such terms and conditions as the Secretary of the Interior may require so as to protect the natural, environmental, scientific, cultural, and other resources and values of such lands and to minimize the extent to which such use by the Secretary of the Navy impedes or restricts use of such or other public lands for recreational and other purposes.

(c) COACHELLA VALLEY.—The Secretary of the Interior is authorized and directed to take all steps necessary to complete land exchanges between the Nature Conservancy and the Bureau of Land Management with regard to the Coachella Valley preserve, as described in Bureau Land Management case files CA 18891, CA 18781, CA 17921, CA 20260, CA 17772, and to consummate such exchanges.

(d) TRAINING CENTER.—Unless otherwise provided by law, the lands within the Toiyabe National Forest, in California, which have been used for purposes of the United States Marine Corps Mountain Warfare Training Center, shall be retained as part of such National Forest. The Secretary of Agriculture shall continue to make such lands available to the United States Marine Corps for purposes of such training center, subject to such restrictions as the Secretary of Agriculture finds appropriate to protect the natural, environmental, aesthetic, scientific, cultural, and other resources and values of such lands. So far as possible, consistent with use of such lands by the United States Marine Corps for purposes of the Mountain Warfare Training Center, the affected lands shall be open to public recreation and other uses.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1548, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1548, is a bill introduced by our colleague from Maryland, [Mrs. BYRON], to withdraw certain public lands in California for use by the Department of the Navy, and for other purposes.

The areas affected by the bill are the China Lake Naval Weapons Center and the Chocolate Mountain Aerial Gunnery Range. Both are in southern California and both have been used by the Navy Department for military purposes for a considerable number of years. However, the lands fall under the requirements of the Engle Act of 1958. That means that their withdrawal from peacetime operation of otherwise applicable public land laws, and their peacetime use for military purposes, must be periodically renewed by act of Congress.

Neither China Lake nor Chocolate Mountain was included in the omnibus military withdrawal bill enacted in the last Congress, and therefore were not the subject of any Interior Committee hearings or other review in that Congress. The areas were included in the version of an omnibus bill which was reported by the Senate Committee on Energy and Natural Resources. However, in the discussions which produced the compromise omnibus bill that was enacted as Public Law 99-606, the House of Representatives would not agree to include any areas that had not been the subject of hearings on this side of the Capitol. Therefore, Mrs. BYRON introduced H.R. 1548, which resembles the omnibus bill in many respects.

Thus, H.R. 1548 would withdraw the affected areas for a period of 15 years, and would require that after 12 years the Navy prepare an environmental impact statement concerning renewal or extension of the withdrawal in the event that they wished to continue using the lands for military purposes. These provisions parallel those in the omnibus Military Withdrawal Act of 1986 with respect to the areas withdrawn by that act, as does the requirement in this bill that the Department of the Navy carry out a continuing program of decontamination of the lands covered by this bill.

The Interior Committee has made a number of other revisions besides the technical amendments that I've already outlined in the bill as originally introduced. These include a number of technical changes in the bill, for the most part based on suggestions by the Navy.

Second, the bill as reported expands the scope of the withdrawal of the Chocolate Mountain area so as to include both the north and south halves of that area. The Navy testified that they treat the area as one unit, and I believe it only makes sense for us to withdraw the entire area now, so that it can be handled as a single area in the future.

Third, the reported bill includes language explicitly authorizing the Secretary of the Interior to permit the Navy to continue to use certain public lands in Imperial County until January 1, 1990. By that time, according to the Interior Department, the preliminary work will be done and a proposal will presumably be sent to the Congress for a withdrawal under the Engle Act.

Fourth, the reported bill includes language that is based on a bill by Representative MCCANDLESS to clear

the way for completion of land exchanges for the Coachella Valley preserve, near Palm Springs.

Finally, the reported bill includes a provision proposed by our colleague from California [Mr. LEHMAN], dealing with a situation in his district. The effect of this part of the substitute would be to maintain the existing state of affairs in a portion of the Toiyabe National Forest which the Marine Corps uses for its mountain warfare training center. We have been informed that the Navy Department has no objection to this provision, and of course the administration strongly supports the bill as a whole.

Mr. Speaker, this bill is an important one that deserves the approval of the House, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1548 that would withdraw for 15 years certain lands in the State of California for military purposes. I want to commend the gentlelady from Maryland [Mrs. BYRON] for shepherding not only this bill but other military withdrawal bills through the House. My understanding is there are still several areas left to address, and I want her to know that she can count on our support, to expedite those as well. Subcommittee Chariman VENTO also deserves our thanks for holding the hearings and spending all the hours needed to move this bill along.

Without going into great detail, the approximately 1.3 million acres that we are reaffirming Congress' intent that they be used for military purposes is a very important. We need to provide our young men and women with the best opportunities for training that are possible. Military training cannot take place in just the classroom, because unfortunately that is not usually where the conflict occur.

This bill also authorizes the continued or status quo situation for the use by the Marine Corps of areas in the Toiyabe National Forest for its Mountain Training Center. Also provided for is a land exchange between the Bureau of Land Management and the Nature Conservancy in the district of the gentleman from California [Mr. MCCANDLESS]. We support those changes.

Mrs. BYRON. Mr. Speaker, I am pleased to be here now to speak in favor of the passage of H.R. 1548, the California Military Land Withdrawal Act of 1987. I would first like to commend my colleague, Mr. VENTO, for his work on this bill and extend to him my sincerest thanks for its quick and timely consideration.

H.R. 1548 would withdraw certain Federal lands in California from public land laws for military purposes. These lands are within both Chocolate Mountain Aerial Gunnery Range and China Lake Weapons Center. These lands, under the bill would be rewithdrawn for 15 years. While both of these areas have been used by the Department of the Navy since World War II, congressional approval of these lands expired in the 1970's. The bill also authorizes the Secretary of the Interior to permit the Navy to use lands in connection with the El Centro Naval Air Station until 1990.

In March, when I first introduced this legislation, it was in the spirit of the compromise achieved in Public Law 99-606, which allowed for the rewithdrawal of six military ranges located throughout the western United States. Passed by both Houses under unanimous consent at the end of the 99th Congress, this Omnibus Military Land Withdrawal Act contained what I feel are provisions which are fair to all interested parties.

With this in mind, language in step with Public Law 606 has been incorporated into H.R. 1548, the bill now under consideration. This includes a 15-year withdrawal period, a draft environmental impact statement which must be completed no later than 12 years after the law's enactment, and a requirement for ongoing decontamination efforts.

As a member of both the Interior and the Armed Services Committees, I am pleased to have had the opportunity to be involved in an issue of such joint interest. I feel that the work put into H.R. 1548, has made it a sound piece of legislation, one that is acceptable to all parties involved.

Thank you, Mr. Speaker.

Mr. DELLUMS. Mr. Speaker, as chairman of the Subcommittee on Military Installations and Facilities of the Armed Services Committee I rise in support of H.R. 1548, the California Military Lands Withdrawal Act of 1987.

This bill was jointly referred to the Committees on Armed Services and Interior and Insular Affairs. The Subcommittee on Military Installations and Facilities of the Armed Services Committee held hearings on this legislation on July 30, 1987. At that hearing the witnesses, representing the Department of the Navy and the Marine Corps, indicated to our subcommittee that they had no objections to the legislation as reported out by the Subcommittee on National Parks and Public Lands of the Interior and Insular Affairs Committee. It is my understanding that the legislation before the House today is exactly the same as that reported from the subcommittee.

The Navy testified that the present lack of proper land use agreements for these areas have resulted in increasing management problems on these properties and in some instances are impairing the military missions.

Essential Navy and Marine Corps activities have been conducted on these lands for over 40 years. The China Lake area is used primarily for research, development, test and evaluation of Navy weapons and systems. The Chocolate Mountain Aerial Gunnery Range is used by the Navy and the Marine Corps for live ammunition air-to-ground practice. It is used 7 days a week and is the largest Department of Defense gunnery range in the continental United States. Its continued use is vital to military training.

Based on these concerns, the strong support given this legislation by the Department of Defense, and the need to act on this legislation as soon as possible, the Armed Services Committee has agreed to allow this bill to come to the floor without formal action by the full committee.

The passage of this legislation is vital to the continued operation of these training areas for the Department of Defense. Your favorable consideration is requested.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1548, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADDITIONS TO WILDERNESS AREAS IN TEXAS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2486) to authorize the Secretary of Agriculture to acquire certain private lands to be added to wilderness areas in the State of Texas, as amended.

The Clerk read as follows:

H.R. 2486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION.

(a)(1) The Secretary of Agriculture (hereinafter referred to as the "the Secretary") is authorized and directed to acquire lands identified as "Additions" on the following maps, dated May 1987, and entitled:

(A) "Additions to the Upland Island Wilderness, Angelina National Forest".

(B) "Additions to Turkey Hill Wilderness, Angelina National Forest".

(C) "Additions to Big Slough Wilderness, Davy Crockett National Forest".

(2) The Secretary shall file the maps referred to in this section and the new legal descriptions of each wilderness area enlarged by this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such legal descriptions and maps may by made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) In acquiring lands specified in subsection (a), the Secretary shall first endeavor to obtain such lands through exchange of other National Forest lands in the State of Texas, exclusive of wilderness, of approximately equal value. If some or all such lands

specified in subsection (a) have not been acquired through such an exchange by the end of the 2-year period beginning on the date of enactment of this Act, the Secretary shall use the Secretary's existing authority to acquire such lands through other means including by donation or by purchase with appropriated or donated funds.

It is the sense of Congress that the Secretary shall complete the acquisition of such lands no later than four fiscal years after the fiscal year of enactment of this Act.

SEC. 2. ADMINISTRATION.

Subject to valid existing rights, any lands within the areas identified as "additions" on the maps referenced in Section 1 which prior to the date of enactment of this Act were acquired by the United States are hereby designated as wilderness, and any such lands within such areas which are acquired by the United States after the date of enactment of this Act shall be designated as wilderness as of the date of such acquisition; and in each case all lands to designated shall be managed by the Secretary of Agriculture, through the Chief of the Forest Service, in accordance with the provisions of the Wilderness Act of 1964. Any reference in those provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of designation of such lands as wilderness.

SEC. 3. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2486, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 2486 is to enhance the quality and value of three beautiful wilderness areas in the national forests of Texas. Introduced by our colleague, CHARLES WILSON, the bill has bipartisan support. The author of this bill as well as other Members from Texas have long recognized the importance of wilderness in their State and have worked hard on previous legislative measures to preserve Texas wilderness.

Congress recognized the need to preserve wilderness in Texas when it passed the Texas Wilderness Act of 1984. This act designated five wilderness areas in the Angelina, Davy Crockett, Sabine, and Sam Houston National Forests totaling approximately 34,000 acres. Since the passage of this act, there has been a need to adjust the boundaries of these wilderness areas to promote more efficient management and to add important elements of the wilderness resource that were left out. In 1986, Congress enacted Public Law 99-584 which made some of these adjustments by adding approximately 1,100 acres to these areas.

H.R. 2486 continues this process by further adjusting the boundaries of three of these wilderness areas, the Upland Island Wilderness, the Turkey Hill Wilderness and the Big Slough Wilderness. The bill would authorize and require the Secretary of Agriculture to acquire 693 acres of private land which would become part of these wilderness areas.

The Secretary would have 2 years to acquire the lands by exchange. After this time, the Secretary would use existing authority to acquire the lands by purchase or donation.

These key lands would round out the boundaries of the wilderness areas eliminating areas of potential development that now are surrounded on three sides by designated wilderness. These lands also would add old growth stands of overcup oaks, water hickories, planetree oaks and other hardwoods to the wilderness areas and would enhance recreational opportunities for canoeists and fishermen.

I urge my colleagues to support this bill and contribute to the preservation of the wilderness heritage of Texas.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican side has no objections to H.R. 2486 as it is now written. However, when the subcommittee reported the bill, there was an objection to forcing the Forest Service to condemn private lands if the lands were not acquired by exchange or donation within 2 years.

The bill was modified to make the acquisition authority a sense-of-Congress statement rather than a requirement.

Mr. Speaker, I want to commend the subcommittee chairman and the primary sponsors of the bill, the Honorable CHARLES WILSON, the Honorable JOHN BRYANT, the Honorable STEVE BARTLETT, and the Honorable JOE BARTON for their help in passing and moving this bill along.

Although the administration still has concerns with the bill, I recommend that my colleagues support H.R. 2486 in its present form.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I rise in support of H.R. 2486, which would authorize the U.S. Forest Service to acquire 693 acres of private land in Texas and designate this land as wilderness.

Mr. Speaker, I thank my friend and colleague, the gentleman from California [Mr. LAGOMARSINO] for his excellent work on this legislation.

Mr. Speaker, in 1984, Congress passed the Texas Wilderness Act, which designated five wilderness areas in the Angelina, Davy Crockett, Sabine, and Sam Houston National Forests in Texas. These wilderness areas total approximately 34,000 acres. With the enactment of Public Law 99-584 in 1986, Congress began the important process of adjusting these wilderness boundaries by adding 1,100 acres of wilderness. H.R. 2486 continues this adjustment process, which is needed for a number of reasons.

First, adding the 693 acres to the Big Slough, Upland Island, and Turkey Hill Wilderness Areas will help the Foreign Service better manage these areas, as the "peninsulas" of private land that currently extend into wilderness areas make it difficult to enforce wilderness regulations.

Second, H.R. 2486 eliminates the possibility of these peninsulas of land being developed at some point in the future. Development of these peninsulas could adversely affect the wilderness areas that border them on three sides.

Third, this bill could add old growth stands of a number of hardwood tree varieties, including overcup oaks, water hickories, and planetree oaks to wilderness areas.

Finally, this bill would increase the acreage of stream bank included within wilderness boundaries, thus enhancing recreational opportunities for canoeists and fishermen.

I would like to note that there was initially some concern about the bill's timetable for acquisition of land by the Forest Service. There was concern that the Forest Service, in an effort to meet a timetable for acquisition mandated by Congress, might be forced to resort to condemnation as a means of acquiring the land. However, in markup by the Subcommittee on National Parks and Public Lands, an amendment in the form of a substitute was adopted which changed a requirement that the land be acquired within 4 years to a sense of Congress that the additional acreage involved be acquired within this time period. There is no requirement in H.R. 2486 that the Forest Service resort to condemnation of land to fulfill time requirements.

I would also like to point out that H.R. 2486 directs the Secretary of Agriculture to emphasize the exchange of other national forest land in Texas in acquiring these 693 acres and in no way mandates the spending of Federal funds for this acquisition. It is my belief that the 693 acres will be exchanged far in advance of the 4-year goal suggested by the sense of Congress. In real terms, there is little basis for the argument that H.R. 2486 will involve the expenditure of Federal funds.

The benefits of the wilderness boundary adjustments called for in H.R. 2486 are clear and I urge my colleagues to support this bill's passage.

Mr. Speaker, I am joined in this statement by Congressman JOE BARTON of east Texas, who represents the general area of east Texas and who joins with me in support of H.R. 2486 and extends his compliments and appreciation to the subcommittee.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no futher requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2486, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REVISING THE BOUNDARIES OF SALEM MARITIME NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2652) to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

The Clerk read as follows:

H.R. 2652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY REVISION OF SALEM MARITIME NATIONAL HISTORIC SITE.

(a) BOUNDARY REVISION.—The Salem Maritime National Historic Site (hereafter in this Act referred to as the "national historic site"), designated on March 17, 1938, under section 2 of the Act of August 21, 1935 (49 Stat. 666), and located in Salem, Massachusetts, shall consist of lands and interests in lands as generally depicted on the map entitled "Boundary Map, Salem Maritime National Historic Site, Salem, Massachusetts", numbered 373-80,011, and dated April 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior may acquire lands or interests therein within the boundary of the national historic site by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the Commonwealth of Massachusetts or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to this Act shall become part of the national historic site and shall be subject to all the laws and regulations applicable to the national historic site.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2652, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Salem Maritime National Historic Site preserves key elements of our Nation's maritime heritage, with its wharf, Customs House, merchant's homes, artifacts, and archives. Salem was a major seaport, with its ships going all over the world in search of trade. During the American Revolution, Salem was the only major American port not closed by the British.

This year we are celebrating the bicentennial of the Constitution. Much of the attention of the bicentennial has gone to its political aspects. Salem Maritime National Historic Site reminds us of the economic aspects. Under the Constitution, the Federal Government is empowered to raise revenues by duties, and other taxes. At one time in our past, the duties raised at the Port of Salem were nearly one-sixth of the total revenue for this Nation. They were collected at the Customs House now part of the park.

H.R. 2652, introduced by our colleague NICK MAVROULES adjusts the boundary of this historic site, which was established in 1938, so that the St. Joseph Hall can eventually be acquired. When it is, the historic Customs House can be emptied of various National Park Service uses such as administration, maintenance, and curatorial storage. The Customs House which inspired Nathaniel Hawthorne will then be restored to its historic character.

Mr. Speaker, I endorse this bill, and believe its passage will be fitting as part of our Nation's celebration of the bicentennial of the Constitution.

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Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2652, to revise the boundaries of the Salem Maritime National Historic Site to include an adjacent piece of land which is less than an acre in size. The land parcel includes a building, presently for sale, which the National Park Service [NPS] would like to acquire for administrative purposes. In order to complete the acquisition, the building must be within the boundaries of the historic site.

Since the establishment of the site in 1938, NPS has used the historic Custom House for administrative purposes. However, increased visitation at the site has resulted in the need to separate the administrative offices from the historic structures in order to improve the visitor experience and administrative effectiveness and reduce the adverse impacts to the resources of the site. In addition, inclusion of the building within the site's boundary has been documented in NPS plans as a management need of the park.

Mr. Speaker, this is a bipartisan measure supported by the National Park Service that will result in a very minimal Federal expenditure. I know of no opposition to this bill which I agree is needed to improve the Salem Maritime National Historic Site. Therefore, I urge my colleagues to approve H.R. 2652.

Mr. Speaker, I want to commend the bill's sponsor, the gentleman from Massachusetts [Mr. MAVROULES], and the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], for their efforts to move the bill forward in an expeditious manner.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman very much.

Mr. Speaker, my sole purpose here is to thank both the subcommittee chairman and the ranking minority member of their cooperation and kindness which they demonstrated to me and to the people who have an interest in this particular bill. It has been articulated very, very well. I strongly support it. The city of Salem and all of the local governments support it.

I want to thank all the people who are involved. It will be a marvelous initiative for the further development of the customs services in the city of Salem as the gentleman well demon-

strated. I simply want to thank all of them for their cooperation.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I gladly yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman for his work and for the work of the community in terms of historic preservation. They indeed are investing considerable effort and time in historic preservation. Sometimes as we deal with these park and historic units under the national parks or other systems, we fail to recognize the importance they have to the local communities, to the economy and to all the activities going on in and around that area.

I think Salem as a community is doing an outstanding job trying to restore and try to enhance its business community and its historic structures which are present.

These historic sites are certainly an important catalyst to that activity.

I know we have a good deal of work in public policymaking in this area to continue to work with and I look forward to continue working with the gentleman. He has done good work. He brings to us a good bill which deserves our support.

Mr. MAVROULES. Once again, I want to thank the chairman of the subcommittee very much, both he and the ranking member.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 2652, a bill I am proud to cosponsor. I would like to commend the gentleman from Massachusetts, Mr. MAVROULES, for introducing this bill. I would also like to thank Bruce Craig, of the National Parks Conservation Association, Maureen Johnson, the director of the Salem Partnership, Denis Galvin of the National Park Service, and particularly Salem's Mayor Salvo for their testimony at the September 17 hearing that the Interior Committee's Subcommittee on Parks and Public Lands held on this legislation. I would also like to commend the able chairman of the Subcommittee on Parks and Public Lands, Mr. VENTO, for his leadership on this issue.

H.R. 2652 would allow the revision of the boundaries of the Salem National Maritime Site, to permit the acquisition of a building adjacent to the present historic site. That building is currently for sale. The legislation requires no appropriation, but simply allows the acquisition to go forward. This bill has the support of the National Park Service and of city officials in Salem, as well as the whole Massachusetts congressional delegation. It is a noncontroversial proposal which would allow the enhancement of one of America's great historical resources.

Mr. Speaker, the Salem Maritime National Historical Site is a tribute to the history of early America, and particularly to the important shipping industry that made our Nation a great maritime and commercial power from its earliest days. Founded as a plantation in 1626, Salem is the Massachusetts Bay's oldest seaport and was once our Nation's sixth largest city.

Commerce through ports like Salem was part of the foundation of our national life from the days of independence. Indeed, Salem played a crucial role in the war for independence and in subsequent formation of our constitutional republic. The leaders of Salem's shipping industry also provided leadership in the movement for American independence and financial backing for that struggle. During the Revolutionary War, Salem provided more privateers for the sea war against British ships than any other port in America. And after independence, Salem shipowners were prominent Federalists, arguing for the strong national Constitution whose bicentennial we are celebrating this year.

Unfortunately, the shipping industry that helped shape American history also was subject to vicissitudes of that history. In particular, the trade embargo imposed by President Jefferson prior to the War of 1812 caused a decline in the fortunes of Salem's shipping commerce. The gradual decline in shipping industry, however, meant the preservation in Salem of many features of that great age in maritime history.

We are, however, very fortunate that much of the old Salem survives as a testament to this history. The Salem Maritime National Historic Site has been preserved as a beautiful and fascinating embodiment of early American history. This site includes two wharves, a lighthouse and government bonded warehouses. The Salem site also contains a beautiful customs house, dating to 1819. It is interesting to note that customs duties once accounted for 95 percent of the Federal Government's operating funds. This is further testimony to the historical importance of maritime commerce to our Nation. It underscores the educational service provided by historic sites like that at Salem.

Mr. Speaker, the bill before us today will allow the further enhancement of the Salem Maritime National Historic Site.

I urge my colleagues to support this legislation, which will clear the way for an enhancement of a great historical resource of our country. I look forward to its passage by the House.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ECKART). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2652.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS DISTRIBUTION OF JUDGMENT FUNDS ACT OF 1987

Mr. UDALL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1567) to provide for the use and distribution of funds awarded to the Cow Creek Band of Umpqua Tribe of Indians in U.S. Claims Court docket numbered 53-81L, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "tribe" means the Cow Creek Band of Umpqua Tribe of Indians, which was extended Federal recognition by the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712, et seq.).

(3) The term "tribal member" means any individual who is a member of the Cow Creek Band of Umpqua Tribe of Indians within the meaning of section 5 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712c), as amended by section 5 of this Act.

(4) The term "tribe's governing body" means the governing body as determined by the tribe's governing documents.

(5) The term "tribe's governing documents" means either the 'By-Laws of Cow Creek Band of Umpqua Tribe of Indians' which bear an 'approved' date of '9-10-78' or those bylaws as amended or revised or any subsequent final governing document adopted pursuant to section 4 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712b), as amended by section 7 of this Act.

(6) The term "tribal council" means the general membership of the Cow Creek Band of Umpqua Tribe of Indians convened in a meeting open to all tribal members.

(7) The term "tribal elder" means any tribal member who reached 50 years of age on or before December 31, 1985 and whose name appears on the list compiled pursuant to 4(b)(1)(A).

SEC. 3. JUDGMENT DISTRIBUTION PLAN.

Notwithstanding Public Law 93-134 (25 U.S.C. 1401, et seq.), or any plan prepared or promulgated by the Secretary pursuant to such Act, the judgment funds awarded in United States Claims Court docket numbered 53-81L shall be distributed and used in the manner provided in this Act.

SEC. 4. DISTRIBUTION AND USE OF FUNDS.

(a) PRINCIPAL PRESERVED; NO PER CAPITA PAYMENTS.—(1) The total judgment fund of $1,500,000, less attorney's fees and loan with the Bureau of Indian Affairs for expert witness testimony during the land claims case, shall be set aside as the principal from which programs under this Act will be funded. Only the interest earned on this principal may be used to fund such programs. There will be no per capita distribution of any funds, other than as specified in this Act.

(2) The Secretary shall—

(A) maintain the judgment fund in an interest-bearing account in trust for the tribe; and

(B) shall disburse funds as provided in this Act within thirty days of receipt by the Portland Area Director, Bureau of Indian Affairs, of a request by the tribe's governing body for disbursement of funds.

(b) ELDERLY ASSISTANCE PROGRAM.—(1) From the principal, the Secretary shall set aside the sum of $500,000 for an Elderly Assistance Program. The Secretary shall provide a one-time-only payment of $5,000 to each tribal elder within thirty days after the tribe's governing body—

(A) has compiled and reviewed for accuracy a list of all tribal members who were 50 years of age or older as of December 31, 1985; and

(B) has made a request for disbursement of judgment funds for the Elderly Assistance Program pursuant to subsection (a) of this section.

(2) Payments of $5,000 to tribal elders shall be made—

(A) to tribal elders by age in descending order, beginning with the oldest tribal elder, until the interest accumulated for one year on the $500,000 has been depleted below the sum of $5,000: Provided, That any interest remaining shall carry over to the following year for distribution hereunder in the next $5,000 payment;

(B) on or before January 1 of succeeding years, and will continue to be made to tribal elders in descending order by age until the interest earned in such year on the $500,000 has been depleted below the sum of $5,000: Provided, That any interest remaining shall carry over to the following year for distribution hereunder in the next $5,000 payment; and

(C) each year until every individual eligible for payment under this subsection has received a one-time-only payment of $5,000: Provided, That when all payments have been completed, the principal sum of $500,000 will be distributed to other tribal programs as provided in this Act and any remaining interest will be distributed to other tribal programs as determined by the tribe's governing body.

(3) If any tribal member eligible for an elderly assistance payment should die before receiving such payment, the money which would have been paid to that individual will be returned to the Elderly Assistance Program fund for distribution in accordance with this section.

(c) HIGHER EDUCATION AND VOCATIONAL TRAINING PROGRAM.—(1) From the principal, the Secretary shall set aside the sum of $100,000 for a Higher Education and Vocational Training Program. Interest earned on such sum shall be disbursed annually in a lump sum to the tribe and will be utilized to provide scholarships to tribal members pursuing college, university, or professional education or training. Tribal members seeking vocational training also will be funded from this program, although adult vocational training funding available through a contract with the Bureau of Indian Affairs will be utilized first if an individual is eligible and there is sufficient funding in such program.

(2) When the Elderly Assistance Program under subsection (b) has been completed, the principal funding for the higher education and vocational training program shall be increased to $250,000.

(d) HOUSING ASSISTANCE PROGRAM.—(1) From the principal, the Secretary shall set aside the sum of $100,000 for a Housing Assistance Program for tribal members. Interest earned on such sum shall be disbursed annually in a lump sum to the tribe and may be added to any existing tribal housing improvement programs to supplement them or it may be used in a separate Housing Assistance Program to be established by the tribe's governing body. Such funding may be used for—

(A) rehabilitation of existing homes;

(B) emergency repairs to existing homes;

(C) down payments on new or previously occupied homes; and

(D) if sufficient funding is available in a given year, for purchase or construction of new homes.

(2) When the Elderly Assistance Program under subsection (b) has been completed, the principal funding for the housing assistance program shall be increased to $250,000.

(e) ECONOMIC DEVELOPMENT AND TRIBAL CENTER.—(1) From the principal, the Secretary shall set aside the sum of $250,000 for economic development and, if other funding is not available or not adequate, for the construction and maintenance of a tribal center. Interest earned on such sum shall be disbursed annually in a lump sum to the tribe and may be used for—

(A) land acquisition for business or other activities which would benefit the tribe economically or provide employment for tribal members: Provided, That at least 50 per centum of all individuals employed in a tribally operated business acquired or operated under this subsection shall be tribal members or their spouses as available and qualified: Provided further, That as new positions open or existing ones are vacated, preference will be given to tribal members or their spouses, but if insufficient numbers of qualified tribal members or their spouses are available to fill at least 50 per centum of the positions offered, nontribal members may be considered for employment;

(B) business development for the tribe, including collateralization of loans for the purchase or operation of businesses, matching funds for economic development grants, joint venture partnerships, and other similar ventures which can be expected to produce profits for the tribe or to employ tribal members;

(C) reservation activities, including forest management, wildlife management and enhancement of wildlife habitats, stream enhancement, and development of recreational areas. The tribe's governing body shall determine what reservation activities will be funded from economic development funds under this subparagraph; or

(D) construction, support, or maintenance of a tribal center.

(2) When the Elderly Assistance Program under subsection (b) has been completed, the principal funding available for economic development and tribal center shall be increased to $400,000.

(f) MISCELLANEOUS TRIBAL ACTIVITIES.—(1) From the principal, the Secretary shall set aside the sum of $50,000 for miscellaneous tribal activities as determined by the tribe's governing body. Interest earned on such sum shall be disbursed annually in a lump sum to the tribe and may be used for—

(A) operating costs of the tribe's governing body, including travel, telephone, and other expenses incurred in the conduct of the tribe's affairs;

(B) legal fees incurred in the conduct of tribal affairs, tribal businesses or other tribal activities, recommended by the tribe's governing body and approved by the tribal council; or

(C) repayment to the Secretary of any funds provided by the Secretary under Bureau of Indian Affairs Contract Numbered POOC14207638.

(2) When the Elderly Assistance Program under subsection (b) has been completed, the principal funding for miscellaneous tribal activities shall be increased to $100,000.

(g) EVERGREEN PROPERTY; COLLATERALIZATION OF LOAN WITH BUREAU OF INDIAN AFFAIRS.—(1) From the principal, the Secretary shall set aside the sum of $315,000 as collateral on the property known as Evergreen. The interest from such amount shall be disbursed annually in a lump sum to the tribe and shall be utilized for payments on the loan property and for maintenance and upgrade of such property. If the tribe's governing body determines that the interest and income together are sufficient to pay off the loan more quickly, it may commit the full interest from $315,000 to repayment of the loan until such time as loan payments are completed or the income from the property is sufficient to complete the loan payments.

(2) When the loan has been paid or the income from the property is sufficient to pay the loan, the principal amount of $315,000 and any remaining interest generated from such sum shall be redistributed to the Housing Assistance Program, Higher Education and Vocational Training Program, and Economic Development and Tribal Center Program established under this section in such proportions as the tribe's governing body determines to be appropriate.

(h) GENERAL CONDITIONS.—The following conditions will apply to the management and use of the judgment funds by the tribe's governing body:

(1) No amount greater than 10 per centum of the interest earned on the principal may be used for the administrative costs of any of the above programs, except as provided in paragraph (2).

(2) No service area is implied or imposed under any program under this Act. If the costs of administering any program under this Act for the benefit of a tribal member living outside the tribe's Indian health service area are greater than 10 per centum of the interest earned thereon, the tribe's governing body may authorize the expenditure of such funds for that program, but in carrying out the program shall give priority to individuals within the tribe's Indian health service area.

(3) The tribe's governing body may at any time after enactment of this Act declare a dividend to tribal members from the profits from any business enterprise of the tribe. Prior to declaring or distributing dividends, however, the tribe's governing body must first take into consideration the effect of such declaration or distribution of dividends on future operating costs and proposed business expansions. Profits from business enterprises may also be distributed back into any of the programs established under this section provided that future operating costs and proposed expansion costs are first set aside. Any such distribution back into the program under this Act shall be proportional to the percentage of principal then being allocated hereunder.

(4) Notwithstanding any other provisions of this Act, interest accrued on the principal prior to enactment of this Act shall as of the date of this Act be distributed under the tribal programs described in section 4 of this Act.

(5) The tribe's governing body shall adopt and publish in a publication of general cir-

culation regulations which provide standards for the participation of individuals who are eligible for programs established pursuant to subsections (c) and (d) of this section.

(6) Benefits received pursuant to this Act shall be considered supplementary to existing Federal programs and their existence shall not be used by any Federal agency as a basis to deny eligibility in whole or in part for existing Federal programs.

(7) Any individual who feels he or she has been unfairly denied the right to take part in any program under subsections (b), (c), or (d) of this section may appeal to the Secretary. The Secretary shall provide payments pursuant to this section to any individual who the Secretary determines, after notice and hearing, has been unfairly denied the right to take part in such program.

(8) Notwithstanding any other provisions of this Act, no funds shall be disbursed pursuant to subsection (c) or (d) of this section until one year after enactment of this Act.

(i)(1) Any portion of the principal set aside under subsection (a) which remains after the allocations of the principal required under subsections (b), (c), (d), (e), and (f) have been made shall be allocated among the Housing Assistance Program, the Higher Education and Vocational Training Program, and the Economic Development and Tribal Center Program established under this section in such proportions as the tribe's governing body determines to be appropriate.

(2) If the total amount of the principal set aside under subsection (a) after amounts sufficient to pay attorney's fees and the loan described in subsection (a) have been deducted is insufficient to make all of the allocations of the principal required under subsections (b), (c), (d), (e), and (f), the portion of the principal which is required to be allocated to the purposes provided in subsections (c), (d), (e), and (f) shall be reduced in such proportions as the tribe's governing body determines to be appropriate.

SEC. 5. MEMBERSHIP ROLLS.

(a) Section 5 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712c) is amended to read as follows:

"SEC. 5. TRIBAL MEMBERSHIP.

"(a) Until such time as the Secretary of the Interior publishes a tribal membership roll as mandated in subsection (b) of this section, the membership of the Cow Creek Band of Umpqua Tribe of Indians shall consist of all persons listed in the official tribal roll approved on September 13, 1980, by the tribe's Board of Directors, and their descendants. Following publication by the Secretary of the tribal membership roll mandated in subsection (b) of this section, the membership of the Cow Creek Band of Umpqua Tribe of Indians shall consist of all persons listed on such roll.

"(b) Within three hundred and sixty-five days after the enactment of the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary shall prepare in accordance with the regulations contained in part 61 of title 25 of the Code of Federal Regulations a tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians. Such roll shall include all Indian individuals who were not members of any other federally recognized Indian tribe on July 30, 1987 and who—

"(1) are listed on the tribal roll referred to in subsection (a);

"(2) are the descendants of any individuals listed pursuant to paragraph (1) born on or prior to enactment of this Act; or

"(3)(A) are the descendants of any individual considered to be a member of the Cow Creek Band of Umpqua Tribe of Indians for the purposes of the treaty entered between such Band and the United States on September 18, 1853; (B) have applied to the Secretary for inclusion in the roll pursuant to subsection (c); and (C) meet the requirements for membership provided in the tribe's governing documents.

"(c) The Secretary shall devise regulations governing the application process under which individuals may apply to have their names placed on the tribal roll pursuant to paragraph 3 of subsection (b).

"(d) After publication of the roll in the Federal Register, the membership of the tribe shall be limited to the persons listed on such roll and their descendants: Provided, That the tribe, at its discretion, may subsequently grant tribal membership to any individual of Cow Creek Band of Umpqua ancestry who pursuant to tribal procedures, has applied for membership in the tribe and has been determined by the tribe to meet the tribal requirements for membership in the tribe: Provided further, That nothing in this Act shall be interpreted as restricting the tribe's power to impose additional requirements for future membership in the tribe upon the adoption of a new constitution or amendments thereto as provided in section 7 of the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987.".

(b) TECHNICAL CORRECTION.—The Cow Creek Band of Umpqua Tribe of Indians Recognition Act is amended by striking out "Umpqua Tribe of Oregon" each place it appears and inserting in lieu thereof "Umpqua Tribe of Indians".

SEC. 6. ELIGIBILITY OF NONTRIBAL MEMBERS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, any individual who is not a tribal member shall be eligible to participate—

(1) in the programs established under subsections (c) and (d) of section 4 of this Act if such individual—

(A) submits to the Secretary and to the tribe an application for participation in such programs which is accompanied by evidence establishing that such individual is within the group of persons described in section 4(a) of Public Law 96-251; and

(B) is certified by the Secretary as being within such group; and

(2) in the program established under subsection (b) of section 4 of this Act if such individual—

(A) submits to the Secretary and to the tribe, by no later than one hundred and eighty days after the date of enactment of this Act, an application for participation in such program which is accompanied by evidence establishing that such individual is within the group of persons described in section 4(a) of Public Law 96-251; and

(B) is certified by the Secretary as being within such group.

(b) BASIS OF CERTIFICATIONS.—In making certifications under subsection (a) of this section, the Secretary may use—

(1) records collected pursuant to Bureau of Indian Affairs Contract Numbered POOC14207638 that are made available to the Secretary by the tribe; and

(2) any other documents, records, or other evidence that the Secretary determines to be satisfactory.

SEC. 7. ORGANIZATION OF TRIBE; CONSTITUTION, BYLAWS AND GOVERNING BODY.

(a) IN GENERAL.—Section 4 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712b) is amended to read as follows:

"SEC. 4. (a) The tribe may organize for its common welfare and adopt an appropriate instrument, in writing, to govern the affairs of the tribe when acting in its governmental capacity. The tribe shall file with the Secretary of the Interior a copy of its organic governing document and any amendments thereto.

"(b) Not less than one year following enactment of the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the tribe's governing body may propose a new governing document or amendments or revisions to the interim governing document, and the Secretary shall conduct a tribal election as to the adoption of that proposed document within one hundred twenty days from the date it is submitted to the Bureau of Indian Affairs.

"(c) The Secretary shall approve the new governing document if approved by a majority of the tribal voters unless he or she determines that such document is in violation of any laws of the United States.

"(d) Until the tribe adopts and the Secretary approves a new governing document, its interim governing document shall be the tribal bylaws entitled 'By-Laws of Cow Creek Band of Umpqua Tribe of Indians' which bear an 'approved' date of '9-10-78,'.

"(e) Until the tribe adopts a final governing document, the tribe's governing body shall consist of its current board of directors elected at the tribe's annual meeting of August 10, 1986, or such new board members as are selected under election procedures of the interim governing document identified at subsection (d).".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1567 is to provide for the use and distribution of funds awarded to the Cow Creek Band of Umpqua by the court of claims. This claim was filed by the tribe against the United States for loss of land sustained by the tribe as a result of actions taken by the United States. The claim was settled by compromise in 1984 for $1,500,000. Funds to satisfy this award were appropriated in 1985.

The plan for the use and distribution of these funds, which is embodied in this bill and which is supported by the tribe, calls for the creation of several tribally administered programs including an Elderly Assistance Program, a Housing Program, and an Education Assistance Program.

Mr. Speaker, this bill already passed the House by voice vote and is being sent back by the Senate with a minor amendment. The amendment would make sure that individuals who are not on the current tribal roll, but who can prove Cow Creek ancestry will be able to be added to the roll as long as they meet the current membership requirements.

Because the administration has voiced some opposition to this bill which seem to question the legality and propriety of the bill, I feel compelled to answer these criticisms.

The administration asserts that the Cow Creek Band of Umpqua Indians as defined in the bill is neither the modern day successor to the historical tribe nor substantially made up of Cow Creek descendants. This assertion is not backed by the evidence submitted to the committee. The committee has received in the last 3 years very little, if any, evidence to rebut the tribe's claim that its members were indeed of Cow Creek ancestry. In addition, it ignores that Congress has the plenary power to designate the modern day successor to the historical tribe. This Congress did in 1982 when it first recognized the tribe and defined its membership.

While Congress has plenary power over Indian Affairs, such power cannot be exercised without rational basis. In this case, after considerable research spanning two Congresses and after listening to expert witnesses and historians, the committee has recognized the individuals listed on the current tribal roll, as members of the tribe.

However, because the tribe, as presently constituted, may not include all of the Cow Creek descendants, the bill was amended to allow the Secretary of the Interior to place such additional individuals on the tribal roll.

Let me now turn to the administration's claim that the United States may have to pay the claim twice because Cow Creek descendants who are not members of the band may file a law suit.

While nobody can prevent anyone from filing suit, such a suit, if filed, would be without any merit. First, the bill does allow all Cow Creek descendants, whether they are tribal members or not, to participate in the tribal programs funded from the award. Therefore, these descendants may not have any standing to sue since they are included in the class of beneficiaries. Second, such descendants have no vested rights in a specific share of the award. This award was given to the tribe as an entity, not to any particular individual.

I urge acceptance of the Senate amendment.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority on the Interior and Insular Affairs Committee has no objection to H.R. 1567, the Cow Creek Judgement Distribution Act.

Mr. RHODES. Mr. Speaker, I rise in support of concurrence in the Senate amendments to H.R. 1567, a bill which would provide for the use and distribution of $1.5 million awarded the Cow Creek Band of the Umpqua Indian Tribe by the U.S. Court of Claims in 1984.

As a little background I would like to note that subsequent to the authorization which allowed the Cow Creek Band to go to the claims court, Congress enacted legislation federally establishing and recognizing the current tribe. In some instances there are Cow Creek descendants who chose not to become members of the tribe. For this reason the administration has proposed that the $1.5 million be distributed on a per capita basis to all descendants.

The House and Senate disagree with the administration for a number of reasons. First, the history of per capita payments is abysmal. Lump sums of hundreds or even thousands of dollars can dissipate almost overnight with no benefit to the tribe or society. Second, the bureaucratic costs of the researching of descendants and the implementation of a per capita distribution are not justified. Finally, Congress previously decided that this tribe is the successor group to the original tribe, and based on the policy of a government-to-government relationship, we should defer to the tribal wishes.

The Senate amendments to H.R. 1567 are mostly technical in nature. However, they do provide that nonmember descendants can participate in all the programs established with the judgment fund award. The House-passed version limited participation by nonmember descendants.

I believe the tribe should be commended for requesting that Congress approve a plan which will reduce the tribe's dependence on the Federal—since many of the new assistance programs could be funded by Federal appropriations. Therefore, I urge my colleagues to concur in the Senate amendments to H.R. 1567.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Oregon [Mr. DEFAZIO].

Mr. Speaker, H.R. 1567 represents the conclusion of the long effort of the Cow Creek Band of Umpqua Indians, whose ancestral home is in the southern part of my district, to win compensation for the loss of tribal lands over 130 years ago and to use that compensation for the long-term benefit of the tribe.

The House passed this bill by voice vote on April 27. The Senate has now considered the bill, provided helpful amendments, and passed it by voice vote. Both of Oregon's Senators spoke eloquently for its passage and were instrumental in providing these amendments. Last year a similar bill unanimously passed both Houses of Congress but adjournment prevented reconciliation of slight differences in text.

Again, I want to express my appreciation to my chairman, the gentleman from Arizona, for his consideration in ensuring rapid consideration by the Interior Committee and for his long assistance to the members of the Cow Creek Tribe.

I will take this opportunity to review again for my colleagues the details of this bill. This bill provides a distribution formula for funds won by the tribe in a settlement of its claim for compensation for lost tribal lands. In 1980 Congress passed Public Law 96-251 which enabled the Cow Creek Indians to pursue their claim in the U.S. Court of Claims. This act allowed the tribe to at long last pursue its claim dating from the original treaty of September 19, 1853, which guaranteed compensation for 800 square miles of tribal land ceded to the Federal Government the following year. Hostilities between early settlers of the region and Indian tribes in the area resulted in the scattering of tribal members and the end to the payments legally due.

In 1984 the parties to the claim agreed to settle and the court awarded to the tribe the sum of $1,500,000. On August 21, 1984 Congress appropriated the necessary funds for the settlement.

In the interim Congress restored Federal recognition to the tribe by Public Law 97-391. To assure a sustainable resource for tribal programs, the tribe developed a distribution plan for the settlement award. The entirement sum, less the costs of pursuit of the claim, were to be placed in trust with the interest funding a variety of designated programs. These programs range from an elderly assistance program to housing and vocational training.

Mr. Speaker, this plan is an alternative to the per capita distribution recommended by the Bureau of Indian Affairs and I believe a far more beneficial plan. Per capita distribution has a sorry history in the State of Oregon. They result in small lump sums to individual members but do nothing to further the long-term development of the tribe.

In the course of seeking Federal recognition the tribe prepared an exhaustive survey of the economic conditions facing tribal members. Not surprisingly, tribal members are among the poorest and most ill-housed and educated residents of an already distressed region. The goal of the tribe is long term stability and the formulation of this plan is an important step.

This bill now costs the Federal Government nothing. The funds are in a trust account awaiting our enactment of a distribution plan. Again, Mr. Speaker, this distribution plan has now passed each House of Congress twice. The Senators from Oregon and

I attempted to clarify the language concerning tribal membership and governance to satisfy the concerns expressed by the Bureau of Indian Affairs about lack of guidance from the tribe's restoration act.

The major concern expressed by the Bureau is, I believe, amply addressed by this bill. The benefits of this fund will extend to all descendents of the Cow Creek Band, whether they are currently enrolled members or not. This ensures that descendants not listed on the roll submitted to the Congress at the time of restoration are able to participate in the programs funded by this act. Additionally, the bill directs the Secretary of Interior to prepare an official roll based on the roll, identified here, submitted to Congress at the time of restoration with inclusion of those descendants who were left off in 1982. The criteria for addition to the roll are specific and carefully constructed to ensure that only lineal descendants may be added to the roll.

I urge my colleagues to support this very important step toward self sufficiency for the Cow Creek Tribe.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1567.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SENTENCING GUIDELINES STAY OF IMPLEMENTATION ACT OF 1987

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3307) to provide for an orderly transition to the taking effect of the initial set of sentencing guidelines prescribed for criminal cases under section 994 of title 28, United States Code, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sentencing Guidelines Stay of Implementation Act of 1987".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds and declares that—

(1) the initial sentencing guidelines submitted to Congress by the United States Sentencing Commission are substantially workable and ready to take effect on November 1, 1987;

(2) the period for congressional review of the initial guidelines under section 235(a)(1) of the Sentencing Reform Act of 1984 need not be extended;

(3) the Congress has no intention or desire to undercut or disapprove the guidelines; and

(4) there is a need, however, for a brief period of additional time for the training of court personnel and others involved in the application of the guidelines, for further testing of the guidelines, and for the Commission to have an opportunity to further refine the guidelines before they are applied to criminal cases.

SEC. 3. STAY OF IMPLEMENTATION OF SENTENCING GUIDELINES.

Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "36" and inserting "45" in lieu thereof.

SEC. 4. CLARIFICATION OF APPLICATION OF INITIAL GUIDELINES TO CONDUCT TAKING PLACE BEFORE EFFECTIVE DATE.

Section 235(a) of the Comprehensive Crime Control Act of 1984 is amended by adding at the end the following:

"(3) The initial sentencing guidelines that take effect under this section shall apply only with respect to conduct occurring after such guidelines take effect."

SEC. 5. EXPEDITED REVIEW.

(a) CIVIL ACTION.—Any person or entity aggrieved may commence a civil action in the United States District Court for the District of Columbia for declaratory judgment and injunctive relief on the ground that chapter 58 of title 28, United States Code, or any guideline submitted to Congress by the United States Sentencing Commission, violates the Constitution.

(b) THREE-JUDGE COURT.—Any action brought under subsection (a) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(c) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court.

(d) EFFECTIVE DATE.—This section shall take effect on the day the initial sentencing guidelines take effect under section 235(a) of the Comprehensive Crime Control Act of 1984.

SEC. 6. STANDARD FOR DEPARTURE.

(a) IN GENERAL.—Section 3553(b) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The court shall impose a sentence of the kind, and within the range set forth in the applicable sentencing guidelines unless the court finds that there is present in the case an aggravating or mitigating circumstance of a kind or degree not taken into account by such guidelines that provides a compelling reason for imposing a sentence different from a sentence called for by such guidelines, having due regard for the purposes of sentencing set forth in subsection (a)(2) of this section. In determining whether an aggravating or mitigating circumstance is of a kind or degree not taken into account by a sentencing guideline, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date such section 3553(b) takes effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. LUNGREN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 1 the Federal criminal justice system is scheduled to undergo its most dramatic change in our Nation's history with the introduction of sentencing guidelines. This bill, which is the result of hard work by members of both parties, would delay the implementation of the guidelines for nine months and would make several minor changes in the Sentencing Reform Act.

The Sentencing Reform Act of 1984 established the U.S. Sentencing Commission to issue guidelines for sentencing criminal defendants convicted of Federal crimes. The goal of the act was to reduce unwarranted sentencing disparity and to promote honesty, proportionality and fairness in sentencing. The act will effect a revolutionary change in the Federal criminal justice system by requiring judges to follow the guidelines, in most cases, in determining the appropriate sentence. On April 13, 1987 the Sentencing Commission submitted its initial set of guidelines to Congress and on May 1, 1987 submitted a series of amendments. The guidelines and amendments will take effect on November 1, 1987 unless Congress modifies, delays or rejects them.

When it submitted the guidelines in April, the Sentencing Commission requested that Congress delay the implementation of the guidelines for 9 months, until August 1, 1988. The Judiciary Committee's Subcommittee on Criminal Justice recently held a series of hearings at which a large number of witnesses also called for delaying the

guidelines. The suggested delay periods ranged from the 9 months requested by the Sentencing Commission, to 24 months, which was proposed by the American Bar Association. The Federal judges around the country, from Chief Justice Rehnquist down, have been virtually unanimous in supporting a delay. The Judicial Conference of the United States has requested a 12-month delay.

These are several good reasons for delaying the implementation of the guidelines. The first is the need for training. The guidelines represent a dramatic change from present sentencing practices and unless district court judges, appellate judges, probation officers, and prosecuting and defense attorneys are adequately trained, there could be a chaotic implementation period and many errors in applying the guidelines. This could lead to unnecessary litigation and potentially unfair results. There has been some training already, but more is needed.

The second reason for delaying the implementation of the guidelines is to allow for a period of field testing. Field testing could help the Commission anticipate problems and errors in application of the guidelines. During the test period, although actual sentencing would continue to be governed by current law, judges and probation officers would determine the sentences that would be applicable under the guidelines and explain their reasoning. The Commission could study the data generated by these field tests and make necessary changes in the training programs or the guidelines themselves.

The third reason supporting a delay is to enable the Commission to amend the guidelines before they take effect. Apparently, the Commission already knows of some amendments it would like to make. The Subcommittee on Criminal Justice's hearings raised a number of issues the Commission may want to consider addressing through amendments. The training and testing periods may also identify other necessary changes. Since all amendments offered by the Commission do not take effect for 6 months, a 9 month delay really gives the Commission only 3 months, until February 1, 1988, to issue amendments which will take effect simultaneously with the initial guidelines.

The other provisions of the bill are straightforward. To avoid a violation of the Constitution's ex post facto clause, the bill clarifies that the guidelines only apply to crimes committed after their effective date. The bill also contains an expedited review provision designed to get a quick answer from the Supreme Court about a separation of powers challenge that will be raised against the Sentencing Reform Act. Finally, the bill clarifies the language governing when judges can impose sentences outside of the guidelines.

Mr. Speaker, we are about to replace a system that has been in place since the founding of the Republic. Sentencing guidelines have both great potential and great risks. We should do everything we can to ease the transition to this new system. The modest stay of implementation in H.R. 3307 is a sensible and responsible approach. I urge my colleagues to support this bill.

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Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I intend to participate in the debate a little bit longer at a later time, but I did want to put this on the record.

Does not the legislation, I ask the gentleman from Michigan [Mr. CONYERS], state specifically that these guidelines are intended to go into effect and that the intent of the Congress to put them into effect is going to be implemented and that we are not going to engage in any kind of delaying tactics or other kinds of dilatory actions beyond the one which is necessitated by the training and education period?

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, the quickest answer I can say would be to refer all of our colleagues to the long hearings that we have had particularly at the end of the hearings in which there were discussions of this being some possible subterfuge to in the end scuttle the guidelines. There is no such intent on the part of anybody in the Congress that I know of, and I think everybody has reached a consensus that this is an important way to bring the change and that the answer to the question of the gentleman from Pennsylvania [Mr. GEKAS] is that this delay will not lead to any effort to further delay or eventually emasculate or kill the guidelines. Absolutely not.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield further for one other point, Has not the gentleman from Michigan [Mr. CONYERS], the chairman of the Subcommittee on Criminal Justice, stated publicly that he himself would allow implementation of the guidelines at the new deadline?

Mr. CONYERS. I have. I stated it here, but I stated it many, many times in the hearings. It is very flattering for anyone to suspect that I have some inherent power to stay these guidelines.

Mr. GEKAS. I do.

Mr. CONYERS. This work is the product of many years of work. Although I did not think it was a good idea, many judges have said that sentencing with grids and on a fixed period has some benefits. I am reconciled to that.

All the committee wants to do now is move it forward to have its best attempt, the best attempt in implementation. I think for that reason we support all the associations, judicial and legal, that have asked for this delay.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. GEKAS] for his work in this effort. He has worked in a very cooperative spirit with us on the guidelines.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the bill delaying the implementation of the Sentencing Guidelines Act. The chief judge of the Federal court in Little Rock has raised serious questions about the wisdom of the guidelines charging that the proposition is "fundamentally flawed." I share his concern about the bill that is before us today.

I am very much concerned that the establishment of a set of standards that would be applied nationally would give too much authority to the prosecutor and diminish the discretion of the judge.

Would the gentleman respond to that concern?

Mr. CONYERS. Mr. Speaker, would the gentleman yield?

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, let me point out to my colleague that one of the problems that has bedeviled us in this matter is the incredible amount of discretion that would be shifted in addition to the discretion the prosecutor already has. It is something that we are going to have to see how it works out. It is a real concern because the prosecutor can now frame the charges to fit the amount of time that someone might think is appropriate.

This is a very worrisome problem. We have been assured that there will be discretion employed by the prosecutors. We are hoping that there will. Otherwise, I think that could be the one snag that could bring this whole thing down.

Mr. ALEXANDER. It is this concern that the judges in my State have focused upon which leads them to conclude in their view that the bill is fundamentally flawed.

Is there a prospect that the time delay would give the committee time

to review this concern and to have further hearings and give more consideration on this particular point?

Mr. CONYERS. Mr. Speaker, let me say to my friend from Arkansas [Mr. ALEXANDER], and I appreciate his concern, we are going to have to see how it will actually kick in. One of the real reasons for this 9-month delay is to check that out and to see if there is going to be some responsibleness on the part of the U.S. attorneys who will be calling the shots from now on. But it is something we will be watching very, very carefully.

If there is anything that comes to our attention that we could refer to the Sentencing Commission about this problem that we have not brought to their attention already, we would be very delighted to forward it to them.

Mr. ALEXANDER. But the bill that we are taking up today puts the guidelines in effect with a 9-month delay, is that correct?

Mr. CONYERS. No, the guidelines do not take effect. What we will do is, we will begin testing the guidelines but we will be using the current sentencing provisions up until those 9 months. But that is how we worked the bugs out of it. That is how we determined what courses the judges and the other officers of the court and the attorneys should be tested in.

Now remember, the overwhelming bulk of the criminal trials still proceed by pleas.

Mr. ALEXANDER. Surely.

Mr. CONYERS. So this is where that power that you referred to and that some of the judges have indicated are concerned about, is not wishful thinking. It is a very serious problem and we will be monitoring it very carefully.

Mr. ALEXANDER. It is a difficult issue, and I know the gentleman from Michigan [Mr. CONYERS] is taking care to handle it properly and I appreciate the response to the concerns which I have expressed.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. LUNGREN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LUNGREN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LUNGREN. Mr. Speaker, as the old adage goes justice delayed is justice denied.

The delay of the sentencing guidelines beyond the year in which they have already been delayed means that for the next 9 months there will be what I could call a window of opportunity for those who are convicted criminals.

What we are really doing by extending this for 9 months means that the tougher sentences that are scheduled to go into effect as the result of the sentencing guidelines will not go into effect for the next 9 months.

Mr. Speaker, I submit for inclusion in the RECORD a letter from the Attorney General:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, October 2, 1987.

Hon. DAN LUNGREN,
House of Representatives,
Washington, DC.

DEAR DAN: Thank you for your support of our opposition to H.R. 3307, which would delay the implementation of the sentencing guidelines authorized by the Sentencing Reform Act of 1984. We are opposed to this bill and would urge a veto if it were presented to the President for his signature.

As you know, the Sentencing Reform Act of 1984 culminated over a decade of effort to overhaul the outmoded and discredited federal sentencing system. Some members of the federal judiciary opposed it because it confined their discretion in sentencing. Under the present system, judges can, for example, sentence a defendant cinvicted of a ten-year felony to the full ten years or to no prison term whatsoever. Since sentencing decisions are nonreviewable, a judge's determination is final. In practice, while sentences deemed to be harsh are reduced by the Parole Commission, there is no such remedy for unduly lenient sentences. Further delay in the sentencing guidelines, therefore, could be inconsistent with effective law enforcement.

The Sentencing Reform Act had been in force for hardly a year before oponents of reform were back to the Congress urging a one-year delay in the effective date: from November 1, 1986 to November 1, 1987. There were sound arguments for that delay proposal and we did not object to it. The time for delay, however, is past.

You are probably hearing a host of reasons for delaying the sentencing guidelines. Some of the most common are as follows:

The "need more time for training" argument. The sentencing guidelines were promulgated last April, allowing ample time for training of everyone involved in the sentencing process. The guideline system, on the other hand, is straightforward and requiring no elaborate re-education effort. Moreover, as the guidelines only apply to crimes committed on or after November 1, 1987, there are likely to be very few cases sentenced during the next several months, thereby creating a "built-in" period when judges and attorneys can train.

The "guidelines aren't perfect" argument. This approach suggests that we should delay implementation of the guidelines until they can be "perfected". This is a weak excuse for delay. The Sentencing Reform Act clearly dictates how judges are to sentence if no guideline is on point and also authorizes judges to sentence outside the guidelines if necessary, so long as the judge sets forth his or her reasons for departing from the guidelines and understands that sentences outside the guidelines are subject to appeal.

The "guidelines will reduce the length of sentences" argument. Proponents of delay contend that the sentencing guidelines will prevent judges from imposing strong sentences. Of course, as noted above, under the current system those sentences are often reduced by the Parole Commission. One of the major purposes of sentencing reform was to establish "truth in sentencing." The real need in the area of length of sentences is to attack the unduly *lenient* sentence. The guidelines would address this problem.

On behalf of the law enforcement community, I hope that you can prevail upon your colleagues to give the Sentencing Reform Act of 1984 a chance. Since no hearings have been held on H.R. 3307, we have not had an opportunity to make our case against delay. However, this Administration is steadfast in its belief that sentencing delay proposals should be defeated. Federal investigators and prosecutors can then continue their important work under a system in which sentencing will be rational, predictable, principled and fair.

Sincerely,

EDWIN MEESE III,
Attorney General.

Mr. Speaker, in this letter the Attorney General says that they oppose H.R. 3307, which would delay implementation of the sentencing guidelines authorized by the Sentencing Reform Act of 1984.

In his letter he states we are opposed to this bill and would urge a veto if it were presented to the President for his signature.

Just before this debate began, I received word from the Office of Management and Budget that they will in fact recommend a veto of this bill.

The Attorney General points out that the Sentencing Reform Act had been in force for hardly a year before opponents of the reform were back urging a 1-year delay from November 1, 1986, to November 1, 1987. The Attorney General says in his letter that there were sound arguments for that delay proposal and we did not object to it. The time for delay, however, is passed.

The Attorney General is telling us that we need to have these in effect as soon as possible.

I submit for inclusion in the RECORD at this point a letter from the chief spokesman for the U.S. attorneys of the United States:

U.S. DEPARTMENT OF JUSTICE,
WESTERN DISTRICT OF MISSOURI,
Kansas City, MO, August 10, 1987.

Re United States Sentencing Commission Sentencing Guidelines.

Hon. EDWIN MEESE III,
Attorney General of the United States,
Washington, DC

DEAR SIR: On April 13, 1987, the United States Sentencing Commission submitted to Congress proposed sentencing guildelines pursuant to Section 994(a) of Title 28, United States Code. The United States Attorneys are aware that some members of the judiciary and the defense bar are proposing that Congress take affirmative action to extend the date on which the guidelines are to be effective. I write in behalf of the 93 United States Attorneys who oppose an extension of the effective date of the guidelines and support the application of the guidelines commencing November 1, 1987.

While all 93 United States Attorneys would not agree with the Commission or each other about every provision of the guidelines, they support resultant consequences. They support the elimination of parole and the establishment of fixed sentences. They support the elimination of radically disparate sentences in cases where

the facts and circumstances are virtually synonymous. While the United States Attorneys believe that the proposed guidelines are not perfect, they are an improvement to the existing system.

Some people advocate extending implementation of the guidelines and initiation of some form of "test period" during which the current non-guideline system would continue. The United States Attorneys oppose a "test period" that does not contemplate implementation of the guidelines. Such a "test period" would be unproductive. For example, most sentences result from the plea bargaining process. One cannot determine with certainty the probable sentencing consequences of the guidelines unless they are applicable. The participants in the process are not subject to the same pressures and consequences when the guidelines are applied academically and do not impact on the life of a convicted person.

Formulation of the sentencing guidelines has been a difficult task. The Sentencing Commission has solicited and received many varied opinions and ideas pertaining to sentencing convicted persons. The Commission made an exhaustive study of current sentencing guidelines existing in other sovereigns. It heard testimony and reviewed submissions presented by varied sources. It sought and received response to its written work product during the last two years. The sentencing guidelines submitted to Congress resulted from much analysis, dialogue and compromise of many ideas and opinions.

There is no reason to believe that any changes to the guidelines will improve them until they are effected and the results of their application can be determined. While a delay in their effective date cannot reasonably be expected to result in their significant alteration, delay will protract the evils that Congress intended their implementation to correct. Only by their implementation can their defects and strengths be identified and changes based on experience be proposed.

The nation's principal federal prosecutors, responsible for prosecution and virtually all federal criminal violations in each of the 94 judicial districts, oppose extension of the effective date of the sentencing guidelines beyond November 1, 1987. We request that you cause our collective opinion to be communicated to the legislative branch of Government and to other interested persons as you deem appropriate.

Very truly yours,

ROBERT G. ULRICH,

U.S. Attorney; Chairman, Attorney General's Advisory Committee of U.S. Attorneys.

Mr. Speaker, this letter is from the U.S. Attorney for the western district of Missouri, who is the chairman of the Advisory Committee of U.S. Attorneys. He is the chief spokesman for the U.S. attorneys, the 93 U.S. attorneys in the United States.

His letter says in part that, while a delay in their effective date cannot reasonably be expected to result in their significant alteration, delay will protract the evils that Congress intended their implementation to correct. Only by their implementation can the defects and the strengths be identified and changes based on experience be done. The Nation's principal Federal prosecutors, he goes on, who are responsible for prosecution of virtually all Federal criminal violations in each of the 94 judicial districts oppose extension of the effective date of the sentencing guidelines beyond November 1, 1987.

Mr. Speaker, a little earlier the gentleman from Florida [Mr. SHAW], who wished to be here but could not be here during this debate, said to me, and asked if I would enter into the RECORD a conversation he had with the U.S. attorney from Miami who is probably the U.S. attorney for the hottest spot in the Nation for prosecution of drug dealers and major traffickers.

The gentleman from Florida [Mr. SHAW] told me that the U.S. attorney for Miami pleaded with the gentleman from Florida, do not vote to allow this extension to go one single day. It will mean I will have less tools against major drug dealers than I have today.

Mr. Speaker, if I might give an idea of what we are talking about in cases, let us take the case of a defendant who robs a bank of $5,000 while using a gun. This is a defendant who has already been to prison twice before for robbery, that is, this is the third offense.

Under current practice the average defendant would serve actual time of 6 years according to a study by the Sentencing Commission of current sentencing and parole practice. The special career criminal provisions of the new guidelines would cause this defendant to receive the maximum possible sentence of 25 years with just 3¼ years off for possible good time.

That is the difference we are talking about.

Let us take the instance of drug cases. First, the mandatory minimums do not apply to conspiracies or attempts, that is the mandatory minimums that we passed in the antidrug law last year and which are currently in effect do not apply to conspiracies or attempts.

Many drug traffickers are currently convicted under the conspiracy statutes as their offenses are not consummated. We catch them before they can complete the act.

Without the guidelines in effect, however, a major drug trafficker could receive little or no time regardless of the quantity involved.

Second, the mandatory minimums currently in law do not apply to certain dangerous drugs like methamphetamine, and the guidelines apply tough sentences based on quantities of all drugs.

Third, the mandatory minimums in effect typically apply a single 5- and a single 10-year mandatory minimum sentence based on a specific quantity. Between the two levels the court could sentence a defendant to the minimum of 5 years. Thus a defendant who traffics in a half kilo and one who traffics in 4.9 kilos of cocaine would get the same mandatory minimum 5-year sentence. A defendant who traffics in 50 or more kilos in cocaine who would get the highest trafficking sentences of 16 to 19 years, that is without a prior record, might only get a minimum 10-year sentence now, the same as a person who traffics in 5 kilos.

Mr. Speaker, let me just say that a recent case in Federal court was one in which a defendant was convicted of transporting 415 kilos of cocaine. That is a street value of $8.3 million. This person received the minimum 10-year sentence, as lenient as he could give, the judge gave it to him. Under the guidelines he would have received a sentence in the range of 16 to 19 years.

Mr. Speaker, under espionage cases, although John Walker received a life sentence, he will be eligible for parole in 10 years. Some will say he will not get it, but the fact of the matter is he will be eligible for parole in 10 years. Probably no one single person has done more to put us in jeopardy than that individual. Yet he will be eligible for parole in 10 years. Under the guidelines he would have received a life sentence with no eligibility for parole.

Mr. Speaker, what we are suggesting is that it is not just a 9-month delay, it does not just mean that we are going to let the judges catch up on their work, it means that tougher sentences will not be applied during that 9-month period of time.

The guidelines also have a built-in delay in that they apply to criminal offenses, only those criminal offenses committed after November 1, 1987. The practical effect of this is that due to the length of criminal cases coming to trial, conviction and then sentencing, is that it will be late 1988 before any significant number of cases will be affected by the new guidelines.

Mr. Speaker, we in the last year passed immigration reform which I supported. We imposed employer sanctions on the entire employer community in the United States. We have told them that in less than a year they have to learn what the rules are. They have to be effected.

But our Federal judges, given lifetime tenure in the United States to sit on Federal courts, tell us a 1-year delay is not enough, that they need more.

What is the problem?

Let me suggest this; based on a study done by one of the Commissioners, Commission Block, for his colleagues on the Commission, the impact of this will be that 1 out of every 10 Federal judges will have to hear one case under the new guidelines in the first month of its implementation.

In the second month it will be one out of every two judges who will have to hear one case. In the third month each judge will have to hear one case.

It is only by the fourth month that we have any impact at all, and that is that 50 percent of the judges will hear one case, 50 percent will hear two cases.

In the fifth month every judge will hear two cases, and 50 percent of the judges will hear an additional case.

That is what we are talking about. That does not seem to impact so terribly on the entire Federal judicial system.

The delay is not necessary in order to train court personnel. Training has begun already in certain circumstances, and it can begin between now and November 1 for all of those who will be concerned, and there is plenty of time, as I suggested, in the period of the first few months after implementation to complete the training program for court personnel.

□ 1330

Mr. Speaker, at this time I would like to offer into the RECORD a copy of a letter I received on October 2 from Suzanne Conlon, executive director of the Sentencing Commission.

Mr. Speaker, I submit the October 2 letter as follows:

U.S. SENTENCING COMMISSION,
Washington, DC, October 2, 1987.

Hon. DANIEL E. LUNGREN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN LUNGREN: I have been requested by several of the Commissioners to briefly describe the intensive field testing of the sentencing guidelines conducted by probation officers during the past three months.

Sessions were conducted at ten locations throughout the country. Probation officers from 44 of the 94 federal judicial districts participated. These districts account for more than 50 percent of the federal criminal caseload and include major urban and rural communities. The probation officers represented in the testing account for approximately 75 percent of all federal probation officers. In all, 124 probation officers actually participated in the field testing. In addition to Commission staff, three experienced probation officers and two attorneys from the General Counsel's staff of the Administrative Office for United States Courts formulated and coordinated the exercise.

Test cases were based on presentence investigation reports from a cross-section of typical offenses representing approximately 75 percent of the federal caseload: narcotics, immigration, theft, bank robbery, fraud, bribery, racketeering, firearms and tax violtions. Participants were sent four test cases and worksheets (for guideline application) in advance of the sessions. Each session lasted one and a half days, including instructional presentations, review of worksheets independently prepared by the participants, and general discussion.

Most participants had some difficulty with the guidelines when they attempted to complete the worksheets before they had any instruction in guideline application. However, after the first days' session and a briefing on guideline application procedures, the participants became comfortable with the system and were able to work cases through the guidelines without any major difficulty.

Participants were asked to evaluate the exercise, as well as to make suggestions for improvement of the worksheets. Virtually all participants found the guidelines workable with only the several days' training earlier described. It is the consensus of the three experienced probation officers who supervised the exercise that the guidelines effectively accomplish the purposes of sentencing enumerated in 18 U.S.C. 3553.

Based upon testing results, the guideline worksheets have been revised, and a comprehensive training program is scheduled for completion before the end of October. This program, conducted jointly by the Federal Judicial Center, the Probation Division of the Administrative Office for United States Courts, and the Sentencing Commission, will consist of intensive four-day sessions with at least one probation officer and judge from each district court. A training package consisting of test cases, completed worksheets with explanatory notations and instructional video tapes will be sent to every district court judge and probation officer before November 1st. Plans are in place for in-court training sessions for all district court judges and probation officers, using these materials, in late October and in November.

In addition, the Judicial Conference of the United States has prepared and circulated a model local rule for guideline implementation. The model rule requires a minimum 20-day period between distribution of the presentence investigation report and sentencing. The model rule leaves the determination to each district court the amount of time probation officers need to prepare the presentence report. For example, the local rule under consideration by the Southern District of Florida requires a minimum 60-day period between conviction and sentencing. If this rule is adopted, this means that there would not be a defendant sentenced under the guidelines in that district before January 1, 1988. With the natural delay in sentencing for offenses committed after November 1st projected by our research staff, there would be approximately 63 cases across the country sentenced by judges under the guidelines during the first month of guideline sentencing.

Commission staff are setting up a "hot line" for probation officers and are developing a computer software package to further simplify guideline application. And, the Commission has authorized the purchase of computer hardware for all federal district courts to carry out implementation and monitoring functions.

While it is impossible to predict the effect the guidelines will have upon the criminal justice system with absolute certainty, based on the extensive testing and training we have thus far completed at the ten locations, the Commission staff and probation officers supervising the testing and training are of the view that existing programs and materials are sufficient to support an orderly transition to the guideline sentencing system in conformity with the November 1st effective date.

Predicting likelihood of a successful implementation is a judgment call. In my view, there is every reason to expect that judges and probation officers will be ready and able to properly apply the guidelines when they become effective on November 1, 1987.

Sincerely,

SUZANNE B. CONLON,
Executive Director.

Mr. LUNGREN. In part she points out that there was difficulty in the initial training sessions with judges and probation officers when they were given the guidelines immediately with no training; but she says that after the first days' session, the first days' session, and a briefing on guideline application procedures, the participants became comfortable with the system and were able to work cases through the guidelines without any major difficulty.

Virtually all participants found the guidelines workable, with only the several days' training earlier described. It is the consensus of the three experienced probation officers who supervised the exercise that the guidelines effectively accomplish the purposes of sentencing enumerated in 18 U.S.C. 3353.

Mr. Speaker, this is the person in charge of the training. They have gone through the program. I do not understand why we think even the smallest shopkeeper is going to be held responsible, even to the point of criminal penalties for following the law on immigration law, and being concerned with employer sanctions.

We are saying that Federal judges are incapable of learning this in a few days' training when we have found out that the probation officers of the United States are capable of doing that.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time, and for the gentleman's generosity in the time that has been allotted.

To listen to the gentleman from California, one might infer that if the sentencing guidelines do not go into effect November 1, that the law enforcement community is going to be absolutely helpless and chained to the wall in their duties and responsibilities in going after drug dealers and putting drug offenders into jail. That is, of course, not the case.

The gentleman from California [Mr. LUNGREN] participated and was a strong force in passing the strong drug package we passed last term, which calls for enhanced penalties for drug dealers, enhanced penalties for users, and enhanced penalties for every phase of the criminal law having to do with the devil that is the drug problem that we have.

Even if the sentencing guidelines were never, ever to come into existence, these tougher penalties are in force now, and our law enforcement community, including the U.S. attorneys who have complained to the gentleman, and to the gentleman from Florida, are not helpless.

They have a very strong package of laws which we put into effect last term, and I am not at all frightened of the prospect that drug dealers are going to skip around happily, because the Sentencing Commission guidelines have not come into effect.

They are going to meet their doom at the hands of these prosecutors with the current law in effect.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for yielding to me.

The point is, we passed the antidrug law in anticipation of the guidelines going into effect in November. We debated the bill on the floor, and it went to the President, that the sentencing guidelines would not go into effect; and they were done with the idea that they would work coincidentally with the sentencing guidelines.

Mr. GEKAS. Mr. Speaker, there is no quarrel with that. The implication, though, that a drug dealer is going to be exhilarated by the fact that the sentencing guidelines are not going into effect is just not the case.

The gentleman I think at least agrees, and at least I got that impression from several previous discussions, that certain amendments have to be made quickly to the certain set of guidelines that the Commission has promulgated and which form a part of this package.

This bill that we are building in the delay for 9 months also puts into effect some of these much needed amendments, ex post facto, and a couple of others that are absolutely needed; and there is a consensus that they are needed.

What the gentleman is saying, if the gentleman is successful in bringing down this piece of legislation, it will mean that these guidelines would go into effect, and then these other amendments which are absolutely necessary will have to wait their time.

What would happen is in those few cases that the gentleman is talking about that would go into effect would be subject and targeted for appeals, and all kinds of defense motions, and other things on which they can bank on the flaws that now exist, and then we would be setting back the full implementation of the sentencing guidelines inadvertently, unwilling, even if they go into effect November 1.

I am an advocate of sentencing guidelines, and the gentleman knows it. I fought hard for this program from the first moment I came into the Congress.

Is it not better to take the chance of these early appeals and flaws coming into effect with the early cases under the November 1 guidelines, but rather to build into this bill now whatever amendments are absolutely required than allow the guidelines to go into effect with the full training and experience built up for the 9-month period?

Another thing, if indeed even more flaws have to be attacked, which might be the case, the Sentencing Commission coming up with its recommendations cannot do so earlier than January or February of this year, and then they do not come into effect for 6 months.

If we allowed these amendments, these guidelines to go into effect November 1, and we saw automatically that we have a dozen flaws that are almost incalculable in their detrimental effect on the process, and the Sentencing Commission will move quickly to amend them, they would not go into effect until this 9-month period, in any event.

I will take second place at no Member in my intensity in wanting these guidelines to go into effect. I fought for them.

The 9-month delay is brought about by circumstances really beyond our control. However, I have on the record, and the legislation calls for the fact that these are going to go into effect when stated 9 months later, with no more delaying tactics, and I will not countenance any kind of effort on any Member's part to try to delay them or kill them. This is not "legicide." This is not an intent-to-kill legislation.

This is intended to make sure that the new guidelines really work.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I merely want to point out the serious mischaracterization of this proposal by the gentleman from California [Mr. LUNGREN], my friend on the Committee on the Judiciary.

I want to assure the gentleman that, first of all, the idea of the delay did not come from any Member in the Congress or on the subcommittee.

It came from the Commission, from the witnesses and the judges themselves, and so all I want the gentleman to be aware of is that if this delay does not occur, we are going to remember the debate and the vote from this day, because what we are doing now is putting a number of years of hard work by a commission that was appointed by the incumbent President of the United States right on the line.

This is not my idea about a delay, so I want to assure the gentleman that characterizing this as a soft-on-crime issue misses the point in its total entirety.

I am really sorry to hear the gentleman talking about what is going to happen to anybody that is being prosecuted, because the same thing is going to happen to them that is happening to them now.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR], who has worked with the committee on this matter very diligently.

The gentleman has also authored this provision that comes before the House.

Mr. SYNAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I stand before the House today, and as most of the Members know, I very rarely come to the floor.

All of the Members in our legislative capacity believe that everything that we bring to this floor is important, and that it is very serious. I can think of very few pieces of legislation that we will address in this 100th Congress, this historic Congress, that will have a more direct impact on this country than the legislation we are considering right now.

What we are about to do is to rewrite the face of sentencing in this country as we know it, and have known it for over 200 years. That is something I do not believe we should take on casually.

The gentleman from California in his remarks said very simply that it is the intention of the White House to veto any type of delay.

I think that that is irresponsible, and it is regrettable that this administration is doing it. It is not surprising from this Justice Department, but what would be even more irresponsible is the fact that less than 10 Members of Congress have taken the time to review what is in these sentencing provisions, and yet we are looking at the possibility, because of the implementation of this law, as well as the new drug legislation that this Congress has committed itself to, of doubling the population of our prisons in the next year.

□ 1345

We look at the possibility of backlogging our courts into a system that indeed literally logjams the opportunity for expedited procedures as well as fairness.

You know, about 2 weeks ago this Congress in what I think was one of the most irresponsible acts in my memory passed a Gramm-Rudman bill that took the responsibility out of our hands for making the decisions for the priorities of this country. Today we are about to make a second grave error and take that responsibility again away from us and also take it out of the hands of our judiciary.

Mr. Speaker, we only have one branch of Government left and then if we can figure out a way, we will probably figure out a way to keep them from making decisions. We have got to quit putting this Government on automatic pilot.

Mr. Speaker, I hope today's delay will give us an opportunity to reconsider our bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York [Mr. FISH], who is a member of the subcommittee and the ranking Republican member.

Mr. LUNGREN. Mr. Speaker, I yield the gentleman from New York 2 minutes as well.

The SPEAKER pro tempore. The gentleman from New York [Mr. FISH] is recognized for a total of 4 minutes.

Mr. FISH. Mr. Speaker, I thank my colleagues for yielding time to me.

Mr. Speaker, I rise in support of H.R. 3307.

H.R. 3307 is the reasonable compromise of a difficult issue. I strongly supported the enactment of the Sentencing Reform Act of 1984 and remain fully committed to the need for greater uniformity; certainty; and fairness in sentencing.

Over the last 4 months, the Subcommittee on Criminal Justice has conducted a series of hearings on the proposed guidelines transmitted to Congress by the U.S. Sentencing Commission on April 13. The Commission has done an excellent job, and these guidelines are now scheduled to take effect on November 1 unless Congress acts upon a stay. I fully recognize the concern of a few members that a delay of the guidelines could be part of a strategy against the guidelines themselves. Those are concerns that I understand and with which I fully sympathize because I would not tolerate any such strategy. I appreciate the assurances of the subcommittee chairman that in no way is delay a part of such a strategy.

Mr. Speaker, I support the subcommittee substitute before us for a number of substantive reasons. Section 2 of the substitute makes it clear that Congress finds that the guidelines are "substantially workable" and that this legislation in no way reflects an "intention or desire" on the part of Congress to ultimately "undercut or disapprove the guidelines". While these findings do not have the force of law, they are an important policy statement.

The gentleman from Michigan has enumerated the substantive provisions of this bill.

Section 4 of the subcommittee substitute would solve one of the major constitutional questions raised in connection with the guidelines the ex post facto problem by amending the 1984 law, so as to make it clear that the new guidelines would apply only to criminal conduct occurring after the guidelines are in effect.

This substitute contains (section 5) an expedited judicial review provision which will go into effect when the guidelines go into effect. This would allow prompt judicial resolution of the other lingering constitutional questions. First, the composition and method of appointment of the Sentencing Commission; and second, whether this was an improper delegation of legislative authority.

The guidelines deal with circumstances arriving behind the Commission may not have covered. The standard of departure controlling sentencing judges is made more precise for those situations when aggravating or mitigating circumstances are found to exist that were not taken into account by the Sentencing Commission. The current standard is wholly subjective and unworkable.

These provisions are amendments to the Comprehensive Crime Control Act of 1984. A value of a delay in addition to education is that our subcommittee can consider further amendments proposed by the Chairman of the Sentencing Commission and various bar associations—amendments that I think will enhance the administration of the guidelines.

On September 21, it was my privilege to speak at the opening session of the Judicial Conference of the United States. The chief justice of the United States stressed the importance of this stay and I responded that my support for a stay is based upon educational necessity and not as part of a strategy that ultimately could undermine the guidelines themselves. These guidelines will go into effect no later than August 1 of next year; and the judicial branch should move promptly to prepare itself with that reality in mind.

Mr. Speaker, I urge adoption of the bill.

Mr. LUNGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we passed the initial legislation creating the Sentencing Commission as part of the Comprehensive Crime Control Act, we talked about it as being "truth in sentencing." We talked about the fact that right now with the tremendous discretion given to a Federal judge and with the fact that virtually all major sentences by Federal judges are reviewed as a matter of course by the Parole Commission, that in fact the people who do not know what is happening are the victims, the victims' families and the public. We wanted truth in sentencing, that the sentence given at the time of trial would be the sentence that the person actually serves, minus a small period of time for good time.

So if that is what we did with this, what do you call it when you delay it? You say, "It's OK to wait for 9 months until we have truth in sentencing. In the meantime, we will keep the old system that didn't work;" at least, I presume it did not work, because we had an overwhelming vote to change it here on the floor.

Second, many judges, if not most judges, in the Federal judiciary do not like the law, period, exclamation point. They do not like it. They do not like the fact that we are reining in some of their discretions. Virtually all of us on the Commission have run into judges who have told us that they know better than we do.

The fact of the matter is that even though we are three separate branches, we have the obligation to establish the guidelines or ground rules under which people are to be sentenced. That is what people send us here to do, and that is exactly what we are simply doing in the law that will go into effect on November 1.

Why delay it any further?

Third, the gentleman from Michigan has talked about the fact that this idea did not spring from this subcommittee or committee. I will accept that, but in fact it is not from the Sentencing Commission, because the Sentencing Commission has not taken a position in favor of the delay. In fact, if a vote would have been held in the last month, it is my best information that the Commission itself would have by a majority vote voted against it. At least you can say there is a split on this. They do not have an official position. They are not here as a Commission asking for it. Some have asked for it; others have been up here begging us not to have it go forward.

Mr. Speaker, the fact of the matter is the judges will learn to deal with the guidelines when they have to. They are like all the rest of us. It is like a final exam. If you postpone the final exam 9 months, you are not going to study for it now.

The person in charge of training the probation officers and Federal officers has said they can learn in a few days.

What is more important than that this Congress insist that the sentencing guidelines which are part and parcel of the whole episode that we had in creating the Conference on Crime Control Act go into effect now, rather than later?

I am not suggesting that anybody here wants to coddle criminals. What I am saying is that your intent does not matter. It is the effect, and the effect is that you will not have as stringent sentencing as you have now, as you will have if the current law, that is the sentencing guidelines, do go into effect.

The fact of the matter is a vote to extend is a vote to have more lenient laws for the next 9 months for drug traffickers, organized crime figures, and white collar criminals.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, let me point out that contrary to the argument of the gentleman from California, the guidelines are intended to bring about equity in punishment imposed, not to create uniformally tougher current practices.

I only wish that my colleague could have attended some of the dozens and dozens of hearings, because the gentleman continues to mischaracterize the whole point of sentencing guidelines. There are no tougher sentences hidden in the guidelines. The guidelines are not based upon averages. Whoever is going to get a maximum sentence can get it during the next 9 months, and whoever is not, will not get it; but the guidelines themselves do not contain some secret magic portion that deals with the criminals that the gentleman is making such an explicit plea against.

Mr. Speaker, the fact of the matter is that the members of the Commission that I have talked to, the Justices on the U.S. Supreme Court and the judges that I have heard, asked for this, and in our collective wisdom your Subcommittee on Criminal Justice brought this matter to the floor.

Mr. Speaker, we hope it will be carefully considered by my colleagues.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3307, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 3307, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

AIRLINE PASSENGER PROTECTION ACT OF 1987

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3051) to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Passenger Protection Act of 1987".

SEC. 2. REPORTING AND OTHER REQUIREMENTS.

(a) IN GENERAL.—The Federal Aviation Act of 1958 is amended by adding at the end thereof the following new title:

"TITLE XVII—AIRLINE PASSENGER PROTECTION

"SEC. 1701. MONTHLY REPORTS.

"(a) AIR TRANSPORTATION COVERED.—This section applies to all scheduled interstate and overseas air transportation provided by a covered air carrier; except that in the case of an air carrier who is a covered air carrier solely as a result of section 1715(4)(B), this section applies only to the scheduled interstate and overseas air transportation which is provided by such carrier under a single air carrier designator code.

"(b) PUBLICATION OF REPORTS.—Not later than the 30th day following the last day of each calendar month beginning after the 120th day following the date of the enactment of this Act, the Secretary shall publish a report containing the following information for such calendar month:

"(1) LATE ARRIVALS.—

"(A) AVERAGE NUMBER OF MINUTES.—The average number of minutes by which the arrival times of flights of each covered air carrier are later than their scheduled arrival times.

"(B) PERCENTAGE OF DELAYED FLIGHTS.—The percentage of flights of a covered air carrier whose arrival times are more than 15 minutes later than their scheduled arrival times.

"(2) TOP 500 AVIATION MARKETS.—A list of the top 500 aviation markets, together with—

"(A) the covered air carriers providing air transportation with respect to each such market;

"(B) the average number of minutes by which the arrival times of flights of each such carrier with respect to each such market are later than their scheduled arrival times; and

"(C) the percentage of such flights whose arrival times are more than 15 minutes later than their scheduled arrival times.

"(3) LOST AND DAMAGED BAGGAGE.—The number of passengers (per 100,000 passengers enplaned on flights of each covered air carrier) who checked baggage for any such flights, whose baggage was temporarily or permanently lost or damaged, and who notified such carrier of such loss or damage.

"(4) CANCELED FLIGHTS.—

"(A) PERCENTAGE.—The percentage of flights of each covered air carrier which were canceled.

"(B) LIST OF FLIGHTS.—A list of any flights of a covered air carrier which were canceled more than 5 percent of the time, together with such percentage.

"(5) BUMPING.—

"(A) PERCENTAGE OF PASSENGERS.—The percentage of persons who held a confirmed reservation for a seat on flights of a covered air carrier who were voluntarily bumped from such flights and the percentage of persons who held such a seat who were involuntarily bumped from such flights.

"(B) LIST OF BUMPING FLIGHTS.—A list of each flight of a covered air carrier on which more than 1 percent of the persons who held a confirmed reservation for a seat on such flight were bumped from such flight, together with the percentage of persons who were voluntarily bumped from such flight and the percentage of persons who were involuntarily bumped from such flight.

"(6) MISSED CONNECTIONS AT HUBS.—A list of each airport at which a covered air carrier had scheduled 75 or more departures of its flights per day, together with the name of such carrier and the percentage of passengers for whom such carrier provided air transportation and as part of such transportation were scheduled to transfer from one aircraft of such carrier to another aircraft of such carrier at such airport and who missed their scheduled transfers.

"(7) COMPLAINTS REGISTERED WITH DOT.—The total number of complaints filed with the Department of Transportation by passengers of each covered air carrier.

"(c) DISSEMINATION.—Any person may request that the Secretary transmit a copy of any report published under subsection (b), and the Secretary shall transmit such copy to such person—

"(1) so that such report will be received within 10 days after the date on which the Secretary receives such request; or

"(2) in any case in which such report has not been published on the date on which the Secretary receives such request, so that such report will be received within 10 days after the date of such publication.

"(d) FORMAT OF REPORTS.—

"(1) GENERAL RULE.—Each report published by the Secretary under this section shall be in such form as the Secretary determines will provide the most useful information to passengers of air carriers.

"(2) BASIS OF CERTAIN INFORMATION.—The information provided under subsections (b)(1), (b)(3), (b)(4)(A), (b)(5)(A), (b)(7), (e)(1), and (e)(2) shall be compiled on the basis of each air carrier's interstate and overseas air transportation system.

"(e) REGULATIONS CONCERNING INFORMATION REQUIRED FROM AIR CARRIERS.—Not later than 90 days after the date of the enactment of this title, the Secretary shall issue regulations setting forth the information the Secretary needs from covered air carriers in order to publish its monthly reports under this section, establishing time limits by which such information must be submitted to the Secretary, and the form in which such information must be submitted. In addition, such regulations shall require each covered air carrier to submit to the Secretary for each calendar month for which a report is required to be published under subsection (b) the following additional information:

"(1) LATE DEPARTURES.—

"(A) AVERAGE NUMBER OF MINUTES.—The average number of minutes by which the departure time of flights of such carrier are later than their scheduled departure times.

"(B) PERCENTAGE OF FLIGHTS.—The percentage of flights of such carrier whose departure times are more than 15 minutes later than their scheduled departure times.

"(2) REASONS FOR DELAYS.—The percentage of flights of such carrier which arrived at a point, and the percentage of flights of such carrier which departed a point, later than their scheduled arrival or departure time, as the case may be, for each of the following reasons:

"(A) Maintenance of aircraft.

"(B) Other air carrier-related reasons.

"(C) Other reasons.

"(3) ELAPSED TIME BETWEEN ENPLANEMENT AND TAKEOFF.—The difference between the departure time and the actual takeoff time of each flight of such carrier.

"(4) ON-TIME PERFORMANCE.—The on-time performance record of such carrier with respect to each scheduled flight of such carrier which has been in such carrier's published schedule for more than 30 calendar days, identified by the name of such carrier and the flight number, as measured by—

"(A) the percentage of times such flight has an arrival time within 15 minutes of its scheduled arrival time; and

"(B) the average number of minutes the arrival time of such flight is later than its scheduled arrival time.

"(f) AVAILABILITY OF INFORMATION TO OPERATORS OF COMPUTER RESERVATION SYSTEMS.—Not later than 15 days after receiving the information required under subsection (e)(4), the Secretary shall transmit to each operator of a computer reservation system such information.

"(g) TREATMENT OF SATURDAYS, SUNDAYS, AND HOLIDAYS.—Whenever the last day by which any action required to be taken under this section or section 1702 is a Saturday or Sunday or a legal public holiday listed in section 6103(a) of title 5, United States Code, the last day by which such action must be taken shall be the first succeeding day which is not a Saturday, Sunday, or legal public holiday.

"(h) DEFINITIONS.—For purposes of this section—

"(1) ARRIVAL TIME.—The term 'arrival time' means the time at which an aircraft comes to a final stop at the gate where passengers are to be deplaned.

"(2) AVIATION MARKET.—The term 'aviation market' means a pair of points in the United States which are the points of origin and destination of any passenger of an air carrier.

"(3) DEPARTURE TIME.—The term 'departure time' means the time at which an aircraft first leaves the gate where passengers have been enplaned.

"(4) TOP 500 AVIATION MARKET.—The term 'top 500 aviation markets' means each aviation market which for the most recent calendar quarter is ranked by the Department of Transportation as being among the 500 aviation markets with the highest total number of passengers whose points of origin and destination are the pair of points comprising each of such respective markets.

"SEC. 1702. AVAILABILITY OF DOT REPORTS AND FLIGHT ARRIVAL TIME INFORMATION.

"(a) IN GENERAL.—Not later than 10 days after a report is published by the Secretary under section 1701—

"(1) any air carrier controlled ticket agent shall have a copy of such report available for review by the public, and

"(2) any ticket agent (other than an air carrier controlled ticket agent) shall—

"(A) have a copy of such report available for review by the public, or

"(B) have access to the information contained in such report through a computerized system or other means available for providing information in accordance with subsection (b),

at each office of such agent at which airline tickets are sold during the hours such office is open for the sale of such tickets.

"(b) AVAILABILITY OF FLIGHT PERFORMANCE INFORMATION.—Not later than 15 days after the Secretary transmits information under section 1701(f) to operators of computer reservation systems, each operator of a computer reservation system shall include in the information made available through such system the information transmitted by the Secretary under such section. Any information required to be included in a computer reservation system under this subsection must be presented in a manner and location which will provide the most useful information to users of such system and passengers of covered air carriers.

"(c) PROVISION OF INFORMATION TO PROSPECTIVE TICKET PURCHASERS.—If any person interested in purchasing an airline ticket for air transportation from a ticket agent (including an air carrier controlled ticket agent) makes a reasonable request to such agent—

"(1) for information from the latest report published by the Secretary under section 1701 relating to such transportation, or

"(2) in any case in which such agent operates or uses a computer reservation system, for the latest information transmitted by the Secretary under section 1701(f),

such agent shall provide such information to such person.

"(d) AIR CARRIER CONTROLLED TICKET AGENT DEFINED.—For purposes of this section, the term 'air carrier controlled ticket agent' means any person described in section 101(40) who is owned by, controlled by, or under common control with a covered air carrier or who is an employee of a covered air carrier.

"SEC. 1703. SPECIAL TELEPHONE NUMBERS.

"(a) ESTABLISHMENT BY AIR CARRIER.—Not later than 90 days after the date of the enactment of this title, each covered air carrier shall establish a toll-free telephone number system for receiving and handling complaints of passengers of such carrier relating to air carrier service.

"(b) ESTABLISHMENT BY SECRETARY.—Not later than 90 days after the date of the enactment of this title, the Secretary shall establish a toll-free telephone number system for receiving and handling complaints of passengers of air carriers engaged in air transportation relating to air carrier service.

"(c) NOTIFICATION ON AIRLINE TICKET.—

"(1) GENERAL RULE.—After the 90th day following the date of the enactment of this title, no person may sell an airline ticket for interstate or overseas air transportation by an air carrier unless such person notifies the purchaser of such ticket of—

"(A) the toll-free telephone numbers established by such carrier and the Secretary for receiving and handling complaints under this section; and

"(B) the toll-free telephone numbers for the safety hotline and consumer hotline systems established by the Federal Aviation Administration.

"(2) FORM OF NOTICE.—The notice required under this subsection shall—

"(A) be in writing and appear in a clear and concise manner on the airline ticket, on any document in which such ticket is enclosed, or on a separate document provided with such ticket; and

"(B) be prominently displayed in an appropriate location on such ticket or document.

"(d) INFORMATION RELATING TO COMPARATIVE AIRLINE SERVICE.—Not later than the date on which the first report is published under section 1701(b), the Secretary shall establish a telephone number system to provide airline passengers with information relating to comparative air carrier service contained in the latest monthly report published by the Secretary under section 1701(b).

"SEC. 1704. NOTIFICATION OF PASSENGERS.

"(a) POLICY CONCERNING AMENITIES FOR CANCELLATIONS, DELAYED BAGGAGE, AND BUMPINGS.—

"(1) GENERAL RULE.—After the 90th day following the date of the enactment of this title, no person may sell an airline ticket for interstate or overseas air transportation by an air carrier unless such person notifies the purchaser of such ticket—

"(A) of the minimum amenities which are provided—

"(i) in any case in which a flight of such carrier is canceled and any passenger on such flight is not provided the air transportation contracted for within a reasonable period of time after such cancellation; and

"(ii) in any case in which a person having a confirmed reservation for a seat on a flight of such carrier is bumped from such flight; and

"(B) of the minimum amenities (including those amenities required under section 1713) provided in any case in which the checked baggage of a passenger on a flight of such carrier is not received by such passenger within a reasonable period of time after deplaning from such flight.

"(2) FORM OF NOTICE.—The notice required under this subsection shall—

"(A) be in writing and appear in a clear and concise manner on the airline ticket, on any document in which such ticket is enclosed, or on a separate document provided with such ticket; and

"(B) be prominently displayed in an appropriate location on such ticket or document.

"(b) DELAYS.—Each air carrier and foreign air carrier shall notify passengers holding an airline ticket for a flight of such carrier, before the passengers board such flight, of—

"(1) any delay of 15 minutes or more in the scheduled departure or arrival time of the flight of which the carrier knows;

"(2) the approximate length of the delay of which the carrier knows; and

"(3) the reasons for the delay.

"(c) CANCELLATIONS.—If an air carrier cancels a flight, such carrier shall notify all persons who have an airline ticket for such flight and who are present at the time and place scheduled for departure of such flight of all information then reasonably available to such carrier regarding the reasons for such cancellation.

"SEC. 1705. ECONOMIC CANCELLATIONS.

"(a) PROHIBITION.—

"(1) CANCELLATIONS WITHIN 72 HOURS OF DEPARTURE.—An air carrier may not cancel any flight of scheduled air transportation within 72 hours of its scheduled departure time for any reason, other than safety or there being no passengers present at the scheduled departure time.

"(2) TREATMENT OF SAFETY-RELATED ADJUSTMENTS IN SCHEDULES.—If an air carrier is unable to operate enough aircraft to make all its scheduled flights because aircraft are unavailable for safety-related reasons and the carrier makes adjustments in schedules to accommodate the greatest number of passengers which results in a flight of such carrier being canceled, such cancellation shall, for purposes of this section, be treated as a cancellation for a safety-related reason.

"(b) COMPENSATION OF PASSENGERS.—Any air carrier who cancels any flight of scheduled air transportation in violation of subsection (a) shall compensate any person holding an airline ticket for such flight in the same manner and to the same extent as such carrier would be required to compensate such person under part 250 of title 14 of the Code of Federal Regulations, as in effect on the date of the enactment of this title, if such person were bumped from such flight.

"SEC. 1706. ADVERTISING REQUIREMENTS.

"(a) FARES OF LIMITED AVAILABILITY.—An air carrier may advertise a fare for air transportation between any 2 points, or other promotion with respect to such transportation, which is not available with respect to any flight operated by such carrier between such points only if such advertisement states that such fare or promotion is not available with respect to certain flights operated by such carrier.

"(b) FARES TO WHICH RESTRICTIONS APPLY.—An air carrier may advertise a fare for air transportation between any 2 points, or other promotion with respect to such transportation, to which any restriction (including a restriction pertaining to advance purchase of tickets, refundability of money, or minimum stay requirements) applies only if such advertisement states that such restriction exists and applies to such fare or promotion.

"SEC. 1707. BANKRUPTCY TRANSPORTATION PLANS.

"(a) DEVELOPMENT.—

"(1) ORDER.—Not later than 60 days after the date of the enactment of this section, the Secretary shall issue an order authorizing covered air carriers to develop a plan for providing air transportation for any person who holds an airline ticket for provision of such transportation by a covered air carrier who, after the date of purchase of such ticket, becomes a debtor in a case under title 11, United States Code. Such order shall also include an exemption in accordance with section 414.

"(2) DEADLINE FOR SUBMISSION.—Any plan developed under paragraph (1) shall be submitted to the Secretary for approval within 1 year after the date of the enactment of this section.

"(b) TIME LIMIT AND BASIS FOR APPROVAL.—If a plan is submitted to the Secretary in accordance with subsection (a), the Secretary shall approve or disapprove such plan within 60 days after the date of such submission. If the Secretary determines that such plan will provide (or would provide if all covered air carriers participate in implementation of such plan) satisfactory protection for all persons who hold airline tickets described in subsection (a), the Secretary shall approve such plan. Otherwise, the Secretary shall disapprove such plan.

"(c) IMPLEMENTATION OF APPROVED PLANS.—If the Secretary approves a plan under this section, the Secretary shall issue an order requiring implementation of such plan by the covered air carriers who submitted such plan and any other covered air carriers. If there are any covered air carriers who did not participate in development of a plan approved under this section, such carriers shall be treated under such order and plan in the same manner as carriers who did participate in development of such plan.

"(d) REGULATIONS.—If a plan described in subsection (a) is not submitted within 1 year after the date of the enactment of this section, or if the Secretary disapproves a plan submitted in accordance with subsection (a), or if the Secretary determines that a plan approved under this section is not being implemented in a manner which provides satisfactory protection for all persons who hold airline tickets described in subsection (a), the Secretary shall issue regulations requiring all covered air carriers to provide air transportation for persons who hold such tickets. Such regulations must be issued within 180 days after the expiration of such 1-year period, the date of disapproval of such plan, or the date of such determination, as the case may be.

"SEC. 1708. TIME LIMITS.

"(a) CLAIMS FOR LOST OR DAMAGED BAGGAGE.—Within 30 days after a passenger of an air carrier providing air transportation submits a claim to such carrier for lost or damaged baggage, together with reasonable documentation supporting such claim, the carrier must—

"(1) make a decision on the validity of such claim;

"(2) notify such passenger of such decision; and

"(3) if such claim is determined to be valid, reimburse such passenger for such baggage in accordance with applicable regulations of the Department of Transportation.

"(b) REFUNDS OF PURCHASE PRICES OF CERTAIN AIRLINE TICKETS.—Not later than 90 days after the date of the enactment of this section, the Secretary shall issue a regulation establishing a reasonable time limit, but not to exceed 30 days, for an air carrier to refund the purchase price of a refundable airline ticket for air transportation to be provided by such carrier.

"SEC. 1709. LIMITATION ON COMPUTER RESERVATION SYSTEM INFORMATION.

"(a) GENERAL RULE.—No air carrier or person owned by, controlled by, or under common control with an air carrier may make available to a ticket agent a computer reservation system—

"(1) if the order in which flight schedules appear in such computer system is determined from a program or system which gives any weight to—

"(A) the difference in scheduled flight times for nonstop service between the same pair of points, or

"(B) information contained in any report published under section 1701(b);

"(2) which uses information in a report published under section 1701(b) or information transmitted by the Secretary under section 1701(f) to develop and display a system for evaluating carrier performance, such as an alphabetical or numerical rating system.

"(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the direct display in a computer reservation system of any information contained in a report published under section 1701(b) or any information transmitted by the Secretary under section 1701(f).

"SEC. 1710. COMPLAINT PROCESS.

"(a) NOTIFICATION TO CARRIERS.—After receiving a complaint from a passenger of an air carrier (including a foreign air carrier), the Secretary shall, on a timely basis, provide such carrier with information necessary to permit such carrier to respond to the complaint. Such information shall include the name, address, and phone number of such passenger and a description of the complaint.

"(b) REVISION OF EXISTING PROCEDURES.—Not later than 60 days after the date of the enactment of this title, the Secretary shall revise existing procedures of the Department of Transportation for receiving and handling complaints of passengers of air carriers (including foreign air carriers) to the extent necessary (1) to ensure that the dates on which the incidents which form the bases of such complaints are recorded, and (2) to eliminate any duplication in the logging and reporting of such complaints.

"(c) REPORTING OF COMPLAINTS BY DATE OF INCIDENTS.—Any monthly publication of information concerning complaints of passengers of air carriers (including foreign air carriers) published by the Department of Transportation shall contain—

"(1) a listing of the total number of complaints received by the Department concerning such carrier in the month covered by such publication, and

"(2) a separate listing—

"(A) for those complaints which were based on incidents which occurred in the month covered by such publication and the preceding month, and

"(B) for those complaints which were based on incidents which occurred in any other month.

"SEC. 1711. RESTRICTIONS APPLICABLE TO AIRLINE TICKETS.

"(a) NOTIFICATION REQUIREMENT.—After the 90th day following the date of the enactment of this title, no person may sell an airline ticket for interstate or overseas air transportation by an air carrier on which a restriction (including a restriction pertaining to advance purchase, refundability of money, or minimum stay requirement) applies unless such person notifies, in writing on such ticket, on any document on which such ticket is enclosed, or on a separate document provided with such ticket, the purchaser of such ticket that such restriction applies and the terms of such restriction.

"(b) REFUNDABILITY PERIOD.—

"(1) GENERAL RULE.—No person may sell an airline ticket for interstate or overseas air transportation by an air carrier unless such person provides the purchaser of such ticket—

"(A) 2 days following the date of receipt of such ticket by such purchaser, or

"(B) in any case in which such ticket is mailed to such purchaser, 7 days following the date of such mailing,

in which to cancel such ticket and receive a refund of the purchase price of such ticket or to exchange such ticket.

"(2) LIMITATION.—A person selling an airline ticket for a flight to which paragraph (1) applies does not have to permit the purchaser of such ticket to cancel such ticket in accordance with paragraph (1) on or after the 4th day preceding the scheduled date of departure of such flight.

"SEC. 1712. PASSENGER SERVICE REQUIREMENTS FOR AIR CARRIER HUBS.

"(a) ESTABLISHMENT.—

"(1) GENERAL RULE.—Not later than 1 year after the date of the enactment of this title, the Secretary shall establish, by regulation, minimum passenger service requirements for air carrier service at each airport at which a covered air carrier has scheduled 75 or more departures of its flights per day. Such regulations shall, at a minimum, establish minimum requirements so as to ensure that—

"(A) the percentage of passengers of covered air carriers who miss scheduled transfers to or from an aircraft of such carriers at such airport is minimized; and

"(B) delays in scheduled departure times and arrival times of flights of such carriers at such airport are minimized.

"(2) CONSIDERATION OF MONTHLY REPORTS AND OTHER INFORMATION.—In establishing passenger service requirements under paragraph (1), the Secretary shall consider the information contained in the monthly reports published under section 1701(b) and information submitted to the Secretary under section 1701(e).

"(b) MONITORING.—The Secretary shall monitor the performance of covered air carriers at an airport at which a covered air carrier has scheduled 75 or more departures of its flights per day for the purpose of determining whether or not the covered air carriers providing air transportation with respect to such airport are meeting the passenger service requirements established with respect to such airport under subsection (a).

"(c) ENFORCEMENT.—If the Secretary determines that, with respect to any 90-day period, covered air carriers are not complying with any passenger service requirement established with respect to an airport under

subsection (a), the Secretary shall take such action, or direct such carriers to take such action, as may be necessary to ensure compliance with such requirements.

"(d) DEFINITIONS.—For purposes of this section—

"(1) ARRIVAL AND DEPARTURE TIMES.—The terms 'arrival time' and 'departure time' have the meaning such terms have under section 1701(h).

"(2) DELAY.—The term 'delay' means any flight of an air carrier whose arrival time or departure time is more than 15 minutes later than its scheduled arrival time or departure time, as the case may be.

"SEC. 1713. COMPENSATION FOR DELAY OR LOSS OF CHECKED BAGGAGE.

"If any checked baggage of a passenger on a flight of a covered air carrier between any 2 points is not available to be received by such passenger—

"(1) within 2 hours after the arrival time of such flight, such carrier shall provide, at a minimum, to such passenger a one-way space-available airline ticket for air transportation between such points; and

"(2) within 24 hours after the arrival time of such flight, such carrier shall provide, at a minimum, to such passenger a round-trip space-available airline ticket for air transportation between such points.

"SEC. 1714. EFFECT OF CERTAIN STATE LAWS.

"Any State law which requires air carriers to file reports as to matters to which air carriers are required to submit information to the Secretary under this title, including any rule, regulation, or order issued under this title, is preempted.

"SEC. 1715. DEFINITIONS.

"For purposes of this title—

"(1) AIRLINE TICKET.—The term 'airline ticket' means any written instrument that embodies a contract of carriage between an air carrier and a passenger thereof for air transportation.

"(2) BUMPING.—A person is bumped from a flight if such person holds a confirmed reservation for a seat for such flight and is not allowed to board such aircraft solely on the grounds that there were more reservations confirmed for such flight than seats available on such flight. If such person consents or agrees to not being a passenger on such flight, such bumping is voluntary; and if such person does not consent or agree to not being a passenger on such flight, such bumping is involuntary.

"(3) COMPUTER RESERVATION SYSTEM.—The term 'computer reservation system' means any computerized reservation system which contains information concerning schedules and fares of 2 or more air carriers.

"(4) COVERED AIR CARRIER.—The term 'covered air carrier' means—

"(A) an air carrier which provides interstate or overseas air transportation primarily with aircraft having seating for more than 60 passengers and which in the 12-month period preceding the date of the enactment of this title, enplaned more than .2 percent of the total number of passengers enplaned on all aircraft used to provide interstate and overseas air transportation in such period; and

"(B) an air carrier not described in subparagraph (A) who enters into an agreement with an air carrier who is described in subparagraph (A) to operate under or use a single air carrier designator code to provide interstate or overseas air transportation, but only with respect to those operations of the carrier not described in subparagraph (A) which are carried out under such code.

"(5) FLIGHT.—The term 'flight' means any nonstop or single plane air transportation between 2 points provided by an air carrier.

"SEC. 1716. SUNSET.

"This title shall have no effect after the last day of the 10-year period beginning on the date of the enactment of this title.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following:

"TITLE XVII—AIRLINE PASSENGER PROTECTION

"Sec. 1701. Monthly reports.
"Sec. 1702. Availability of DOT reports and flight arrival time information.
"Sec. 1703. Special telephone numbers.
"Sec. 1704. Notification of passengers.
"Sec. 1705. Economic cancellations.
"Sec. 1706. Advertising requirements.
"Sec. 1707. Bankruptcy transportation plans.
"Sec. 1708. Time limits.
"Sec. 1709. Limitation on computer reservation system information.
"Sec. 1710. Complaint process.
"Sec. 1711. Restrictions applicable to airline tickets.
"Sec. 1712. Passenger service requirements for air carrier hubs.
"Sec. 1713. Compensation for delay or loss of checked baggage.
"Sec. 1714. Effect of certain State laws.
"Sec. 1715. Definitions.
"Sec. 1716. Sunset.".

SEC. 3. CIVIL PENALTIES.

(a) AIRLINE PASSENGER PROTECTION VIOLATIONS.—Section 901(a)(1) of the Federal Aviation Act of 1958 is amended by striking out "or XII," and inserting in lieu thereof "XII, or XVII (other than sections 1701 and 1705),".

(b) CLARIFICATION OF DETERMINATION OF PENALTY.—The second sentence of section 901(a)(1) of such Act is amended by inserting ", or each flight with respect to which such violation is committed, if applicable," after "each day of such violation".

(c) INCREASED PENALTY FOR SAFETY VIOLATIONS.—Section 901(a) of such Act is amended—

(1) in the first sentence of paragraph (1) by striking out "1114 or" and inserting in lieu thereof "1101, 1114, or";

(2) in the first sentence of paragraph (1) by inserting "except that the amount of such civil penalty shall not exceed $10,000 for each such violation of title III, VI, or XII of this Act, or any rule, regulation, or order issued under such title, by a person who operates aircraft for the carriage of persons or property for compensation or hire, and" before "except that"; and

(3) in paragraph (2) by inserting "or section 1101, 1114, or 1115(e)(2)(B)" after "XII".

(d) REPORTING AND OTHER REQUIREMENTS.—

(1) ESTABLISHMENT OF PENALTY.—Title IX of such Act is amended by adding at the end thereof the following new section:

"SEC. 905. SPECIAL CIVIL PENALTIES.

"(a) PENALTIES WITH RESPECT TO PERFORMANCE REPORTS.—

"(1) LATE FILINGS.—Any person who violates section 1701 of this Act or any rule, regulation, or order issued thereunder shall be subject to a civil penalty of not to exceed $10,000 for each such violation.

"(2) FALSE OR MISLEADING INFORMATION.—Any person who submits to the Secretary under section 1701 or any rule, regulation, or order issued thereunder information which contains any false or misleading statement shall be subject to a civil penalty of not to exceed $10,000 for each such statement.

"(b) PENALTIES FOR ECONOMIC CANCELLATIONS.—Any person who violates section 1705 of this Act or any rule, regulation, or order issued thereunder shall be subject to a civil penalty of not to exceed $10,000 for each such violation.

"(c) FACTORS TO CONSIDER IN DETERMINING AMOUNT.—In determining the amount of a civil penalty under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(d) COMPROMISE.—Any civil penalty under this section may be compromised by the Secretary.".

(2) CONFORMING AMENDMENT.—That portion of the table of contents in the first section of such Act which appears under the center heading

"TITLE IX—PENALTIES"

is amended by inserting after

"Sec. 904. Violations of Sec. 1109."

the following:

"Sec. 905. Special civil penalties.
"(a) Penalties with respect to performance reports.
"(b) Penalties for economic cancellations.
"(c) Factors to consider in determining amount.
"(d) Compromise.".

SEC. 4. ESTABLISHMENT AND ENFORCEMENT OF AIRPORT CAPACITY LEVELS.

(a) GENERAL RULE.—Title VI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following:

"SEC. 613. AIRPORT CAPACITY LEVELS.

"(a) ESTABLISHMENT OF LEVELS.—

"(1) GENERAL RULE.—Not later than 90 days after the date of the enactment of this section and annually thereafter, the Secretary shall publish a report which establishes airport capacity levels for takeoffs and landings of aircraft at each airport at which 2,000,000 or more passengers are enplaned annually.

"(2) CONSULTATION.—In establishing and developing capacity levels under this section for any airport, the Secretary shall consult the manager of such airport, air carriers providing air transportation with respect to such airport, and general aviation users of such airport.

"(b) MODIFICATION OF LEVELS.—

"(1) IN GENERAL.—In addition to changing a capacity level for an airport under this section through establishment of a new capacity level for such airport in an annual report published under subsection (a), the Secretary may change the capacity level established for such airport under this section upon request of the manager of such airport or any air carrier providing air transportation with respect to such airport.

"(2) LIMITATION ON REQUESTS FOR CHANGES.—With respect to a capacity level established for an airport under this section, an air carrier providing air transportation with respect to such airport and the manager of such airport may each submit to the Secretary only 1 request per year for a change of such capacity level.

"(c) MONITORING.—The Secretary shall monitor the takeoffs and landings at each

airport for which a capacity level is established under this section so as to ensure that such level is not exceeded.

"(d) ENFORCEMENT.—

"(1) GENERAL RULE.—The Secretary shall take such action as may be necessary to ensure that the capacity levels established under this section are complied with.

"(2) ACCOMMODATION OF AIR CARRIER NEEDS.—Any actions taken by the Secretary under this subsection with respect to an airport shall accommodate, to the maximum extent possible—

"(A) the needs of air carriers which are not providing air service with respect to such airport and wish to provide such service;

"(B) the needs of air carriers which are providing air service with respect to such airport to adjust their schedules, to provide air service in new markets, and to expand air service in existing markets; and

"(C) the needs of general aviation users of such airport

"(3) LIMITATION.—In actions taken under this subsection, the Secretary shall not allow air carriers to buy and sell operating rights at any airport where such buying or selling was not allowed on or before July 30, 1987.

"(e) REPORTS.—Not later than January 1 and June 1 of each year, the Secretary shall transmit to Congress a report on the implementation of this section (including the actions taken by the Secretary under this section).".

(b) CONFORMING AMENDMENT.—That portion of the table of contents in the first section of such Act which appears under the center heading—

"TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS"

is amended by adding at the end thereof the following:

"Sec. 613. Airport capacity levels.
"(a) Establishment of levels.
"(b) Modification of levels.
"(c) Monitoring.
"(d) Enforcement.
"(e) Reports.".

SEC. 5. UNFAIR TRADE PRACTICES WITH RESPECT TO AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) GENERAL RULE.—Section 411 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following:

"(c) COMPUTER RESERVATION SYSTEM CONTRACTS.—

"(1) PROVISION OF ADDITIONAL EQUIPMENT OR SERVICES.—No operator of a computer reservation system shall require, as a condition for the provision of additional equipment or services under a contract for the provision of airline reservation services, that a user of such system extend the term of such contract for any additional period.

"(2) FEES FOR INCLUSION OF PERFORMANCE DATA.—No operator of a computer reservation system shall impose a fee or charge for the collection, display, or inclusion of any information required to be reported to the Secretary under section 1701 if such fee or charge exceeds the cost incurred by such operator for such collection, display, or inclusion.

"(3) COMPUTER RESERVATION SYSTEM DEFINED.—For purposes of this subsection, the term 'computer reservation system' means any computerized reservation system which is owned by an air carrier or by a person owned by, controlled by, or under common control with an air carrier and which contains information concerning schedules and fares of 2 or more air carriers.".

(b) CONFORMING AMENDMENT.—That portion of the table of contents in the first section of such Act which appears under the heading

"Sec. 411. Methods of competition."

is amended by inserting after

"(b) Incorporation by reference."

the following:

"(c) Computer reservation system contracts."

SEC. 6. FAIR TREATMENT OF EMPLOYEES.

(a) GENERAL RULE.—Section 408 of the Federal Aviation Act of 1958 is amended by adding at the end the following new subsection:

"(g) FAIR TREATMENT OF EMPLOYEES.—In any case in which the Secretary determines that the transaction which is the subject of the application would tend to cause reduction in employment or to adversely affect the wages and working conditions including the seniority of any air carrier employees, labor protective provisions calculated to mitigate such adverse consequences, including procedures culminating in binding arbitration, if necessary, shall be imposed by the Secretary as a condition of approval, unless the Secretary finds that the projected costs of protection would exceed the anticipated financial benefits of the transaction. The proponents of the transaction shall bear the burden of proving there will be no adverse employment consequences or that projected costs of protection would be excessive.".

(b) CONFORMING AMENDMENT.—That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 408. Consolidation, merger, and acquisition of control."

is amended by adding at the end the following:

"(g) Fair treatment of employees.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. MINETA] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to the distinguished chairman for the full Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, the title of our bill, the Airline Passenger Protection Act of 1987, expresses the intent of the Committee on Public Works and Transportation on this matter. We want to make sure that the millions of airline passengers who use the aviation system that we have created receive the type of service that they deserve.

In recent months, as we all know, they have not been receiving that kind of service. The hard facts are there: Complaints filed with the Department of Transportation have increased sixfold compared to last year. Every month the record for complaints is shattered.

Usually when we bring our committee bills to the floor, I say I am pleased to present it to my colleagues. In this case I am pleased that we could draft such a worthwhile bill. I am pleased that so many members of our Subcommittee on Aviation, led by Chairman NORM MINETA and ranking Republican NEWT GINGRICH, and the full committee, worked so hard to develop this bill.

However, I am also disappointed. I am disappointed that the American traveling public is being served so poorly that we are forced to consider this type of legislation. The airlines should be providing high-level service without such legislation but the complaint figures and our own mail show many of them are not.

It would also have been appropriate for the Federal Aviation Administration to take action. Unfortunately, that did not happen until our committee and the other body began considering legislation. It is also clear that the consumer protection proposals made by the Secretary of Transportation were an empty gesture designed to stave off effective action by the Congress. This time, that type of hollow rhetoric won't work. Airline passengers want good service, they want information on who provides that service and they want an easy and convenient recourse if that service is not provided. If some of the airlines and the Department of Transportation won't provide what consumers need, the Congress will do it for them.

This bill will get the job done for the air traveling public without placing an onerous burden on the airlines. It is a first step—a large first step—toward protecting airline passengers from the missed flights, delays, lost baggage, cancellations, bumpings, and sheer frustration of dealing with the airline system that too many of them have been experiencing.

The members of the subcommittee will explain the bill in more detail but let me describe some of the most significant portions. This bill has teeth in it. We have not written a cosmetic proposal to gloss over the real problems in the aviation system today. If this bill is passed, there will be meaningful consumer protection.

There are three major items in the bill designed to improve airline service. First, there are fines of up to $10,000 for any flight cancellation within 72 hours of scheduled departure time except for safety reasons. Any so-called economic cancellation would also result in compensation for the passengers.

Second, airlines would be required to provide compensation to passengers for lost or delayed baggage. A passenger would receive a one-way ticket on the route being flown if the baggage is delayed more than 2 hours. If it is de-

layed more than 24 hours, the passenger would be entitled to a round-trip ticket.

Third, the Department of Transportation is directed to review flight schedules at the Nation's 41 largest airports. The airlines will be required to limit scheduled departures and landings to airport capacity to insure against the massive delays that many passengers have experienced.

The bill also requires the airlines and the Department of Transportation to establish toll-free telephone lines for consumer complaints.

In addition the airlines would be required to provide detailed monthly reports to the Department of Transportation concerning their overall service and their service at specific hubs where they serve the most passengers. This information is designed to provide consumers with the information they need to make informed decisions when choosing an airline.

This bill is being brought before the House under suspension of the rules because of the necessity of having fair and balanced legislation that can move quickly. Many of us have had our own frustrating experiences with the airlines and I'm sure we all have suggestions on how to improve service. I believe the subcommittee has done a good job in developing a consensus viewpoint that fairly reflects the range of opinion on this issue.

The traveling public needs this legislation. If we, as individual Members of Congress, have difficulty in dealing with the airlines, imagine how the general public is treated. It's time for us to do something about it.

I ask my colleagues to vote to suspend the rules and pass H.R. 3051.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation to improve the service received by airline passengers. The legislation is badly needed. As my colleagues well know, airline service has deteriorated over the past year. Airline passengers are outraged and demanding that the Congress do whatever is necessary to improve the situation.

Before discussing the bill before us today, I should emphasize that although this legislation is important and can make a real contribution to improving service, this legislation alone will not solve the problem. The other important step we must take is to develop the air traffic control system to a point where it can handle the demands placed upon it. Only when this is done will we have a permanent and effective solution to many of the problems of poor airline service.

To deal with the air traffic control problems, the House recently passed H.R. 2310, on a vote of 396 to 0, which authorizes the expenditure of $28 billion over the next 5 years to improve our Nation's airports and air traffic control system. We hope the Senate will pass this legislation in the near future.

Turning to the consumer protection bill which we are considering today, this bill is designed to improve airline service without diminishing the low fares and the service benefits which consumers have received from deregulation. The low fares permitted by deregulation have produced billions of dollars of benefits for airline passengers. It is important that consumer protection legislation not destroy these benefits.

To deal with consumer problems, H.R. 3051 would take action on a number of fronts. First, the bill establishes a program for ensuring that consumers will have good information about the quality of airline service. With this information consumers can vote with their pocketbooks and take business away from airlines which are providing inferior service.

H.R. 3051 requires the Department of Transportation to publish a monthly report on airline performance, including information on on-time performance, lost and damaged baggage, canceled flights, overbookings, missed connections at hubs, and consumer complaints. Airlines and travel agents would be required to make information available from the report available to prospective passengers who request it.

H.R. 3051 does not limit itself to making information available to passengers. The bill includes many specific provisions designed to require specific improvement in airline service.

To deal with the problem of the airlines scheduling more flights than airports can accommodate at peak hours, the bill requires the Department of Transportation to establish capacity limits at major airports. If the airlines insist on scheduling flights in excess of these limits, the Department is directed to take action to enforce the limits. Similarly, the bill requires the Department to establish standards for airline hub service to ensure that missed connections are minimized. Again, if the airlines do not comply with these requirements the Secretary is directed to take appropriate action.

Another frequent consumer complaint is that the airlines are canceling scheduled flights because there are not enough passengers booked on the flight. To deal with this problem, H.R. 3051 specifically prohibits economic cancellations. If the flight is improperly canceled for economic reasons, the bill provides that passengers must be compensated and that the airline will be subject to a civil penalty of up to $10,000.

Another area of consumer concern is that airline advertising fails to make it clear that discount fares are not available on many flights and that discount fares may be nonrefundable. H.R. 3051 includes provisions requiring airlines to include this information in their advertising.

I would like to clarify the intention of the preemption provision in the bill. The preemption provision is set forth in general terms in the reported bill and committee report, and a more detailed discussion would be useful in interpreting the provision. The preemption provision specifically provides that a State may not require air carriers to file additional reports on matters as to which this bill requires reports. This includes reports on such subjects as ontime performance and lost and delayed baggage. The reason for preemption of reporting requirements is that it would be undesirable to require the airlines to file different reports in each State on the same issues. It is my understanding that the State attorneys general do not object to this preemption of State reporting requirements.

Some States have expressed concern about how the bill would be interpreted with respect to preemption of State regulation of airline advertising. I would like to make it clear that the intent of the bill is to preempt only State regulations of advertising which directly contradicts the requirements imposed by this bill. For example, H.R. 3051 requires airline advertising to state that various types of restrictions apply to discount fares. A State would be preempted from passing a law that prohibited airline advertising from disclosing that fares are restricted. However, H.R. 3051 is not intended to preempt a State from imposing additional requirements on airline advertising, such as requirements governing the size of print in which disclosures must be made or requirements for additional disclosure beyond that required by Federal law. H.R. 3051 is not intended to preclude the States from playing a major role in dealing with airline consumer problems.

In conclusion, Mr. Speaker, H.R. 3051 is designed to improve airline service without destroying the competition which has brought so many consumer benefits. I urge my colleagues to support this legislation.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to my distinguished chairman of the full Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am engaging in this colloquy on behalf of our colleague, the gentleman from Illinois [Mr. LIPINSKI], who is necessarily in his own district of Chicago on official business today.

Mr. Speaker, we are considering a bill that is designed to promote the benefits of deregulation by addressing certain passenger service problems and by making service information available to the consumer. The bill recognizes that the imposition of some costs on certain carriers will outweigh the benefits to competition that could be derived from those expenditures. Thus, the bill contains a provision, offered by my distinguished colleague from California, Mr. ANDERSON, exempting from its requirements those smallest of carriers that operate aircraft with 60 or more seats, but that enplane less than 0.2 percent of domestic passengers.

There is, however, an additional class of small carriers that represent the essence of deregulation. The continued ability of these smaller carriers to provide the competitive spur necessary to protect the benefits of deregulation is directly related to the level of costs they incur. The requirements of this legislation will increase those costs and will increase the burdens disproportionately as compared to the larger carriers.

Mr. Speaker, I would now like to address a question to the distinguished chairman of the committee. I would ask the chairman, is it your view that if the Secretary determines that to promote the policies of section 102 of the Federal Aviation Act, different means of meeting the bill's requirements may be appropriate for smaller carriers, she may, in exercising her discretion, fashion such different means?

Mr. MINETA. Mr. Speaker, I would answer my distinguished colleague from New Jersey by saying that this bill endorses the principal policy goals and concepts of deregulation. We need to make clear that the Secretary is charged with carrying out the policy objectives under section 102 of the Federal Aviation Act to preserve the benefits of competition and promote the policies of deregulation. In this case, she may do so by fashioning appropriately different means of complying with the bill's requirements for small carriers that are so critical to a competitive deregulated market.

□ 1400

I hope this colloquy will clarify the intention of our bill.

Mr. HOWARD. It certainly will, and I thank the gentleman for his response.

Mr. SUNDQUIST. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to our distinguished friend, the gentleman from Tennessee.

Mr. SUNDQUIST. Mr. Speaker, as a member of the Aviation Subcommittee that drafted this important legislation, I want to commend Chairman MINETA and Vice Chairman GINGRICH—and the distinguished chairman of the full committee—for their hard work and efforts to produce an effective and reasonable bill.

I am especially proud of the subcommittee's work on this bill because it is in extreme contrast to most of Congress' actions—it does not take an excessive approach to a highly popular issue—rather, the leaders of this committee worked for a bill that does not reregulate the airline industry, but does make the industry accountable for the service they provide to customers.

All we are saying with this bill is: Let the marketplace work when it comes to customer service. Let customers decide which carriers provide the best service for the best price. But they can't do that if they don't have the proper information. This bill provides the information for airline customers to make their own choices.

In addition, the way the system currently operates, airlines are scheduling flights far beyond the capacity of airports. I applaud my colleague from Pennsylvania's efforts to resolve this problem with the language he drafted on capacity levels.

There is no doubt in my mind that most airline delays, not related to weather or mechanical problems, are due to ambitious overscheduling by the airlines. The airlines need to be more reasonable with their scheduling projections—how can you schedule more flights than one airport can physically handle?

You might think that there is a disincentive for airlines to overschedule because it might hurt their business. This simply has not proven to be true, because the more flights they schedule, the more tickets they sell—and once the customer is holding his already-paid-for ticket, he has very little recourse if the flight is delayed. So actually, it is currently in the best interest of airlines to overschedule. This bill simply protects airline consumers from airline delays that are caused by greedy overscheduling—it merely keeps capacity at reasonable limits.

The public has been screaming—as have most Members of Congress, including myself—for a bill that will improve the quality of service provided by our domestic carriers. It would have been easy to draft an excessive bill, but the leaders of this committee chose to do the difficult and courageous thing by writing a moderate bill that truly addresses the problem. This is extremely good legislation and it deserves all our support.

Mr. Speaker, section 4 of this bill requires that airport capacity levels be established for the 40 largest airports. It is my understanding that this section of the bill is intended to prevent airlines from overscheduling flights. Could the distinguished subcommittee chairman clarify if the language is directed at the air cargo business?

As you know, Mr. Speaker, the cargo business differs significantly from passenger carriers in that they primarily operate during off-peak times, and they don't operate with the same amount of frequency.

Mr. MINETA. I appreciate the gentlemen's comments. The bill is not intended to allow airport operators to discriminate against any carrier, large or small, passenger or cargo. We would also expect that in taking action to enforce capacity limits, the Secretary of Transportation would accommodate, to the maximum extent possible, the needs of cargo carriers. To the extent cargo carriers operate at off-peak hours, when there is no overscheduling, it is unlikely that they will be required to reduce their schedules.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill, it is a tough bill, and it is a necessary one if we are to improve airline service.

Mr. Speaker, 9 years ago we deregulated the airlines. We did this to improve the efficiency of the air transportation system and to make air travel more affordable for the average citizen. Deregulation has succeeded in doing this for the most part.

It is important for everyone to realize, however, that deregulation was only meant to give airlines more control over their routes and fares. We did not intend to give them a license to run roughshod over their passengers. Customer service was never deregulated. But recently, that is not the way it seems.

Over the last year, complaints against airlines have skyrocketed. Whether because of the recent airline mergers, or because of the surge in passengers, more and more of our colleagues and constituents are telling us horror stories about airline service. Indeed, I could tell you a few horror stories of my own. One as late as last night.

Our committee has developed a two-part attack to these problems. The first part is the bill to authorize more money for airport improvements and air traffic control equipment in order to reduce congestion and delays. We passed that bill last week.

The second part is the bill before us now. It directly addresses many of the problems passengers have experienced. To begin with, this bill requires airlines to report service performance data to the Secretary of Transportation who in turn would make that information public.

This would let people know who the good airlines and bad airlines were in terms of such things as delays, cancellations, lost bags, and missed connections. Passengers could then choose between airlines accordingly, thereby

putting economic pressure on the bad airlines to improve their service.

But our bill goes beyond mere reporting requirements. It includes many other requirements and penalties. One provision that I would like to focus on is the section on airline hubs.

One of the most significant changes brought about by deregulation is the growth of the hub and spoke system. Every large airline now uses this system extensively.

It appears that the hub and spoke system is here to stay. It allows airlines to economically provide service to small- and medium-size communities that could not otherwise support direct service to many destinations. It is probably an efficient system that works for the airlines.

The problem is, however, this system does not always work for the passengers. Too often passengers are left stranded at hub airports because a delayed flight causes them to miss their connection. If they have the money, they can charter a plane or rent a car. Otherwise, the passenger may end up sleeping on the floor. Meanwhile, important business or personal commitments are missed.

During our committee's deliberations, I offered an amendment which was adopted that addresses the breakdown in the hub and spoke system.

It would require DOT to set minimum passenger service requirements for air carrier hubs. These would be developed by using data on delays and missed connections that is already required by this bill. DOT would then be required to monitor the performance of airlines at their hubs.

If DOT officials find that an airline's hub is not meeting the established requirements, they would be required to take action, or require the airline to take action, to solve the problem.

This provision does not specify what action must be taken because I don't think it would be proper for Congress to micromanage the airlines in this way if that can be avoided. But neither would it allow the status quo to continue. That would be unacceptable. This amendment would simply force DOT and the airlines to take a close look at the hub and spoke situation and how it affects passengers, something I don't think anyone has really done up until now.

Perhaps they will decide to simply increase the connecting times between flights at hubs to give passengers a better chance of making their connections. Perhaps some other action would be more appropriate. I have also asked the General Accounting Office to look at this problem to get their views on specific actions to address the problem.

In conclusion, Mr. Speaker, I believe this is a good bill. It's a tough bill but it's a necessary one if we are to improve airline service. I urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the Airline Passenger Protection Act of 1987, H.R. 3051. This bill will address the serious deterioration in airline service which has occurred over the past year. During this period, flight delays, cancellations, missed connections, lost baggage and poor customer service has caused havoc on many airline passengers in this country, including myself. I don't believe I have been on one flight lately that wasn't unbelievably fouled up.

My particular gripe is with connecting commuters advertising—or at least held out to be—part of a major airline, until something goes wrong, then no one wants to take responsibility.

Mr. Speaker, the centerpiece of this bill would require the Department of Transportation to publish a monthly report on airline performance including information about on-time performance, lost baggage, canceled flights, missed connections at hubs and consumer complaints. I strongly believe that with this information, consumers can vote with their pocketbooks and emphasize that quality service is as important as low fares. However, I do believe that this bill will not unduly pressure airlines to dispatch aircraft before they are ready to take off. Of course, safety must always be our No. 1 concern.

Mr. Speaker, while I do have some specific concerns over the labor protection provisions [LPP] in this bill I would still encourage my colleagues to support H.R. 3051 which will improve airline service without destroying the benefits of deregulation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I reserve the balance of my time.

Mr. MINETA. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a distinguished member of the subcommittee.

Mr. SKAGGS. Mr. Speaker, I urge my colleagues to join me in voting for the Airline Passenger Protection Act of 1987.

Enormous problems exist today in commercial air travel. Although the Department of Transportation has had rulemaking authority to maintain reasonable standards for air travel since deregulation, it has not done enough to protect airline consumers.

The number of passengers has grown from 275 million in 1978 to 418 million last year. Flying has now become the most often used form of intercity transportation in this Nation. Ninety percent of public transportation is by air. With this growth has come a huge increase in passenger complaints about lost luggage, problems with discount fares and ticketing agencies, canceled flights and, especially, delays in departures and arrivals.

Each day, the call to reregulate the airlines grows louder. I'd suggest otherwise right now. I think it's better to look at the situation in terms of classical economic theory. Well-informed buyers can make decisions that are in their own best interest. These decisions shape the market and make it better for all of us. Of course, perfect information is impossible. However, we can certainly do a lot better than we now are. And when the airlines realize that information about bad service hurts business, service will improve.

The Airline Passenger Protection Act is not reregulation. It's a measured response to abuses that cannot continue. Airlines shouldn't cancel flights on very little notice because of low bookings. Their advertising practices should level with consumers. Air travel consumers should have the information about airline performance that's needed if a deregulated free market is to work. This bill does much to address these concerns.

The advantage of this bill is that it's based on information, not regulation. With this information, travelers will know which airline will get them there on time. They'll know which airline is least likely to lose their luggage or to cancel or bump them from flights. With their money, passengers will let an airline know if its service has to improve. All this will happen through the market, not through regulation.

The bill guarantees that this information will be accessible. Travel agencies will be required to provide this information to the public, and the airlines must provide toll-free telephone numbers for the public. Both the airlines and the Department of Transportation will be required to establish toll-free telephone numbers to receive consumer complaints, and the airlines will be required to list this number on all tickets they issue.

An airline's decision to cancel a flight within 72 hours of its departure for any reason other than safety will mean stiff penalties. So, passengers will be less at risk of being stranded because of low bookings on a flight they had planned to take. The Committee on Public Works and Transportation adopted a provision that I sponsored which requires that when a flight is canceled or delayed, the airline must tell passengers promptly what it knows about the reasons for the cancellation or delay. This will enable passengers to make alternate arrangements as soon as possible.

I noticed last week that one of the major airlines has started an aggressive ad campaign focusing on its performance. It's a step in the right direction, but it's not enough. The Airline

Passenger Protection Act rests on the belief that reasonably protected and well-informed passengers will be able to make the choices that a free, deregulated market presumes. It establishes necessary safeguards and a solid base of information for consumers. It is worthy of all of our support, and I urge you to vote for it.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO], a very fine member of our subcommittee.

Mr. DEFAZIO. Mr. Speaker, first I want to extend my congratulations and appreciation to the gentleman from California [Mr. MINETA], chairman of my subcommittee, as well as the gentleman from New Jersey [Mr. HOWARD], chairman of the full committee.

Mr. Speaker, these 2 weeks' legislation, last week reauthorization and this week Airline Passenger Protection Act, have gone a long way toward making our air travel as safe and as comfortable as we can again.

Just last February I first proposed a bill to increase consumer protection and the Federal Aviation Administration and nearly the entire industry opposed it. They said it would be impossible to gather the data needed to enforce the protection, it would be too expensive, and besides that it is not needed because the free market would solve the problem.

Nine months later complaints are up over 250 percent. Just last week they had to call the riot police at Miami Airport because of a problem at one of the departure gates. Now even erstwhile Secretary of Transportation Dole and the FAA have become born again consumer protection advocates.

But their efforts are too little, too late. We will not be deterred on the committee and in Congress from protecting the consumers and giving them the protection they need to fly safely and comfortably. This bill will allow the Congress to truly assess the depth and the breadth of the problem of airline travel and airline travelers.

Second, it will give the consumers the information they need to choose intelligently the best service available, it will fully ensure their rights under existing law, provide toll-free numbers for recourse when they have complaints that are not resolved by the airline on the spot, and the simple language in the disclosure provisions will allow consumers to fully pursue those rights when they have been wronged. It toughens the penalties for safety and consumer protection.

This is good legislation, it is timely legislation, and I urge my colleagues to vote "aye."

Mr. MINETA. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I appreciate my colleague from California, NORM MINETA, for yielding time to me. There is nobody more dedicated to air safety than the gentleman from California.

I do have some concerns about this bill, however. I do not want to see a bill which in the guise of helping consumers actually ends up potentially jeopardizing air safety.

As an example, the reports on the bill require airlines to disclose the number of flights leaving late and arriving late together with canceled flights. My concern is that this could cause some of the airlines, particularly those who are financially marginal in a very competitive environment, to cause their planes to go in order to meet an arbitrary disclosure deadline which appears on a computer screen in a travel agent's office, even if that airplane maybe should not go, maybe it has some deferred maintenance items. I want to make sure our priority is on safety, even at the expense of consumer protection, so I would ask my colleague, some of the deadlines, some of the thresholds in this bill would seem to cause carriers to make some decisions in order to meet the information required in the bill, maybe causing them to do some things they would not otherwise do in terms of pushing their airlines back to meet some arbitrary deadlines. I just want to ask my colleague from California about that to see if my thoughts are correct or not on the issue.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, first of all, the gentleman's concerns are right on target. Our concerns in the subcommittee as well as full committee and the Congress as a whole, the Department of Transportation and the airlines as well, is really safety. Safety is without a doubt the paramount concern that drives all of us.

When we deregulated the airline industry we deregulated the economic regulation of the airlines, but we did not deregulate safety. So in taking into consideration this bill, these are the kinds of concerns which were considered when we were developing the bill.

Safety related delays are exempt from the prohibition on that portion dealing with economic cancellations. So I feel that there are adequate incentives in our system of safety enforcement and inspection that would override the kinds of pressures the gentleman is talking about in terms of pushing away from the gate in order to be able to make that reporting requirement.

I would also note that the penalties for violation of safety regulations have been made stronger in this bill. We have increased these tenfold.

So I believe these kinds of issues are things that came up during the subcommittee's consideration and that we will be looking at these items as we follow the impact of this legislation.

Mr. GLICKMAN. Mr. Speaker, I appreciate the gentleman's response, and the increased civil penalties are very important. I think the gentleman understands my concern. My concern is the pilot gets into a plane, the plane is about ready to be pushed back, he has some deferred maintenance items, the plane is about to be more than 15 minutes late, he does not know whether to cancel or not, and maybe wants to get pushed back to meet some arbitrary screen timetable.

But I think the gentleman has answered the question satisfactorily.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding. We certainly agree with him. We feel that the flying public is certainly concerned about efficiency and delays and lost baggage and things like that, but they are also very concerned about safety, and I would think it would inure to the benefit of an airline should they state that on these occasions that they would not fly because of safety problems.

So there has been no diminution whatsoever of the concern for safety here. I believe the airlines that state that they have done this to be more safe would certainly be more attractive to the traveling public, and we certainly intend that to be the way this legislation operates.

Mr. GLICKMAN. I thank the chairman for his response.

Mr. MINETA. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to take a few seconds to congratulate the gentleman from California [Mr. MINETA] for what I think has been yeoman's duty in bringing to the floor of the House today a bill that not only is needed but addresses critical needs of the flying public. I want to congratulate him on the job he has done in that regard.

I think the information that will now be available to the airline flying public is going to be very valuable not only from the point of judging, if you will, the performance of the carrier, but as well making intelligent decisions as to when and who and which airline they should fly.

□ 1415

This bill is going to require the airlines to, if you will, furnish the infor-

mation to DOT that will allow DOT to give a report card on their performance. The legislation is long overdue. It is needed. It ought to be enacted.

I urge my colleagues to support the work of the committee, the gentleman from California [Mr. MINETA], and the distinguished full committee chairman [Mr. HOWARD], and urge the adoption of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE] a member of the Committee on Energy and Commerce.

Mr. TAUKE. Mr. Speaker, H.R. 3051, the Airline Passenger Protection Act of 1987, takes several steps in the right direction and is generally a sound measure. But the question that we face in this forum is whether or not this bill goes far enough, whether it takes enough steps in the right direction.

I could articulate many of the good things about this bill, but because of limited time I will refrain from doing so.

However, there are many provisions that are controversial.

One provision that is controversial is section 1706 which provides that the Department of Transportation require airlines in advertisements to include information on the availability of discount fares as well as information on other restrictions that apply to such fares. The controversy that surrounds this issue is whether the provision goes far enough.

The Department presently has the responsibility for regulation of airline advertisements as well as other areas of airline regulation. In the opinion of many consumers and many of us here in Congress, the Department is simply not doing an adequate job.

Even if the Department is inclined to address the problems raised by airline advertisements, it is questionable whether it has the facilities to do so. The Department only has 12 full-time professional employees who are involved with aviation consumer protection.

H.R. 3051 does not address this problem of a lack of infrastructure to address misleading or deceptive airline advertisements. We might have been able to address this issue on advertising, as well as other issues if we had had an opportunity to discuss this bill under an open rule.

Later this week, the House of Representatives will be considering H.R. 2897 which reauthorizes the Federal Trade Commission. That bill grants the FTC authority to regulate airline advertising. The FTC traditionally is the agency to regulate advertising and it has the staff and the infrastructure to do it.

So, Mr. Speaker, this bill could be better. But by considering this bill under suspension, we do not have the opportunity to make it better.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HOWARD], the Chairman of the full committee.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, I would like to briefly respond to the gentleman who just spoke in the well that this bill is sort of a very delicate balance. We are trying to do several things here this time.

First of all, we are trying to put into law some regulation, some push on the airlines to become a bit more efficient, a little more concerned with the passengers who use it and yet to not attempt to really reregulate the industry.

Another area where we are trying very much to have a better airline system, one that certainly puts safety first and efficiency very high, without increasing cost to a great degree. By deregulation, we have been able to get through competition prices that are lower and more people can fly. We do not want to prevent these people from being able to afford to use the airline system while we certainly insist that the airlines become more efficient.

So it is not an easy thing. There are people who say this bill does not go far enough; there are many others who say it goes too far. We say we think we have accomplished this delicate balance and certainly in conference we will still be looking at this legislation.

I thank the gentleman for yielding.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume also to respond to the last speaker who was in the well.

Let me say that this committee has the same concerns about that matter that he spoke to as it regards consumer interests. When Congress in its wisdom gave the Committee on Public Works and Transportation authority to address that concern in 1978, we intend to do just that. So I want to assure him that this committee will live up to its responsibility and take care of all those interests that he expressed about consumers.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I want to first of all commend the subcommittee chairman, the gentleman from California [Mr. MINETA], and the full committee chairman, the gentleman from New Jersey [Mr. HOWARD], and the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for their work on this measure. It is really needed.

The fact is when the pressure is on, obviously too little and too late, the Department of Transportation has responded to some of the concerns, really taking some of the aspects out of legislation which had been introduced earlier by Mr. DEFAZIO, Mr. MINETA, and others. That is the case.

We need to put this into law, these particular provisions.

I know that there are many colleagues here who would like to go much further, would like to really get in there and get tough, because we have a volcano of criticism with regard to airline service.

I have noticed in the last months even, already, the improvement. So I say the Department of Transportation's steps were really well intentioned. Whether or not they will provide the type of permanent fix that a law would allow I think is another matter.

That is why we have to codify this. I think they now have the attention, we have the public behind us, now is the time to move to do that rather than to let a tougher bill get lost someplace in the Senate because of the controversy it is going to get mired down in.

So I think it is time to move and I think this House ought to do so.

Mr. Speaker, I rise in support of the Airline Passenger Protection Act. In responding to the needs and concerns of airline passengers, the Public Works and Transportation Committee carefully crafted this bill to assist consumers in attaining efficient and equitable airline service. I commend my colleagues on the Public Works and Transportation Committee and the Subcommittee on Aviation for their work.

When Congress deregulated the airlines in 1978, we did not deregulate service or safety. At the time, it was felt that the forces of competition would enable the airlines to lower their costs while maintaining their quality of service, thereby ensuring a system that was both affordable and responsible to the needs of its users.

Unfortunately, as the figures released in the last few months indicate, airline service has not improved along with the growth of complaints against the airlines rose dramatically. For example, the figures released by the Department of Transportation Consumer Affairs Division for August 1987 totaled 7,280—over five times the total passenger complaints in August 1986.

The service problems before the industry are as varied as their number—delays, cancellations, missed connections, customer service, lost luggage, refunds, ticketing and boarding, and so on. Airlines apparently have been forced to cut corners because of intense competition, and therefore problems have increased to the breaking point of public tolerance. Congress must be willing to step into the void created in such circumstances and point the airlines in the right direction. The disclosure of monthly performance reports on the airlines and the inclusion of passenger rights on airline tickets are necessary. Consumer knowledge is power; consumer knowledge is enlightened choice; a powerful incentive that

will reward good performance and punish poor performance by the airlines.

I am also supportive of the provisions for the establishment and implementation of maximum flight capacity levels for major airports in order to put a halt to the obvious overscheduling which misrepresents carrier schedules and pushes to the limit the safety of the air traffic control system. The air traffic control system needs not only additional staff and improved equipment, but also reasonable and manageable scheduling conditions. Enough problems develop with optimum scheduling much less overburdening this system with the crowded scheduling that is characterized in today's environment.

Mr. Speaker, in addition to the other necessary provisions in this bill, language has been included to ensure the fair treatment of aviation employees during mergers, takeovers, and similar transactions—a measure which has won the approval of the House in the past. It is fitting not only to address consumer needs in this bill, but also the needs of airline employees resulting from the changes wrought by deregulation. As before, I urge my colleagues to support these labor protection provisions that the thousands of men and women working in the airline industry deserve. These provision are the restatement of the law which has not been implemented by the Department of Transportation. They will resolve the chaos which grips merger borne labor relations problems and will be a positive step toward reclaiming quality and safe service in our air transportation system.

I urge my colleagues to support this legislation that will assist in improving airline service without diminishing the positive results of deregulation.

Mr. ARMEY. Mr. Speaker, I applaud the committee's effort to protect airline passengers but this bill does way too little to ensure passenger safety. While the committee report states that: "Safety is a paramount concern," it then does little to promote safety and could actually increase risk to passengers.

Air safety can only come after: First, the trust fund is released to assist capacity expansion and air traffic control capability; and second, steps are taken to prevent the dangerous overcrowding that occurs when all the planes try to leave and arrive at the same time. We have done neither. In last week's Airport Development and Improvement Act, we did not free up the trust fund nor did we reduce the user fee because of its nonuse. Attempting to control overcrowded skies, this bill does set capacity limits at airports. Rather than allowing the Secretary of Transportation or the airports the right to price landing slots in a way that precludes the rush hour blitzes, this bill arbitrarily imposes capacity limits.

These rush-hour surges overwhelm all components of air travel—air traffic control, airport landing slots, baggage transfers, and corridors for passenger movement. A pricing mechanism that rewards the use of less crowded times but then raised the charge for users of peak hours would disperse overcrowding, provide funds for expansion, and permit those airlines taking advantage of cheaper, offpeak landing slots to keep fares low without sacrificing safety or service.

So the bill tries but fails to properly address the fundamental problems overwhelming our air traffic control and fails to sufficiently handle the peak-hour overcrowding in the skies and in the airports.

Mr. Speaker, let me say that I fully understand and appreciate the problems with service to passengers. Because I live back home in my district, I probably travel as much if not more than any other Member. So I have suffered from delays, lost baggage, missed connections, and canceled flights. But none of those problems compare to the question of safety.

I was on a flight that arrived 10 minutes before the ill-fated Delta flight No. 99. I came in on the same runway and the same approach just before the Delta DC-10 slammed into the ground from windshear, tragically killing scores of passengers. I fully understand the need for safety. When my airplane departure is delayed due to equipment problems, I am perturbed but glad to know that adequate attention is being paid to safety. But this bill could force airlines to downplay equipment problems and fly anyway because of the bill's refusal to exempt delays due to equipment problems from the DOT's consumer reports on airline service. We should never encourage airlines to ignore unsafe conditions.

Further, delays due to weather are also not excluded. Thus concerns about weather and equipment failure—the two greatest causes of air accidents—must now be balanced against the enhanced fiscal pressure caused by DOT's report on service. An exception should be granted for delays due to equipment and weather concerns. For air passengers, there is no greater service than safety.

Provisions made to help the handling of passenger's baggage could actually serve to hurt safety and service. The tough restrictions on lost baggage through hubs means two reactions: Airlines will no longer check baggage through hubs if there is any possibility of a problem while interlining of passengers baggage will all but cease; and two, more connecting passengers will decide to carry on luggage as the airlines no longer accept connecting luggage. Anyone who has ever flown knows that all the carryon baggage is responsible for delays, and safety reports indicate that carryon luggage in overhead bins becomes dangerous projectiles in turbulence or mishaps.

These are but a few of the bill's major shortcomings that prevent Congress from attaining the goal of air safety. While inadequate attention was paid to safety, Congress had time to look at labor protection provisions, provisions that could promote a Presidential veto. This only further reflects Congress' focus on everything but air safety. The committee states its support for deregulation because it "is in the best, longrun interest of consumers. The lower fares made possible by deregulation have saved billions of dollars for airline passengers * * *." But where do those savings come from? Should airlines cut service? Obviously not. Should airlines try to reduce manpower requirements? The committee says no with its labor protection provisions. Then should airlines cut back on maintenance and inspection of its airline fleet? Who knows except that Congress' priority here is to say yes to passenger savings, yes to passengers service, and yes to labor protection. But when it comes to safety, Congress, at best, says maybe.

Service and safety should not be at odds here. In fact, passenger service will not improve until safety is improved because both suffer from overcrowding, undercapacity, and the rush hour blitzes. Freeing up the trust fund and preventing the unmanageable rush hour blitzes will reduce the burden on all components of air travel, including baggage, delays, and connection transfers as well as air traffic control.

All these passenger protection provisions are well intended but really miss the point of what is needed. Solve the safety problems by freeing up the trust fund, building additional facilities, and distributing landing slots through a market mechanism and you'll have millions of happy, safe, protected airline passengers. Until then, and despite this bill's good intentions, passengers only hope is the prayers of a traveler and the patience of a saint.

Mr. MARLENEE. Mr. Speaker, When Congress deregulated the airline industry in 1978, it was hoped that deregulation would improve airline service and the industry as a whole, and also lower airline rates.

Sometime in the past 9 years, the airline industry got confused. It appears that they think Congress wanted to lower airline service, along with lowering rates.

Airline service has declined at an alarming rate. The American public is fed up with the problems that they have encountered over the last few years.

They're tired of endless delays, repeated and frequent cancellations, lost and mangled luggage, and other airline foulups. I'm now waiting for a television network to add to their schedule a show called "Airline Bleeps and Blunders." As you know, there would be many years worth of programming for a show like that.

I introduced H.R. 3158, the air traveler's bill of rights, earlier this year to address these problems. The basic provisions about airline service have been addressed in H.R. 3051, which we are considering today.

H.R. 3051 requires the Secretary of Transportation to issue a report card on airline delays, cancellations, lost luggage, rerouted or downgraded flights, and the number of passengers involuntarily bumped.

It's time airline passengers had some protection. I urge my colleagues to issue that protection by passing H.R. 3051.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H.R. 3051, the Airline Passenger Protection Act of 1987. I am glad the House is finally acting on this urgently needed legislation. I commend the members of the Public Works and Transportation Committee for their hard work in crafting this legislation and reporting it to the floor for our prompt consideration.

I am sure that we all agree that something must be done about the ever-increasing number of incidents of delayed and canceled flights, lost or rerouted luggage, inconvenienced passengers who have been bumped from their scheduled flights, or, even more

frighteningly, flights that have been involved in near-miss incidents.

In the Fifth District of New Jersey, which I represent, I have read in anger and frustration the stories of my constituents who have been inconvenienced by poor airline service. This legislation affords them not only sympathy but practical and workable solutions. The bill goes a long way in protecting the consumer. It demands full disclosure of vital information by the airlines so that consumers may be able to make rational choices about airline travel. The bill establishes principles whereby the consumer's rights are protected.

Specifically, the bill amends the Federal Aviation Act of 1958 with title XVII. Title XVII includes sections requiring the Secretary of Transportation to publish monthly reports containing information for the public on an air carrier's record of service during that time period. This information would include percentage of delayed flights, lost and damaged luggage, canceled flights, percentage of passengers bumped, complaints registered with the Department of Transportation on an airline, and the amount of time that may have elapsed between enplanement and actual takeoff.

Title XVII also requires airlines to establish and publish toll-free telephone numbers for receiving and handling passenger complaints. It prohibits air carriers from canceling any flights within 72 hours of its scheduled departure time for any reason other than safety or there being no passengers present at the scheduled departure time. It also requires passengers to be reimbursed within 30 days for lost or damaged luggage. The Secretary of Transportation is also directed to issue a regulation allowing for the timely refund of airlines tickets. Passengers will also be compensated with a round-trip airline ticket if their luggage is not available at the passenger's arrival destination within 24 hours. The bill also protects the fair treatment of airline employees in the event of a merger.

It is my hope that the provisions of this bill will give the airlines incentive to improve service to the public. There can be no denying that the airlines have already made attempts to improve service. However, it is clear that more needs to be done. And certainly, this legislation will raise the public's awareness of its consumer rights, which are secured in this bill.

I urge my colleagues to strongly support this legislation. I also would urge quick action in the other body on its airline consumer bill, so that we may send this important legislation to the President for his signature.

Mr. STANGELAND. Mr. Speaker, I rise in reluctant support of H.R. 3051, the Airline Passenger Protection Act of 1987. While many of its provisions will improve airline service and consumer protection, some components of the bill may be more harmful than helpful to passengers in the long run.

First, let me commend Chairman HOWARD and ranking minority member JOHN PAUL HAMMERSCHMIDT of the Public Works Committee, as well as Chairman MINETA and ranking Minority Member NEWT GINGRICH of the Aviation Subcommittee. They have done a good job on a very complex and controversial issue; without their leadership, I am afraid this bill could have become unworkable and counterproductive. Instead, the legislation offers some good opportunities for improved passenger services through strong incentives and mandatory requirements.

Perhaps the most important aspect of H.R. 3051 is its underlying message from Congress: We see the growing problems and we're going to do something about them. The bill is a direct response to the tremendous outcry of dissatisfied passengers, consumer groups, and officials. Our hearings, as well as the constituent letters, newspaper headlines and editorials, indicate the chief culprits are delays, missed connections, cancellations, and lost baggage. Our bill addresses each problem.

Specifically, H.R. 3051 increases the passenger's right-to-know about airline performance by requiring monthly reports from the Department of Transportation. The reports are to include information on lost baggage, ontime performance, flight cancellations and bumpings, missed connections, and consumer complaints. The bill also prohibits certain cancellations based on economic rather than safety reasons. H.R. 3051 contains substantial enforcement provisions as well, such as new and increased civil penalties and refunds.

While some of these provisions will assist passengers, the bill as a whole may signal a dangerous return to regulation of the airline industry. In 1978, this committee saw the benefits of economic deregulation; as a result, hundreds of thousands of travelers have been able to afford airplane tickets. Today, the committee sees the need to increase the regulation of passenger services and airline scheduling and the disclosure of information to consumers. I know problems exist, but I also know well-intended solutions can have detrimental, unintended effects.

I am concerned this bill may go beyond disclosure requirements and enter the field of economic regulation. I don't want to see the costs of airline tickets skyrocket, making airplane travel unaffordable for many citizens throughout the country. I don't want to see this Congress getting into the business of second-guessing the managers and airline safety experts.

H.R. 3051, with its numerous requirements, may go too far and, as a result, shift the costs to the traveling public.

Mr. Speaker, I also want to address another area of concern. New section 1714 is a substitute to the version the committee adopted during markup. The provision adds an important and necessary component to H.R. 3051 to prevent States from enacting or implementing laws that require air carriers to file reports on information covered by new title XVII of the act. This provision, which is consistent with other disclosure statutes, will help to ensure the new Federal disclosure requirements are consistently and uniformly applied throughout the Nation. By adopting this language, the committee does not intend to preempt States from protecting airline passengers under their own State laws and programs in every instance.

Mr. Speaker, H.R. 3051 offers some timely solutions to a growing problem. Despite my concerns about various aspects of the bill, I support the legislation since it serves as a good vehicle to get us into conference where we can forge an even better compromise.

Ms. SNOWE. Mr. Speaker, I rise in support of H.R. 3051, the Airline Passenger Protection Act of 1987. This important legislation seeks to address some of the more salient problems that have surfaced in the airline industry over the past few years, as a result of airline deregulation in 1978 and the recent trend in airline company mergers. As such, this measure deserves prompt passage and enactment by the 100th Congress, and I urge my colleagues to join me in support of this measure.

Mr. Speaker, like many of my colleagues in the House, I have heard from angry and upset constituents about the problems they have encountered when trying to fly. In fact, airline flight delays and cancellations have reached record levels, and complaints about airline service to the U.S. Department of Transportation have tripled in the past year. The problems most frequently mentioned by my constituents include abruptly canceled or long-delayed flights that inevitably lead to missed connections and disrupted travel plans, lost or late-arriving baggage, as well as just plain poor customer service.

The provisions of H.R. 3051 would require airlines to make monthly disclosures to the Transportation Department detailing their ontime records as well as information on lost or damaged baggage, overbookings, bumping of passengers, percentage of missed connections by passengers and percentage of canceled flights, provided that these flights aren't canceled for safety reasons. DOT is also required to publish a monthly report on this airline information and make it available to the public through airline ticket offices.

Additionally, H.R. 3051 requires that both DOT and the airlines establish toll-free passenger complaint phone numbers, which will appear on all airline tickets. Furthermore, this measure requires airlines to provide one-way, space-available airline tickets to any passenger whose checked baggage is not available within 2 hours after the arrival of a flight. If the baggage is not available within 24 hours, the airline must provide the passenger with a round-trip, space-available ticket between the same two points of travel. Other issues addressed by the Airline Passenger Protection Act of 1987 include computer reservation systems, airport capacity levels and labor protective provisions.

Mr. Speaker, with the benefit of the knowledge that this legislation will bring out into the open, the American consumer will be better able to make a well-informed decision about how he or she would like to travel. H.R. 3051 deserves the strong support of the House of Representatives, and I again urge my colleagues to join me in adopting the Airline Passenger Protection Act of 1987.

Thank you very much, Mr. Speaker.

Mr. LIGHTFOOT. Mr. Speaker, I rise in opposition to H.R. 3051, the Airline Passenger Protection Act of 1987, for several reasons that I want to share with my colleagues.

First, I want to state that I share the concerns of the authors of this bill with regard to the current state of the quality of service provided by the Nation's airlines. Flight delays and cancellations, lost and damaged luggage,

overbooking, and missed connections are all problems that have become commonplace. As Members of this body, we are responsible for helping to correct these problems and ensure some minimum standard of airline service quality.

During the hearings we held on this legislation earlier this year it became apparent that the problems I just mentioned are caused primarily by several main factors: weather, air traffic control system capacity, airport capacity, and airline management practices. Because of a lack of specific data, it's difficult at this point to determine the extent to which each of these factors is to blame. Today we appear, nevertheless, to be rushing ahead with legislation that singles out one of these—the airlines themselves—as the focus of punitive action.

The inclination of some to move in this direction is understandable. When we buy a ticket from a given airline, sit on the runway in their airliner for 2 hours, and then miss a connection to another one of their flights, that airline becomes the most immediate identifiable source of our frustration. And to some degree, that is probably an accurate attribution.

How often, however, does the typical passenger attribute their frustration to the overloaded air traffic control system, uncontrollable weather patterns, lack of runways, noise problems, multiyear delays in the FAA's technology procurement system, or—heaven forbid—the U.S. Congress for refusing to release the $5 billion aviation trust fund surplus? I would venture to say not near as often as an accurate assessment of the situation would demand.

The legislation we are considering today, H.R. 3051, contains several positive provisions that require the airlines to report information that will enable airline consumers to make an informed choice. These provisions, some of which have already been implemented by the Department of Transportation, are a movement in a positive direction and should be encouraged. Other provisions, such as the free-ticket requirements, are, in my view, an unwarranted movement backward toward reregulation. This type of requirement is not likely to solve any of our problems, but it is likely to increase the cost of flying. I want to remind my colleagues that for every degree we move in this direction, we diminish the estimated $6 billion in annual savings for the consumer that the Brookings Institute estimates is a result of deregulation of the airline industry.

Mr. Speaker, I simply do not believe the information we have available to us justifies the extremity of some of the provisions in this bill. I am requesting a study from the General Accounting Office to determine more precisely what are the causes of the delays, cancellations, lost luggage, and other problems we currently face in this area. I will be happy to share that information with my colleagues as soon as I receive it. For now, however, I intend to vote against H.R. 3051 and I encourage my colleagues to do the same.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3051, the Airline Passenger Protection Act of 1987. I would like to commend my distinguished colleagues [Mr. MINETA and Mr. GINGRICH] for introducing this legislation, as well as the distinguished committee chairman [Mr. HOWARD] and the ranking minority member [Mr. HAMMERSCHMIDT] of the Committee on Public Works for their outstanding efforts in reporting this measure.

It is apparent that legislation is necessary to enhance airline safety and passenger protection. As any Member of Congress or frequent flyer has learned, the quality of service on our Nation's airways is also deserving of scrutiny. One result of airline deregulation has been turmoil in the airline industry; yet another unintended consequence has certainly been a decline in the quality of passenger service. H.R. 3051 makes a significant effort to rectify this problem while still attempting to preserve the fare reductions and service efficiencies which we all hope will be the long-term benefits of airline deregulation.

H.R. 3051 attempts to establish a mechanism for ensuring that efficiency of service does not preclude quality of service. At the heart of this mechanism is information. H.R. 3051 attempts to provide the necessary information regarding on-time performance, baggage handling, missed connections, overbooking, and canceled flights so that the consumer can make an informed decision about which airline he or she chooses to patronize. H.R. 3051 requires the Secretary of Transportation to publish a monthly report detailing these indicators of performance quality. In addition, the report would measure the quantity of consumer complaints associated with each carrier. Mr. Speaker, I think we all agree that this legislation provides a strong incentive for the airlines to maintain high levels of service without violating the free market principles which are so fundamental to the spirit of deregulation.

Furthermore, H.R. 3051 takes a small but significant step toward addressing the problem of airline safety. This is the reason that Congress enacted the Airport Development and Improvement Act (H.R. 2310), last week. The Airline Passenger Protection Act builds upon the substantial measures enacted in H.R. 2310 to improve airport safety and the capacity of our air traffic control system. By granting the Secretary of Transportation the power to promulgate capacity limits at large airports and to prescribe minimum performance standards at airline hubs, H.R. 3051 adds the final steps necessary to facilitate quality performance on our Nation's airways.

Finally, the Airline Passenger Protection Act contains important language to ensure that the flow of informations between consumers and the airline carriers is continuous and hassle-free. H.R. 3051 would provide that relevant information from the Department of Transportation [DOT] monthly report be provided upon request by both travel agents and telephone reservation clerks. Additionally, the legislation would provide for the establishment of a toll-free number at DOT which consumers could call to gain performance statistics. It would also require the airlines to maintain their own toll-free numbers for the resolution of passenger complaints. H.R. 3051 would further require airlines to reach a decision concerning claims for lost baggage within 30 days after the claim is filed. I hope these measures will provide passengers with both the necessary information for informed decisionmaking and, in addition, with a prompt mechanism for the resolution of disputes once they arise.

Accordingly, I urge my colleagues to demonstrate their support for airline safety and passenger protection by voting in favor of H.R. 3051, the Airline Passenger Protection Act of 1987.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3051, the Airline Passenger Protection Act, and would like to begin by commending the Public Works leadership for their diligent efforts in authorizing this important legislation and bringing it before us in a timely manner. The Subcommittee on Aviation began hearings on various proposals to deal with the growing problems facing the airline industry and its passengers back in June. I testified before the subcommittee during those hearings in support of a bill I introduced, H.R. 1701. I am especially pleased that aspects of my legislation have been included in H.R. 3051.

It is high time that we in Congress pass legislation to protect this country's airline passengers from chronic overbooking, excessive delays, and chronic flight cancellations and missed connections that have become the norm in the industry today. While there is no one culprit at whose feet the dilemmas of the industry can be laid, I feel that the legislation we have before us today will go a long way toward ensuring that the industry becomes more responsive to the needs and concerns of the traveling public and that service, and therefore safety, improves.

H.R. 3051 requires the Secretary of the Department of Transportation to publish a monthly report on airline performance that would include information about on-time performance, lost and damaged baggage, cancelled flights, overbooking, missed connections at hub airports, and consumer complaints. The bill directs DOT to establish maximum takeoff and landing limits at major airports and prohibits the cancellation of flights for economic reasons. These last two provisions, which are similar to those contained in my legislation, H.R. 1701, will help to cut down on the massive delays caused by unrealistic scheduling by the airlines and the cancellation of flights strictly for monetary reasons. Additionally, the bill stipulates that airline tickets must include toll-free complaint numbers and toll-free numbers for the Federal Aviation Administration's safety and consumer hotlines which will facilitate greatly the handling of passenger consumer and safety problems.

I am also a strong supporter of the bill's provision which requires DOT to improve labor protection provisions in the case of airline mergers which have an adverse impact on employees. These labor protection provisions are needed to insure the fair treatment of the industry's workers who, through no fault of their own, have been subject to the unstability of the industry.

To sum up, I would like to point out that this legislation, which some may feel comes down hard on the airline industry, only seeks to ensure that members of the traveling public receive the services they have paid for and deserve. I cannot think of another service industry which so routinely delivers its services

so far below reasonable expectations. Although this bill does not address all the woes of present-day aviation, I feel that it will definitely improve many aspects of the airline industry. I urge my colleagues' support for this legislation.

Mr. CLINGER. Mr. Speaker, I rise in strong support of H.R. 3051.

I'm sure every Member of the House has received a number of unsolicited letters from constituents complaining about poor service on our commercial airlines. And it's no secret what has happened. Deregulation has brought about intense competition, cost cutting, and high traffic loads. So, in one sense the consumer wins, but often at the expense of uncertainty over reliability, pricing, and scheduling.

The operating environment under which commercial aviation does business is perhaps the most intense faced by any segment of industry today. Nowhere can you witness rapidly changing price structures and market conditions as exists in the passenger aviation industry. The competition is absolutely cutthroat. Profits are measured by the slimest margins.

There hardly exists a market today where you have don't have at least two carriers going head to head.

A recent evolution brought about by deregulation has been the reliance on hubs. But with hubs, airlines are now forced to limit connections down to the time intervals unthought of 10 years ago, and as we've personally experienced, hubs are not a complete success for passengers.

Airlines have manipulated flight schedules, using unrealistic departure and arrival times in order to enhance ticket sales. They've resorted to splashy and often misleading ad campaigns to attract passengers. If they're successful, the planes are not merely filled, they're overbooked and passengers are bumped.

Frequent business travelers, recognizing the potential of being bumped, themselves exacerbate the problem by booking on two or three flights. And who can blame them. No longer are the airlines the domain of the business traveler.

Today prices in certain markets are so low that Trailways and Greyhound have pulled out, unable to match the competition.

It wasn't too long ago when college students traveling home from the holidays heavily relied on commercial buses. Now they often find it cheaper to fly.

And many Americans who could not afford the luxury of airline travel today reap the benefits of our great deregulated system.

But with the benefits comes a price. The deregulated market that's proven so successful for the consumer has spawned a number of abuses, and that's why we in the Congress must enact this legislation to inject some needed discipline into the market.

I want to commend Chairman JIM HOWARD; ranking Republican, JOHN PAUL HAMMERSCHMIDT; subcommittee Chairman, NORM MINETA; and subcommittee ranking Republican, NEWT GINGRICH for the work they've put into this bill.

If you read H.R. 3051 closely, you'll recognize that they did an excellent job balancing the rights of passengers against the array of incentives that led to such successful industry growth.

Through a fairly simple reporting structure detailing airline performance, the passenger will once again be able to access reliable information when deciding which airline to use. And keep in mind that this same information is a very powerful tool for the airlines' marketing success or failure.

Protections are also included to cover lost baggage, bumping, airport capacity, refunding unused tickets, and computerized reservation systems.

In addition, this bill includes labor protection provisions previously agreed to by the House. In light of the rapid pace of airline mergers, we need to insure that airline employees are treated fairly.

Mr. Speaker, I believe H.R. 3051 is a necessary and carefully balanced bill. In my view, not only do airline passengers need this legislation, so do the airlines.

I urge my colleagues to support it.

Mr. STARK. Mr. Speaker, today we have the opportunity to vote for the Airline Passenger Protection Act. Certainly as frequent flyers ourselves, we understand the necessity for such legislation.

The bill would require DOT to publish a monthly report on airline information that would include information about ontime performance, lost and damaged baggage, canceled flights, overbooking, missed connections, and consumer complaints. It also directs DOT to establish maximum takeoff and landing limits at major airports, and it prohibits the cancellation of flights for economic reasons.

However, there is another group of people in desperate need of protection: airport neighbors. For example in my own district, for over a year neighbors at the Oakland International Airport have been plagued by increased airport noise. It has meant not hearing the evening news, not sleeping through the night and shot nerves. While I have been in constant contact with the FAA, the Port of Oakland, and local officials, there has yet to be a solution to the problem.

I know that many of my colleagues have similar problems in their districts. I would hope that the Aviation Subcommittee and we in the House will have the opportunity to address this situation soon.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3051, the Airline Passenger Protection Act, and would like to begin by commending the public works leadership for their diligent efforts in authoring this timely legislation and bringing it before us today. The Subcommittee on Aviation began hearings on various proposals to deal with the growing problems facing the airline industry and its passengers back in June. I testified before the subcommittee during those hearings in support of a bill I introduced, H.R. 1701. I am especially pleased that aspects of my legislation have been included in H.R. 3051.

It is high time that we in Congress pass legislation to protect this country's airline passengers from chronic overbooking, excessive delays, and chronic flight cancellations and missed connections that have become the norm in the industry today. While there is no one culprit at whose feet the dilemmas of the industry can be laid, I feel that the legislation we have before us today will go a long way toward ensuring that the industry becomes more responsive to the needs and concerns of the traveling public and that service, and therefore safety, improves.

H.R. 3051 requires the Secretary of the Department of Transportation to publish a monthly report on airline performance that would include information about ontime performance, lost and damaged baggage, canceled flights, overbooking, missed connections at hub airports and consumer complaints. The bill directs DOT to establish maximum takeoff and landing limits at major airports and prohibits the cancellation of flights for economic reasons. These last two provisions, which are similar to those contained in my legislation, H.R. 1701, will help to cut down on the massive delays caused by unrealistic scheduling by the airlines and the cancellation of flights strictly for monetary reasons. Additionally, the bill stipulates that airline tickets must include toll-free complaint numbers and toll-free numbers for the Federal Aviation Administration's safety and consumer hotlines which will facilitate greatly the handling of passenger consumer and safety problems.

I am also a strong supporter of the bill's provision which requires DOT to impose labor protection provisions in the case of airline mergers which have an adverse impact on employees. These labor protection provisions are needed to insure the fair treatment of the industry's workers who, through no fault of their own, have been subject to the unstability of the industry.

To sum up, I would like to point out that this legislation, which some may feel comes down hard on the airline industry, only seeks to ensure that members of the traveling public receive the services they have paid for and deserve. I cannot think of another service industry which so routinely delivers its services so far below reasonable expectations. Although this bill does not address all the woes of present-day aviation, I feel that it will definitely improve many aspects of the airline industry. I urge my colleagues' support for this legislation.

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise in support of H.R. 3051, the Airline Passenger Protection Act of 1987. But I don't think it goes far enough.

Not a day goes by without our hearing of new complaints about air travel. The public has lost its tolerance for poor service and complaints filed by consumers have increased exponentially recently. Between March 1986 and March 1987, complaints have doubled from 1,099 to 2,060. In the month of June alone, the Department of Transportation received 5,759 complaints from consumers. Many of these complaints relate to the inability of consumers to obtain advertised discount fares from the large airlines.

Our subcommittee held a hearing in May in which we heard from representatives of the air carriers as well as from members of the public about airline advertising. During the hearing we were unable to get airline representatives to guarantee any set number of flights available at the advertised rate. To demonstrate the point, during a break in the hearing a member of the subcommittee at-

tempted to obtain a reservation for a fare that was currently being advertised even though he requested the flight for a time in which our airline witness told us there was typically light demand.

In order to remedy the problem, the Energy and Commerce Committee included in the FTC authorization a provision to require the airlines to show in their advertising limitations on the availability of advertised fares through a "full, conspicuous, and understandable" disclosure. They would be required to include the average ontime performance of the flight in such advertising.

This requirement goes much further than the well-meaning, but inadequate provision of H.R. 3051 which merely says that the carriers must merely disclose if fares are not available on certain flights. Further, H.R. 3051 retains enforcement of these important consumer protections within the Department of Transportation which has, until recently, all but ignored the problem, and has only 12 people to handle such consumer complaints.

Shortly, the Federal Trade Commission authorization should be available for floor consideration, which would provide the FTC with the authority to regulate such advertising—an agency with a history of consumer protection and a staff of 500 experienced consumer protection personnel at the ready.

Again, I commend the sponsors of this bill for coming forward with this important first step in protecting the airline consumer. But we need to do more.

Mrs. COLLINS. Mr. Speaker, I support this measure and commend Mr. MINETA and Mr. HOWARD for moving H.R. 3051 forward. As chairwoman of the FAA Oversight Subcommittee, I know first-hand the deteriorating service level affecting our Nation's airlines. In a word, it has become an embarrassment.

I am particularly concerned with the kinds of pressures I understand are being placed on pilots and mechanics to keep planes flying. Mechanical problems may be overlooked or minimized to save money. My subcommittee is reviewing reported instances of overzealous airline managers communicating a "profits over safety" attitude to airline employees. Planes which should not be flying, are being pressed into service.

Clearly, what this bill attempts to address and what my subcommittee is attempting to document, stems from the same cut-throat, unbridled competition affecting the airline industry. I believe that the rules of the game have to be made clear to the airlines. For this reason, H.R. 3051 is an important piece of legislation.

It must be noted that statutory authority for many of the changes affected by this bill already exists. What we are witnessing is a failure on the FAA's part to act decisively and aggressively in protecting airline passengers. For example, publishing on-time performance, could be done. Likewise, sensible scheduling, to avoid crowded hub airports, and toll-free consumer hotlines could be mandated under existing statute.

Protect airline passengers, vote for H.R. 3051.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ECKART). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 3051, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IMPOSING CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3258) to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs.

The Clerk read as follows:

H.R. 3258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND FOR OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs

"(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

"(1) defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

"(2) obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (c) of this section.

"(b) The circumstances referred to in subsection (a) are that—

"(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

"(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than $10,000.

"(c) The punishment for a violation of subsection (a) of this section shall be—

"(1) if death results, a fine in accordance with this title and imprisonment for any term of years or for life, or both;

"(2) if serious bodily injury results, a fine in accordance with this title and imprisonment for not more than ten years, or both; and

"(3) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

"(d) As used in this section—

"(1) the term 'religious real property' means any church, synagogue, religious cemetery, or other religious real property; and

"(2) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

SEC. 2. TECHNICAL AMENDMENT.

The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3258 has been unanimously reported by the Committee on the Judiciary. It addresses the problem of religiously motivated violence by amending title 18 of the United States Code to make it a Federal crime to engage in certain activity in order to obstruct persons freely exercising their religious beliefs or to damage or destroy a house of worship (such as a church, synagogue, or mosque), religious cemetery, or other real property because of the religious character of that property. Current Federal law permits prosecution of religiously motivated violence only in limited circumstances. H.R. 3258 will expand current law so that there can be Federal prosecution if the perpetrator travels in or uses an instrumentality of interstate commerce.

Religiously motivated violence appears to be on the rise. Although precise statistics on the number of incidents directed at religious groups are not compiled as a part of the Uniform Crime Report, localities which do maintain such statistics have reported increases in crimes motivated by religious bias. These reports indicate that these episodes are becoming increasingly violent due to the radicalization

of hate groups which perpetrate such crimes. The Anti-Defamation League of B'nai B'rith reports that there was more violent crime by hate groups in the 3 years from 1983 to 1986 than there had been over the previous two decades. Witnesses at hearings held by the Subcommittee on Criminal Justice last Congress, pointed out that many of the hate groups have members in various States and operate across State lines. They also argued that it is imperative to send a strong signal that such acts of violence will not be tolerated in our society.

As a result of these hearings, the subcommittee drafted a bill that the House passed by a voice vote late last Congress. The bill before us today, H.R. 3258, is very similar to that bill.

I also want to commend my colleague from Kansas, who not only sponsored H.R. 3258, but also last Congress' bill. His commitment and leadership on this matter have been outstanding.

Mr. Speaker, H.R. 3258 was reported from committee without dissent. Enactment of it will help increase public awareness of hate crimes and provide for distinct penalties in order to help stem the tide of violence that threatens to drown the freedom of choosing one's religious observance. I urge my colleagues to support this legislation.

I want to call my colleagues attention to a typographical error in the committee report which accompanies this bill, Report 100-337. In the second full paragraph on page 5, the cite to section 247(a)(2) in line 7 should read 247(a)(1).

Mr. Speaker, this bill, as I noted earlier, has been the result of a bipartisan effort. I want to recognize the important assistance in formulating the legislation that was provided by two organizations—the American Jewish Congress and the Anti-Defamation League of B'nai B'rith. Since the Justice Department does not keep statistics on the number of crimes motivated by religious bias, the ADL—one of the few organizations that compiles such statistics on a nationwide basis—was an important resource. In addition, the American Jewish Committee supplied the subcommittee with an important memorandum on certain legal issues. Both groups are to be commended for their efforts.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Subcommittee on Criminal Justice, Mr. CONYERS, has very adequately described the background and the provisions of this legislation. As was mentioned, this piece of legislation was passed during the last term and failed to reach full maturity only because of the lack of action of the other body.

One thing must be said for the record to reestablish something that was important to this Member at the outset of discussion of this legislation last term in which I repeat now is, and I have always felt and I think everyone on the committee knows and feels, that several States of the Union have the capacity to deal with acts of vandalism no matter against what property that vandalism may be perpetrated.

That is a basic issue.

But the legislation on which we are now about to embark brings the Federal judiciary into the system, the law enforcement constabulary of the Federal Government into play because of the possibility and the reality that these kinds of acts, the ones proscribed by this legislation, very often could and would take on the tone of crossing State lines for different kinds of religious-based persecutions and criminal acts.

So where the State governments can act properly and with full jurisdiction, so be it. We do not interfere with that in this legislation. But in those circumstances where the connection of interstate commerce would appear, then the Federal Government through this legislation would be in full jurisdiction to proceed to work its will in these very important criminal kinds of ventures.

Mr. Speaker, with that I offer the support of this legislation as we did last time.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I rise in support of H.R. 3258.

This bill is substantially the same as legislation which I cosponsored, and which passed this House, during the previous Congress. The Senate was unable to act upon that bill because House action came so late in the session.

Crimes against religious property, and those which interfere with the free exercise of one's religion, are truly hateful. They undermine one of this Nation's most cherished rights and thus cannot be tolerated. As with most law enforcement, the primary responsibility here should be upon States and localities. However, sometimes crimes are of such a nature that Federal law enforcement can serve as an important supplement to local law enforcement. This is certainly the case when those destroying religious property or interfering with the free exercise of religion travel across State lines.

Mr. Speaker, this bill is carefully crafted to maintain the proper balance between local and Federal jurisdiction and I believe it merits the support of the entire House as an important step toward guaranteeing one of our most cherished freedoms.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN], the author of the bill and a distinguished member of the Committee on the Judiciary.

Mr. GLICKMAN. Mr. Speaker, I rise in support of H.R. 3258 and thank Chairman CONYERS for so quickly moving this bill through the legislative process. I also thank my colleague Mr. GEKAS for his special help.

As Mr. CONYERS stated, H.R. 3258 would make it a Federal offense to destroy or damage real property because of the religious character of the property or to obstruct any person in his or her free exercise of religious beliefs. I introduced this bill in the last Congress and again this year because of the growing problem of violence aimed at religious property and the exercise of religious beliefs. In spite of this Nation's willingness to accept and embrace various religions and forms of worship, there remains a minority within our population who see fit, for whatever reason, to vandalize and destroy religious property and, in turn, to jeopardize the freedom of others to safely practice their religious beliefs. The entire range of faiths, including Baptist, Catholic, Episcopal, and Jewish have been targets of such attacks.

Unfortunately, the depressed economy in some regions of the country has been cited as one of the reasons for this increase in violence. The Klu Klux Klan recently held a rally in which they accused blacks of taking jobs and Jews of controlling the economy. A continued weak economy may exacerbate this problem and such destructive manifestations.

I know it is easy to feel helpless against these irrational acts of hate. However, we in Congress must not let a sense of hopelessness overtake us. We must work to eliminate both the root of the problem and the symptoms. While it is true that the States have primary responsibility as far as law enforcement, the Federal Government has a responsibility as well, especially given the constitutional protection of religious liberties. This bill should send a strong signal that violence against religious institutions of any kind will not be tolerated in this country.

In closing, I would again like to thank Chairman CONYERS for all his efforts and encourage my colleagues to support this important measure.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

91-059 O-89-15 (Pt. 19)

Mr. Speaker, I take this time merely for the purpose of discussing one constitutional issue that did arise with reference to whether this measure might be tripped up by the establishment clause, which prohibits State and Federal Governments from engaging in any activity that favors or establishes a religion or religious activity.

I do not think we have too much trouble with this problem because, first of all, no excessive entanglement is created between church and state since the Federal Government involvement with religious institutions can be no greater when it affords other protections against criminal conduct which the State is indisputably entitled to provide.

Furthermore, H.R. 3258 is grounded in the commerce clause and as such is capable of sustaining constitutional challenge. The Supreme Court in United Brotherhood of Carpenters and Joiners versus Scott in 1983 held that under the commerce clause Congress has the power to prohibit private encroachment on first amendment rights, which this is surely one.

So I thank my colleagues, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. FISH], and of course, the author of the bill, the gentleman from Kansas [Mr. GLICKMAN], and we hope that this time this bill will move to its ultimate enactment.

Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 3258, legislation which seeks to impose Federal criminal penalties for hate crimes. As a cosponsor of this legislation and as a sponsor of legislation in the past two Congresses which sought to achieve this same goal, I applaud the consideration of this legislation and urge its swift passage.

In my own home State of New York, 3 of the almost 600 New York State Police Agencies have recorded over 1,500 hate crime complaints in the past 3 years. In 1985 of the 565 reports, 191 resulted in arrests. This figure is unacceptable on a national level but when seen as 191 arrests from only 3 police agencies, the result is a grave national scandal. Hate crimes are among the most intimidating and heinous crimes committed against one of our most fundamental freedoms—the freedom of religion. The saddest aspect of hate crimes is that they are carried out by persons who operate with virtual impunity, knowing that any chance of prosecution is remote. That is why this legislation is so necessary.

H.R. 3258 has two vital characteristics. It provides a first-time Federal penalty against these crimes. And second it establishes a graduated series of penalties based on the seriousness of the offense, including a fine and life imprisonment should death result from an act of antireligious violence or vandalism. Moreover this legislation properly directs its penalties against a person who "defaces, damages or destroys" religious property and also against those who obstruct, by force or threat of force, any person in their exercise of religious beliefs.

Our newspapers abound with stories of hate crimes. From the New York Post, we read "vandals overturned 150 headstones" and again "in another attack—definitely the work of anti-semites—vandals spray-painted slogans on walls at a mainly Jewish country club in New Jersey for the second straight day." From the Washington Post, we see "anti-semitic incidents in affluent Montgomery County are getting more violent and account for about 75 percent of all reported racial violence in this county." Moreover the Antidefamation League of B'nai B'rith reported that 86 percent of those arrested for anti-Semitic activities in 1986 were under the age of 21. They also reported an almost 60-percent increase in the number of anti-Semitic activities on college campuses. These statistics point to an alarming increase in the hate crime activities of our youth. It is frightening to consider an increase in these terrorists acts in future generations.

Therefore, it is vital that we attack the problem of hate crimes, both through legislation such as this which imposes stricter penalties, but also through public education and awareness. In the words of Dr. Martin Luther King, "injustice anywhere is a threat to justice everywhere." I call upon my colleagues to join me in taking a positive first step forward to eliminating the injustice of hate crimes. Religiously motivated violence and vandalism has no place in any democracy at any time, but especially not in the United States in this year, as we celebrate the 200th anniversary of our Constitution. Our Founding Fathers established a freedom of religion. We must protect against those actions which seek to jeopardize this right.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 3258, legislation I have cosponsored to impose Federal penalties for damaging religious property and for obstructing persons from the free exercise of their religious beliefs.

The men and women who founded our Nation, did so to escape government intrusion into their religious lives. They sought a land where they could freely worship the God of their choice, without fear of harassment from those whose beliefs differed from their own. So strong is this belief in freedom of religion, that it is embodied in the first clause of our Bill of Rights.

Sadly enough, despite these protections, the rights of some to worship freely are being infringed upon by criminals who vandalize certain houses of worship and terrorize a number of congregations with threats of violence. Florida officials in the last 12 months have documented more than seven specific instances of vandalism and threats of force against synagogues throughout the State.

It was just over 1 year ago that synagogues in the Tampa Bay area I represent were subjected to more than a dozen bomb threats. These calls frightened a number of families away from participating in Jewish holiday services. In other cases, swastikas and vulgar graffiti were sprayed on synagogue walls, and cemeteries were vandalized.

These attacks and threats seriously impinge upon the rights of these people to worship freely, without the threat of violence or harassment. H.R. 3258, which we consider today, would make it a Federal crime to obstruct the free exercise of religion with these types of threats. It would also impose strict Federal penalties upon anyone who defaces or destroys religious property.

This legislation, which I cosponsored previously in the 98th and 99th Congresses, would complement the efforts of many States, including Florida, that have enacted similar laws of their own. The Florida House of Worship Protection Act, enacted by the Florida State Legislature in 1984, makes it a felony, rather than a misdemeanor, to desecrate churches and synagogues.

Mr. Speaker, while the Constitution protects the American people from government intrusion into their practice of religion, there are no Federal laws to punish individuals who harass and vandalize our houses of worship. This legislation is urgently needed to send a signal to these criminals that our Nation will not tolerate acts of violence against congregations of any faith.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 3258.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RELEASE OF CERTAIN MATERIALS RELATING TO INQUIRY INTO CONDUCT OF U.S. DISTRICT JUDGE ALCEE L. HASTINGS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 274) providing for the release of certain materials relating to the inquiry into the conduct of U.S. district judge Alcee L. Hastings.

The Clerk read as follows:

H. RES. 274

Resolved, That the report of the Investigating Committee of the Eleventh Circuit Judicial Council in the matter of certain complaints against United States district judge Alcee L. Hastings transmitted to the House of Representatives under section 372(c) of title 28, United States Code, is released, at noon on the second day following adoption of this resolution, under section 372(c)(14) of such title. All other papers,

documents, and records of proceedings relating to such matter transmitted to the House of Representatives under such section 372(c) are, to the extent ordered by the Committee on the Judiciary, released under such section 372(C)(14).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the need for House Resolution 274 arises from the House's inquiry into whether U.S. district judge Alcee L. Hastings should be impeached.

Judge Hastings and William A. Borders, Jr., were indicted in December 1981, and charged with conspiring to solicit and accept a bribe in exchange for influencing the outcome of a case before Judge Hastings. Mr. Borders was found guilty in March 1982, and Judge Hastings was acquitted in February 1983.

Shortly thereafter, two district judges filed a complaint against Judge Hastings with the Judicial Council of the 11th Circuit Court of Appeals, requesting an investigation to determine whether Judge Hastings had engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. The Judicial Council appointed a committee of five Federal judges to investigate the complaint.

On August 4, 1986, the Investigating Committee submitted a report on its investigation to the Judicial Council of the 11th Circuit. The Judicial Council adopted the Investigating Committee's report and recommended that the Judicial Conference of the United States certify that Judge Hastings may have engaged in conduct which might constitute grounds for impeachment. The Judicial Conference concurred in that recommendation and so certified to the Speaker on March 17, of this year. The Judicial Conference also transmitted to the Speaker the Investigating Committee's report and records.

The Committee on the Judiciary is now conducting its own inquiry in order to determine whether impeachment of Judge Hastings is warranted. The committee has hired a staff that has been investigating the facts and addressing legal issues which have arisen in connection with the inquiry.

All of the material transmitted to the Speaker on March 17, 1987, by the Judicial Conference is by law confidential, but 28 U.S.C. 372(c)(14)(A) authorizes the House to release material "which is believed necessary to an impeachment investigation or trial of a judge * * *." House Resolution 274 authorizes such release.

The resolution directs the release of the Investigating Committee's report at noon on the second day after adoption of the resolution. The resolution also authorizes the release of the other materials transmitted by the Judicial Conference to the extent authorized by the Committee on the Judiciary.

All of the Investigating Committee materials transmitted by the Judicial Conference have been carefully studied to determine whether release is in the public interest. The report presents the factual findings and analysis of the Investigating Committee which led to the certification of this matter to the House. Judge Hastings had access to the report and accompanying materials before the Investigating Committee made its findings and recommendations, and he has stated on numerous occasions that he supports disclosure of the report. In the committee's judgment, the report can be released without editing.

The committee believes, however, that the other materials should be treated differently. Those materials include original documents that were exhibits and the transcript of the proceedings before the Investigating Committee, and they are more appropriately released on a limited basis. For example, Judge Hastings and his counsel should have access to such material as may be relevant to any proceedings that might be conducted. House Resolution 274 authorizes the Judicial Committee to permit such access.

Mr. Speaker, the Committee on the Judiciary unanimously reported House Resolution 274, and I urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been anxious for this moment to arrive for a long time on this particular question. We have by reason of necessity, our Subcommittee on Criminal Justice, been indulging in executive session because of the very nature of this inquiry which is possible impeachment. We have worried throughout this long process up to now about when will come the moment when we can make certain aspects of the inquiry public.

As the chairman of the Subcommittee on Criminal Justice has aptly stated, the crux of this whole inquiry is borne in the report of the Judicial Conference, when to make that available to the public, when to make it available to the judge who is the target of this investigation? That question was burning in the minds of many.

□ 1445

That question was burning in the minds of many. Now we can be relieved of the burden of holding back the information that should be made public which we always wanted to be made public, but it was a question of when.

When would the time arrive? When would the background work be accomplished once security measures would be put in place, and so Judge Hastings from the start requested that it be made public.

Not one of the Members hesitated in our intention to make it public. Now that moment has arrived. Because now this will be made public, we can truly say that now it has begun.

The most serious duty that can be imposed upon the House of Representatives to inquire about a possible impeachment, that hour has come; and from now on, that heavy duty will be exercised diligently and with openness that is required for a fair and impartial process.

To judge a judge or not to judge a judge, that is the question. That duty has fallen upon the Members. We are going to exercise it carefully with as much time as it might require, with the burden now lifted from our shoulders of what or what we should not make public.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of House Resolution 274.

This measure provides for the release of the report of the Investigating Committee of the 11th Circuit in the matter of Federal District Judge Alcee Hastings. The Judicial Conference, based upon this report, has recommended that the Congress consider whether grounds exist for the impeachment of Judge Hastings. The law requires the full House act to release this material.

Two considerations must guide us as we investigate and weigh the recommendation of the Judicial Conference. The first is absolute fairness to everyone; the second is; to the extent possible; an openness of process which gives our Nation confidence that the Constitution is being applied as it was meant to be. In releasing this report I think both objectives are being met.

Judge Hastings has long advocated release of the document and the Criminal Justice Subcommittee has determined there is no legitimate reason why it should not be released. The major reason for nondisclosure until now has been satisfied. It is important to bear in mind that much of the material discussed in the report was previously made public at Judge Hastings' bribery trial, at which he

was acquitted. As for openness of process, people have confidence in a process they see is being properly conducted and therefore unwarranted secrecy should be avoided.

Mr. Speaker, I know of no opposition to this measure and urge its adoption.

Mr. RODINO. Mr. Speaker, I support the resolution. Judge Hastings has urged that the Investigating Committee report be made public, and there is no indication, after review, that release would be seriously detrimental to the interests of anyone. Fairness and the public interest will be served by disclosure of the factual findings and analysis of the investigating committee of the 11th circuit, which was subsequently adopted by the 11th Circuit Judicial Council, and the Judicial Conference of the United States. The judicial conference's certification rests upon the report, and the basis for the certification should be made public.

The committee recognizes that there may be circumstances in which disclosure of other materials would be appropriate. The gentleman from Michigan has identified one such circumstance—to permit Judge Hastings to prepare for any proceedings that might be conducted. House Resolution 274, therefore, appropriately reserves to the committee the discretion to release these materials as the need arises. I strongly support the resolution and urge its adoption.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and agree to the resolution, House Resolution 274.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 274, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INTRODUCTION OF THE AIDS PREVENTION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, today I am introducing legislation to stop the deadly spread of AIDS, the acquired immune deficiency syndrome.

The Centers for Disease Control report that there are now about 42,000 cases of AIDS, projected to multiply to 270,000 in 4 years, with 179,000 deaths. But these numbers represent only the final stage of a progressive disease—5 to 10 years or more after the initial infection. There may be as many as 2 million Americans or more who are now infected with the AIDS virus—and yet more than 9 out of 10 don't know they are infected and are capable of spreading this deadly virus to millions more.

The dimensions of the challenge are not overblown. The battle against this epidemic must begin. If we unite and if we summon our deepest courage, our compassion, and our wisdom and unwavering will, then Americans can conquer AIDS. Fortunately there is hope. Within only a few years, scientists have identified the AIDS virus, they have studied the stages by which the syndrome develops, they have identified how the virus is spread. They have even begun working toward a cure and a vaccine, although the peculiarities of the virus create enormous difficulties.

The public health threat of AIDS is far more prevalent than commonly believed. Experts believe that AIDS begins with a virus which, though it can kill by itself, more frequently causes death by facilitating so-called "opportunistic" diseases, which take advantage of the virus' suppression of the body's normal immune reactions. The Centers for Disease Control have restricted the definition of reportable AIDS cases to the full-blown syndrome. That's where the number of 42,000 AIDS cases comes from. But the virus can be spread by any of the estimated 1.5 to 2 million people who have either the so-called AIDS-related complex [ARC]—a condition that falls short of full-blown AIDS—or no symptoms at all. According to Dr. Robert Redfield, head of Walter Reed's Department of Virus Diseases, "It's critical that we change our focus from AIDS to the virus. The number of AIDS cases is the problem as defined a decade ago. The virus represents the magnitude of the problem today."

According to the New England Journal of Medicine, homosexuals account for about 74 percent of AIDS cases, of which a tenth are also intravenous drug abusers; about 17 percent are IV drug addicts; 4 percent are heterosexuals who contracted the disease from an infected partner; and 3 percent by blood transfusion, almost entirely before routine testing of blood donors was begun. About 3 percent are unknown, though cases definitely traced to other than "high risk" methods have been relatively rare. But like the total number of AIDS cases, these proportions reflect the pattern of infection several years ago. Dr. Redfield predicts, "Unfortunately, in the absence of a scientific solution over the next decade, heterosexual transmission will become the major mode of transmission in the United States. We have an opportunity to challenge this deadly virus, but we must recognize our common enemy for what it is, a deadly sexually transmitted disease."

This leads to an issue which the Congress and all those who deal with the AIDS crisis must address. While AIDS is a public health issue, it includes both medical and moral problems which cannot be ignored. Anyone who claims it is exclusively a medical problem, or only a moral question, is dangerously fooling himself.

Historian William H. McNeil observes that syphilis was the only disease to flourish in the face of a functioning medical corps during World War I. He wrote: "That disease did attain epidemic proportions among British troops, and army doctors failed to handle it effectively at first, more from moral than for medical reasons." Yet, President Franklin Roosevelt's surgeon general was able to reduce the spread of syphilis, even before a cure was found, through a no-nonsense approach of education about necessary behavior changes, widespread routine testing, and confidential contact tracing.

In the same way, dealing with AIDS and its repercussions will inevitably lead to questions of priorities—protecting the civil liberties and guarding the confidentiality of AIDS victims on the one hand, and safeguarding the health and well-being of society as a whole, on the other. It also raises unavoidable questions about the behavior which can spread—or prevent—the disease.

Part of the problem is that our society has been sending conflicting signals on the choices we make. Columnist William Raspberry has written, "We remain * * * absolute when it comes to illicit drugs, while in matters of sex, we are rapidly adapting what I call normative morality—a tendency to set rules not on what we think proper behavior, but on what people actually do."

But as President Reagan pointed out, "When it comes to preventing AIDS, don't medicine and morality teach the same thing?" All the research we have confirms that the answer to that question is "Yes, they do."

The general outlines of public policy in response to AIDS can be dictated by common sense and the biological and sociological nature of the disease. The bad news about AIDS is that, for now, it is deadly, incurable, and has no vaccine. The good news is that infection with the AIDS virus is preventable. In setting public policy we must be guided by two principles—caring and responsibility.

We must give the same compassionate care to AIDS patients and their families as for those who suffer from any other similar deadly disease. And this includes vigorously supporting the search for effective treatments and for a vaccine. It includes making sure that AIDS sufferers receive full medical treatment and counseling. And it includes safeguarding the traditional confidentiality of medical records.

At the same time, we must exercise responsibility. Responsibility might almost be defined as caring for the potential victims of AIDS. When a fatal disease has no cure, it is only common sense to place the greatest emphasis on preventing its spread. This involves helping people infected with the AIDS virus to find out, so they can take the necessary steps to obtain the best medical care to remain as healthy as possible, but also to avoid infecting others. While privacy must be safeguarded, it is not absolute; it does not supersede the right to life. And in fact, both are routinely respected in the existing framework for dealing with diseases: we do not have to reinvent the wheel.

A reasonable, comprehensive national strategy against AIDS based on these two principles—caring and responsibility—must include the following elements: detection, prevention, education, treatment, and research. Research efforts have already been intensified at the Centers for Disease Control, the National Institutes of Health, the Walter Reed Army Institute of Research, and other medical research facilities. While Congress has acted to appropriate money for research and treatment of AIDS, there has been almost no action on preventing the spread of the disease. To fill in the gaps in current policy, I am introducing legislation to establish Federal grants to the States for testing, confidential contact tracing, education, and health care planning.

1. TESTING

There is a growing consensus on the need for testing to determine who is infected. According to Dr. James Curran of the Centers for Disease Control, AIDS testing should be a "standard medical practice." Millions of blood donors and members of the military are already routinely tested. The President has issued an executive order requiring that immigrants, who are already tested for other communicable diseases, also be tested for AIDS. My bill provides a 3-year matching block grant program to the States to carry out mandatory, routine or voluntary testing, including mandatory or routine testing for those who: donate blood, semen, or an organ; receive health care for substance abuse or any sexually transmitted disease; are imprisoned in any State penal or correctional institution; are admitted to a hospital for the purpose of receiving health care between the ages of 15 and 50; receive health care or counseling services from a family-planning clinic; or, who apply for a license to be married.

It has been objected that routine testing would drive those infected with the AIDS virus underground. In fact, more than 9 out of 10 are already "underground," because they don't know they are infected. Based on the CDC estimate, at most 6 percent of those infected with the AIDS virus in the United States have been tested for it. By a similar estimate, only 1 percent of infected persons in New York City have been tested. Significantly, 13 percent of those infected in Colorado, which encourages testing, have been tested—13 times as much as in New York City. But much more needs to be done.

It has been objected that testing relatively low-risk groups for AIDS is like a drunk looking for his lost keys under the lamppost because the light is better there. Yet many of the same people who raise this objection want to educate school children about the threat of AIDS and indoctrinate them in the use of condoms as young as the third grade. Third-graders are not exactly a high-risk group.

The fact is that routine screening is suited precisely for those people who don't think they are at risk. Testing almost 2.5 million members of the armed forces has already detected more than 3,700 people who didn't know they were infected and might have infected others. The main point of routine testing is to prevent the tragedy of spreading a deadly disease to others, including helpless infants. If it prevents even a few of these cases it is worth it.

It is further argued that "false-positive" blood tests would inflict unnecessary anguish. In the initial screening test, there does appear to be a chemical tradeoff between sensitivity—catching substantially all cases—and specificity—detecting each one accurately. But this has already been addressed. Those who test positive in the initial screening receive a second and a third test of a different kind to confirm or reject the diagnosis. The chances of a false positive after the whole series are extremely low. And I believe we must weigh the possibility of ruining someone's day against the possibility of ruining someone else's life. My legislation provides for strict Federal guidelines to ensure the quality of AIDS testing.

It is also argued that in testing the general population, the cost for each AIDS case detected is too high. But the costs of routine testing are routinely overstated: the military has been able to perform the initial test for 82 cents each, and the entire series for less than $5 each. It is true that in the private sector the related hospital fees and overhead can add to this cost. But these costs would also decline with volume. The goal of saving lives is paramount. In addition, prevention is much cheaper than treatment of an epidemic. Medical costs average $60,000 for each AIDS patient. This means that if one AIDS case is prevented for about every 15,000 people tested, the testing will have paid for itself even in dollars.

2. CONFIDENTIAL CONTACT TRACING.

Finding out who is infected with the AIDS virus is necessary before we can contain its spread, which is why routine testing has gotten a great deal of attention. But it's time to deal with the problem of how to proceed on the basis of test results. The concern, obviously, is confidentiality. But the idea of confidentiality can be abused. For example, the California law that prohibited the contacting of sexual partners or the notification of medical personnel of a positive AIDS test—such as telling a pediatrician that a child's mother tested positive—has been a threat to public safety.

I believe that the answer is to make positive blood tests for the AIDS virus, as well as the AIDS-related complex (ARC) and AIDS, reportable to public health authorities, like many other communicable diseases. This serves two purposes.

First, it would help the public health authorities to prevent spread of the disease, through confidential contact tracing. Syphilis and hepatitis B are already handled in this way.

Second, it would protect confidentiality. Public health authorities and private physicians have had a great deal of experience in protecting the confidentiality of medical records. And public health records are protected by law. Even in tracing sexual contacts, public health officials generally state that they have reason to believe the person has been exposed to infection—not the name of the partner. Public health officials may not turn over such records to anyone else, including government agencies, without a court order. I believe the state of Clorado's program shows that a program of confidential contact tracing can protect both legitimate confidentiality and public health at the same time.

Knowledge must be handled on a right-to-know basis. Obviously, if a student is infected, this should be reported to the local school superintendent or school board president, who has responsibility for the protection of that child and other students. And emergency personnel and public health care workers must be informed to prevent their contracting the virus in the course of their work. They must be allowed to take protective measures, though not to refuse assistance.

My bill would require states which obtain grant money for testing also to provide counseling with respect to prevention, exposure, and transmission of the AIDS virus, to undertake confidential contact tracing, and to ensure confidentiality concerning services received and test results. Disclosure of test results in limited circumstances is allowed: first, with the written consent of the individual undergoing testing; or second, to disclosure, as appropriate, to public health officials, health care providers, emergency personnel, embalmers, parents of minors, school officials, sexual partners, a spouse, and those who shared hypodermic needles with an infected person; and third, provides substantial penalties for unauthorized violations of confidentiality.

All aspects of the States' programs for testing, reporting, contact tracing and counseling must meet my bill's strict requirements for confidentiality.

A few have argued that both testing and tracing are useless as long as there is no cure for AIDS. This is simply wrong. AIDS cannot be cured yet but it can be treated. Those who have been infected can protect their health and prolong their lives, with proper medical care, diet and hygiene to reduce the risk of opportunistic infections. And what is just as important, those who are infected have a responsibility to avoid spreading the virus.

Society depends on its implicit trust in the idea that people behave responsibly. Laws and penalties are established primarily for the protection of the many against the few who do not. It is no different with AIDS. We must proceed on the assumption that most people do not wish to infect others with a virus which could result in their death. There have been some cases of individuals who, whether from malice, negligence or despair, knowingly engage in behavior which can infect a healthy person. But there are already State laws that make it a crime to knowingly infect someone with syphilis. Such laws should be generally enacted or extended to include the AIDS virus.

3. EDUCATION

The program of testing and confidential contact notification is itself an effective means of education. But the public should receive accurate information about AIDS through other channels. Yet here also there has been a certain amount of schizophrenia. Many who are most adamant against a prudent testing program are adamantly in favor of advertising condoms on the public airwaves.

The federal government should provide accurate information about AIDS to state and local authorities, including local school boards. It is the responsibility of the local authorities to present this information in a way best

suited to the particular community and the age and needs of a particular audience. For example, much more needs to be done to reach the sexual partners of intravenous drug abusers.

I believe Secretary of Education Bill Bennett is correct in urging the importance of incorporating the traditional understanding of right and wrong into such programs. This is not only valid as a general principle; it is a simple medical fact that traditional views of sex and marriage are the best means for preventing the spread of the AIDS virus. Competent medical authorities say that the use of condoms can diminish the risk of contacting AIDS, but do not claim that this makes sexual contact with an infected person "safe." In one study, 17 percent of couples who used them still contacted the virus. This deserves a footnote, not top billing.

My bill would establish a grant program through the Department of Education to state and local educational agencies, institutions of higher education, and other public and nonprofit private entities. These organizations would be able to develop programs for educating students at secondary schools and institutions of higher education with regard to the risk, prevention, and transmission of AIDS. Such programs would: First, inform recipients of current scientific information regarding AIDS: second, discourage the behaviors which place individuals at high risk of contacting AIDS: third, promote sexual abstinence before marriage and fidelity within marriage; and be appropriate for the age of the students for whom the program is developed.

4. HEALTH CARE PLANNING

The AIDS epidemic will place increasing pressure on our system of medical care. It will demand more personnel and cost more money, but does not appear to require a major restructuring of the system. However, we must improve the access to medical care. My bill would establish a grant program to allow States to assess the adequacy of their health care system and to explore the formation of risk pools for the otherwise medically uninsurable. Many States have already set up such risk pools for uninsurable motorists; there is no inherent reason why the same principle cannot be extended to medical insurance.

COST

My bill would authorize Federal support for routine AIDS testing, follow-up counseling, and confidential contact tracing in the form of matching grants to the States. The Federal Government would pay a 75 percent matching share the first year, 50 percent the next, and 25 percent the third year. This would provide an incentive for acting quickly.

Based on preliminary estimates, the cost of testing, counseling and contact notification at the State level would be about $300 million. This is based on preliminary estimates for testing State prisoners, applicants for marriage licenses, sexually transmitted diseased clinics, family planning clinics, drug clinics, and hospital admissions. Including related hospital fees and overhead, the total cost could be about $1 billion at current prices. However, these overhead costs ought to decline sharply with a large volume of testing. Therefore, I have decided to introduce legislation with appropriations based on the testing and follow-up alone, without current hospital fees and overhead. The Federal share is $229 million the first year. For AIDS education grants I have proposed $50 million a year, and for helping States plan for medical services, $5 million.

Our goals in combatting the AIDS epidemic are clear: to protect those who aren't infected, to care for those who are infected, and the do all that is humanly possible to preserve precious lives that are threatened by this dread disease.

It is time to break up the public policy logjam. While we must avoid alarmism, we must also avoid complacency. The facts about AIDS are serious enough to demand a far more serious national response than we have seen so far. A stronger, more effective national response will require our elected officials to sort through the facts, the advice of the experts and the claims of interested parties in order to reach a solution which is effective, fair, and promotes the common good. I believe I have outlined such an approach, which can be modified as necessary to cope with new developments.

We must continually integrate the latest facts and expert advice into our policy response. We must register and deal with objections. But in doing so we must know the difference between tolerance and moral relativism, between being judgmental and exercising good judgment. Let us get on with the job of stopping the spread of AIDS and the anxiety of AIDS, a deadly disease, but which, given firm and clearheaded public policy, is eminently preventable.

SUMMARY OF AIDS PREVENTION ACT OF 1987

Rep. Jack Kemp introduced the AIDS Prevention Act of 1987 on October 5, 1987. The bill establishes programs of federal grants to the states for mandatory, routine or voluntary testing for the AIDS virus, counseling, confidential contact tracing, education, and health care planning.

TESTING, COUNSELING, CONFIDENTIAL CONTACT TRACING

Grants shall be provided to States which take measures to prevent and control the AIDS virus by agreeing to:

Provide mandatory, routine, or voluntary testing, including mandatory or routine testing for those who:

Donate blood, semen or an organ;

Who receive health care for substance abuse or any sexually transmitted disease;

Are imprisoned in any State penal or correctional institution;

Are admitted to a hospital for the purpose of receiving health care and between the ages of 15 and 50;

Receive health care or counseling services from a family-planning clinic;

Apply for a marriage license.

Provide counseling to those who undergo testing with regard to preventing exposure to, and transmission of the AIDS virus.

Report positive test results for AIDS virus to public health authorities.

Institute confidential contact tracing to at-risk contacts of those who test positive.

Ensure that strict confidentiality is maintained through all phases of testing, reporting, contact tracing, and counseling, with substantial penalties for violations of confidentiality.

Permit disclosure of test results only in limited circumstances:

With written consent of the individual who has been tested; or

To prevent infection of others, including disclosure, as appropriate, to public health officials, health care providers, emergency personnel, embalmers, parents of minors, school officials, sexual partners, the spouse, and IV drug partners.

AIDS EDUCATION

Grants shall be provided to the States to develop programs to teach students in secondary schools and institutions of higher education regarding the risk, prevention, and transmission of AIDS.

Education programs shall:

Inform recipients of current scientific information regarding AIDS;

Discourage the behaviors which place individuals at high risk of contracting AIDS;

Promote sexual abstinence before marriage and fidelity within marriage;

Be appropriate for the age of students for whom the program is developed.

HEALTH CARE PLANNING

Grants shall be provided to the States to explore the formation of risk pools for the otherwise medically uninsurable.

FEDERAL FUNDING

For testing, counseling, and confidential contact tracing, the federal government shall provide a three-year matching block grant, in which the federal share is 75% the first year, 50% the second year, and 25% the third year. Federal appropriations of $229 million, $152.5 million, and $76.5 million are authorized, respectively.

For education grants, the federal government shall provide $50 million each year for three years.

For health care planning, the federal government shall provide $5 million to help develop uninsured health risk pools.

Total authorized: $623 million over three years.

CREDIT CARD COMPANIES DISPLAY DISREGARD FOR CONSUMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, last year, market dominance, highly financed promotion campaigns, and usurious interest rates earned the credit card industry over $5 billion in pretax profits, making this the most profitable segment of the banking industry. It is easy to see why the banking industry is so protective of this part of their profitmaking structure.

While I understand the needs of the business community in our proudly capitalistic society, it strikes me as distinctly un-American to engage in business practices that mistreat and deceive the American consumer in order to earn outrageous profits. Therefore, I demand that these companies and their member banks treat the American people fairly, openly, and intelligently. it is a business philosophy that should not have to be forced upon them, yet, their behavior demonstrates that perhaps it must.

Credit card companies and banks refuse to confront the issue of high interest rates head on. When they are challenged by a competitor they resort to frills, gimmicks, and enhancements to lure customers. The Citicorp Diners

Club card seduces those receiving its solicitation with "new financial fexibility." Advertised are gifts, rewards, special deals on hotels, and workout centers. In far less prominent view, the membership fee is noted. What the promotion letter doesn't seem to mention is that the balance is due in full each month.

Recently Visa ran an advertisement entitled, "How to stop Optima from making off with your best customers." In its Visa enumerated a number of recommendations and services available to help member banks "compete" with American Express' new 13.5 interest rate Optima card. The advertisement outlines a series of ploys and gimmicks that, I am sure, they hope will distract the consumer from their real concern—Optima's low interest rate. Why not show the American consumer some respect and fairness by engaging in direct competition and reducing rates?

I am appalled that not once is the real issue addressed. Not once is the issue of reduced rates discussed. Bankcard companies continue their contemptible assault on the pocketbooks of the American public.

Credit card companies hope that these inducements will distract the consumer from the real issue of exorbitant interest rates. While the small banks that offer competitive rates advertise those rates, the large money-center banks that control the market focus on unnecessary and nonfinancial "enhancements." The 70 percent of the card users that roll over balances each month are interested in the financial terms of the card. Interest fees, annual rates, and grace periods are the factors of concern to most consumers. But these are the factors that big money-center banks keep from the prospective customer.

Although excessive bankcard interest rates have received much attention recently, bankcard companies are able to resist the pressure to reduce rates. These companies continue to ignore the realities of the marketplace and maintain highly inflated interest rates.

Over the past few years we have witnessed the dramatic decline of other consumer-affecting interest rates. The prime rate has plummeted to 8.75 percent, mortgage rates have dropped to around 11 percent, and the Federal Reserve discount rate has fallen to 6 percent. Yet, credit card interest rates have climbed.

This is particularly distressing when measured against the discount rate. Issuing banks have watched their cost of funds drop from 14 percent to 6 percent but have done nothing to act fairly and pass this reduction on to the consumer.

Another example of their contempt for the consumer is a statement made by John H. Bennett, senior vice president for Visa International. After describing support for credit card information disclosure as "unfortunate," he pointed out that bankcard profits were unparalleled and, on the average, bankcards earned banks 10 percent of their profits on 3 percent of their assets.

He compared interest rate competition with delinquencies and charge-offs as "threats to your profits." He then suggested that there are "some ways to compete without a total price war breaking out." Continuing his not-so-veiled encouragement of deceptive practices, he suggested that card-issuers respond to price competition by setting up promotional programs comparable to airline discount fares. "Try to get one of those discount fares," he said. The attitude appears to be: "fight fire with smoke."

While all of these statements exemplify a disdain for fairness and a certain ethical nonchalance, the most brazen display of contempt was aimed directly at the American consumer.

Speaking of those assembled, Mr. Bennett said, referring to credit card users, "Only 20 percent know what their correct annual fee or interest rate is. Almost all err on the low side, so the news there is don't tell them about what is really going on." I must admit that I was astonished at his open display of disrespect for the American consumer.

I would also like to quote Mr. Russell E. Hogg, president of Mastercard International. In his annual "state of the industry" speech to the national bankcard convention, Mr. Hogg said of the American Express Optima card, "No bank should find Optima receivables by selling the American Express Travelers Cheque or Gold Card."

It certainly is gratifying to see that Mastercard shares Visa's competitive spirit.

Need I say more? Is there any reason to believe that we can trust credit card companies and banks to treat the consumer fairly and respectfully. We have asked only to let free-market competition rather than market-dominating banks set interest rates.

It is necessary that we assume our regulatory responsibilities to protect our constituents from the unfair and deceptive practices of a large majority of credit card companies and issuing banks. When the bill on credit card information disclosure reaches the floor, I will respond by offering an amendment to cap credit card interest rates at 8 points above the yield on 1 year Treasury securities. This floating cap, adjusted quarterly, is a equitable response to an industry that has bilked the American consumer long enough.

TRIBUTE TO DOROTHY A. BEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. HOWARD] is recognized for 5 minutes.

Mr. HOWARD. Mr. Speaker, last week the members and staff of the Committee on Public Works and Transportation, along with many of our friends, paid a well-deserved tribute to Dorothy A. Beam on the occasion of her birthday.

Although we gathered to celebrate her birthday, we also wanted to thank her for her 47 years of able service and hard work as a Capitol Hill staff member. Dottie Beam represents the finest in staff support for the members, for other staff members and for the public. She is the heart and soul of the Public Works Committee.

Dottie carries on her work, not only ably and professionally, but with the true human touch that shows that she cares about people.

I know that 47 years is a long time in any business but that is especially true on Capitol Hill. It takes a special kind of person to do the job that Dottie Beam has done as well as she has done it for that long. All of the members of the committee look forward to many more years of working with Dottie.

THE FULL EMPLOYMENT ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HAWKINS] is recognized for 60 minutes.

Mr. HAWKINS. Mr. Speaker, earlier this year at the time of the first concurrent resolution on the budget, I had the privilege of addressing the House on economic goals and policies as provided in the Full Employment and Balanced Growth Act.

At that time we indicated certain expressions of some degree of doubt, that we could achieve under current economic policies the objectives of the Full Employment and Balanced Growth Act.

It is for that reason that I submit that we would revisit what we had predicted at that time and how well we have accomplished what was thought to be the achievable goals and policies under the current instances of the emplementation of the budget.

In no respect do I demean the work of the Committee on the Budget. As a matter of fact, I would like at this time to commend the gentleman from Pennsylvania [Mr. GRAY], our distinguished colleague, and all of the members of the Committee on the Budget in the House.

I think the members have done a remarkable job; and as to the responsibility of this House, I think to a large extent, that committee has carried out its responsibilities.

However, in reviewing the accomplishments and where we stand today, I think that it is obvious that we are not pursuing a full-employment alternative, and that currently those who applaud the results of Reaganomics have bought into accepting 6-percent unemployment as the new full-employment threshold.

This assumption violates the mandates of law, as spelled out in the Full Employment and Balanced Growth Act of 1978, which set 4 percent unemployment as an interim level to achieve before reaching to lower levels of joblessness.

September's 5.9 percent unemployment rate is exceedingly high by historical standards. Such levels used to signify recession-level job loss, not the fifth year of an expansion. Settling for current levels of unemployment is not only morally disgraceful, it is also economically flawed.

No one spent as much time and effort implementing, studying, and analyzing full employment policy, as did the late Dr. Leon H. Keyserling, a former Chairman of the Council of Economic Advisers.

Last February, Dr. Keyserling appeared before the Joint Economic Committee, and as he had done so many times in the past, laid out a scathing indictment of our current and recent economic policy priorities and their effect on the health of the American economy.

In part, Dr. Keyserling testified; and I quote:

Our long failure * * * is based upon an upside down set of priorities in dealing with national economic policies, involving * * * a confusion of means and ends. Predominant focus has remained upon the immense Federal deficit; chronically rising inflation; the imbalanced excess of our imports over our exports; and the huge fluctuation in the international exchange value of the dollar * * *. We have forgotten that these are but means to help achieve the ultimate purposes or ends of our economic society, by overcoming the grave chronic deficiencies in our average annual real economic growth, excessive and chronically rising unemployment, the intensifying maldistribution of national income and enjoyments, the increase in poverty, and the growing shortfalls in Federal assistance to our great national priorities, including but not limited to education, health services, housing and public income supports where needed. These deficits tower above, in size and adverse consequences, the deficits which now absorb relatively too much of our attention.

Thus, the thrust of Dr. Keyserling's remarks was to urge our Government to use the setting of annual economic goals as a procedure for embarking on an economic program of balanced growth in the production of goods and services and full employemnt opportunities afforded in the American society.

Congressional efforts establishing artificial annual deficit reduction numbers must never serve as our yardstick for policy decisionmaking. To permit Gramm-Rudman-Hollings to become more than a political exercise would be the ultimate corruption of good economic practice.

Instead of examining the serious financial and social repercussions of a failure to invest in the education, training, and employment of unskilled people, we are reduced to sleight-of-hand numbers games, and the slow destruction of effective programs, just to reach an arbitrary deficit level within a given timetable. This policy ignores the resulting future costs inherent in not investing in order to eliminate current deficiencies.

I believe, therefore, that it is now time that we should look at what we are doing, review it and offer alternatives.

The interim goals of the Full Employment and Balanced Growth Act was a reduction in unemployment within 5 years to an interim number of 4 percent and the reduction of inflation to at least 3 percent.

The extent to which we have complied with or have failed to comply with such a goal has been due to the faulty policies of the current administration.

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I think we should therefore seriously ask ourselves today, how well are we doing? What is happening to the general living standards of the American people? Do we have a stable domestic and international economy?

I think in dealing with these questions we should reject out of hand altogether the idea that knowledge of the truth produces gloom and doom, as some would call such a knowledgeable understanding of the truth, and whether ignorance of what the facts really are creates improvement and confidence.

In this regard, let me again quote from our friend, Leon Keyserling, when he raised the problem recently in a publication of his, "The Public's Right to Know Is Also a Public Necessity."

He indicated in his remarks that the deliberate and sustained practice of obfuscation by those who want to be free to continue to do just as they please, no matter how wrong and hurtful, makes it all the more important that the public be better informed about the essentials of the Fed's policies and their pernicious results. Even more than that, it is imperative that the public be better informed because by now it is apparent that there are those in authority who are adamantly determined to persist in their deeply hurtful course, and in fact, to accelerate it.

It has been a weakness of our democratic system that when the public has deliberately been kept in the dark, that we have failed to see the unique strength of our democratic system when the public has become enlightened, vigilant, and disturbed.

He goes on to say that the recurrent huge departures from the full use of our capabilities inflict far greater economic and social damage than any other selective trends in the economy, because the real strength and progress of the economy is measured and supported by real increases in the output and distribution of goods and services, and above all, by gains in living standards per capita.

This has always been an axiom of sound economics but it has tended to be forgotten.

Let us take up then some of the items that go to make up a healthy economy, a prosperous nation, and a good social system. First of all, balanced growth. How well are we really doing in terms of balanced growth?

Let me quote from a statement made by our distinguished colleague and my friend, Representative KEMP, on April 30, 1981, at page H1618 of the CONGRESSIONAL RECORD. He said, and I think it is very prophetic that he said it then, because it is truer even today:

Had the U.S. economy from 1960 to 1980 grown at the same rate it did from 1962 to 1967, that is, around 4.5 percent to 5 percent in real terms—not nominal inflationary terms, but in real terms—the gross national product today would not be $2.5 trillion; it would be $3.7 trillion. We would have another $200 to $250 billion of Federal revenues. We could have spent more for defense. We would have had less need for social programs and more resources to pay for them. We would have a sounder dollar.

What Mr. KEMP said then that it was a deficient economic growth rate that was responsible for the failure to balance the budget, to provide for our national needs and even to pay for our national defense. If that were the fact in 1981, it is certainly truer today.

What has been the gross national product rate, the real rate of growth in this country today, despite the rhetoric that it has been otherwise? Let me cite for you year by year what the actual rate of growth has been.

In 1981: 1.9 percent.

In 1982: a negative 2.5 percent.

In 1983: 3.6 percent.

In 1984, the only good year, it was 6.8 percent.

In 1985: 3 percent.

In 1986: 2.9 percent, for a total average between 1981 and 1986 of 2.6 percent, obviously a very deficient economic growth rate which should have been somewhere between 4 and 4½ percent.

So, we have failed to establish an economy of balanced growth during all these years which largely explains the deficit and the failure of the American people to live up to a decent living standard.

Are we then on the road to the promised prosperity, or are we possibly on a road to recession? That is what we must ask ourselves under the current policies.

Let me read further some of the actual indicators, the comparison for the last 3 years with the first 1½ years of this administration. The real GNP growth rate for the last 3 years have been 2.8 percent.

The actual farm parity ratio, which pertains to the prosperity of the farming areas of this country has been a minus 9.6 percent.

The employment in manufacturing has been a minus 0.6 percent.

Real weekly earnings has been a minus 0.9 percent.

Obviously, these are recession vicinities. These areas are already in recession.

Housing starts have been a deficient minus 4 percent.

Domestic auto sales have declined from 22.1 percent in the first 1½ years of the Reagan administration to the current negative 4.7 percent.

All of these indicate that we are already in these areas in recession, what some economists would call a growth recession, to give it a decent name.

So, in terms of those indicators, it is obvious that we are not proceeding on a course of action which will bring us into the prosperity we were promised in 1981, but rather on the road to recession.

Let me further quote about the so-called road to recession, because recently in a Wall Street Journal article on September 10, 1987, the same analysis was made by the prestigious Wall Street Journal. It indicated that depending on what factors we use, some analysts are already indicating that we may be on the road to recession.

In a thought-provoking article in the Wall Street Journal, entitled "Recession of a Sort May Be Underway," a convincing argument is made that a recession seems to have already started, if we use the general living standard as the primary indicator, instead of only looking at the GNP growth. Obviously, the GNP growth would be no more optimistic, but using the general living standard, they indicate that the real per capita disposal income, which is after-tax personal income adjusted for inflation and population growth, that the real per capita disposal income has fallen to its lowest amount in a year. Even though the GNP is still rising, at a totally inadequate level, but rising nonetheless, this living standard gauge fell to an annual rate of $10,875, which is down $149 from the first quarter.

In the second quarter of 1986, this measure reached a high of $11,024; but as the article points out, this slippage is unprecedented at a time of supposed recession-free expansion.

I would like to read another paragraph from the same article in the Wall Street Journal in which it says:

> A new restiveness may in fact be developing. A recent Dean Witter Reynolds Inc. analysis suggests that the so-called misery index—the unemployment rate—has bottomed and henceforth will be heading up.

Let me next turn to a brief analysis of the job situation and the question of inflation. A great deal of rhetoric has recently been issued concerning how many jobs, a miracle job creation, going on in this country and then discrediting as a result of that that these jobs have indeed been at unprecedented rates.

Mr. Speaker, at this time I yield to my distinguished colleague, the Honorable MERVYN DYMALLY of California, who has, I think, a contribution to be made on the same subject. I would like certainly to commend the gentleman on the work that he has done in the field of poverty prevention, the work he has done on the Education and Labor Committee in the field of education and his chairmanship of the Congressional Black Caucus.

Mr. Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I thank the chairman of the Committee on Education and Labor for his consistent devotion to this subject of the economy.

By profession, Mr. Speaker, our friend, the gentleman from California is an economist, graduated from UCLA in the tough days when it was not easy to do so, and yet has had an interest in the whole question of the economy and has charged a very constructive course for us as chairman of the Committee on Education and Labor.

Unfortunately, his response and the response from the administration has not been as enthusiastic as the response from the Member of the House in legislation which he authored a couple of years ago, which unfortunately died in the Senate. That piece of legislation to reconstruct our cities would have put thousands of people in jobs and benefitted millions of Americans, and thus have avoided the situation in which we find ourselves today.

Mr. Speaker, we find ourselves in a very, very, critical situation with reference to the economy and its effect on children. We have developed in America a new class of children's poverty, so to speak. Children are becoming poorer and hungrier as a result of the economic policies of this administration.

Mr. Speaker, a famous American, Frederick Douglass, said once to this Nation as it gathered to celebrate the Fourth of July: "You have no right to enjoy a child's share in the labors of your fathers unless your children are to be blest by your labors".

We have reached a point in the history of our Nation that the challenge of surviving the ravages of poverty and hunger has reached epic proportion. The dimensions of hunger are vast—the numbers of people affected—the numbers of lives lost—and the numbers of lives so stunted that their promise cannot be fulfilled. Every year, over 15 million lives are lost to malnutrition-related illnesses.

Regrettably, this crises has only been compounded by the current economic policies of this administration. There is an endemic relationship between poverty and hunger—and as a Nation, we have become robber barons of the poor. In 1978 there were 24.5 million Americans in poverty. By 1984 the number had risen to 33.7 to 14.4 percent of the population.

Who are the beneficiaries of this legacy of neglect? Our children. Almost half of our Nation's poor are children—more graphically—one in every four children under 6, eats one meal a day. This crisis has spilled into every avenue of relief that our communities can offer.

We approach yet another winter of long lines at soup kitchens and food pantries. The United Way has doubled its funding for food and nutrition programs from 1981 to 1987. Food banks, the organizations which provide direct donations from industry to create the private sector's response have required unprecedented monetary commitments. As an example, Second Harvest, which began by supplying a church feeding program in Phoenix in 1966, last year also served as a nationwide repository for the distribution of more than $114 million to food banks across the country.

Bread for the World, in a survey of 36 localities from Boston to San Diego, found food demands far exceed the capacity of voluntary groups.

My colleague, and chairman of the House Select Committee on Hunger, MICKEY LELAND, in appealing to this body to expand our Nation's commitment to feeding the hungry challenged: "The greatest deficit in the Nation is not in dollars but in health and human potential. It is caused by letting children live in hunger and poverty."

We have allowed this administration to slam shut the door of opportunity to an entire generation—under the guise of budget balancing. With Federal cutbacks in food programs and restrictive policies which discourage the poor from participating in the very programs that were established to protect their nutritional status—we have created a permanent malnourished underclass.

The Department of Agriculture has acknowledged that nationally, one-third of those eligible do not use food stamps. There are 2.9 million poor children eligible for free or reduced price school lunches who do not get it. Although there are 14.6 million school age children in poverty, only 3.9 million receive school breakfast. Everyday, hungry children in crowded classrooms lose out on learning.

A nation which spends $800 billion a year on military programs yet allows one in every four of its citizens to suffer hunger—is a nation which has lost sight of its future.

And if there is a lien against the future of our Nation's children, in general—poor America is in foreclosure. The percent of black people in poverty is 31.3 percent, three times the rate for whites. A black infant born within 10 miles of the White House is more likely to die in the first year of life than an infant born in Trinidad or Jamaica.

Poverty and hunger in America is a blight which casts a shadow of ominous foreboding. Unless we mobilize a collective effort to combat this imposing crisis, we will bear the collective responsibility for the demise of a generation already born to the vagaries of poverty and the devastation of hunger.

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Mr. Speaker, I want to bring to your attention the fact that the economic

policies of this administration have created havoc not only in our urban centers but in rural centers around this country. We have developed a new class in America, or new classes, I should say, the homeless, the hungry, the poor, most of whom are children. This is especially alarming considering the amount of money we spend on defense and on foreign expeditions.

So I think when we begin to talk about the drop in unemployment and we begin to boast on this floor about the robust economy we are experiencing, we need to carefully ask some questions of those Members who make those boasts. We need to carefully examine those who are benefiting from this so-called robust economy, and we need to focus attention on this new class of poor people in America as a result of the economic policies of this administration.

So I am very pleased, Mr. Speaker, to have the privilege and opportunity to join with the gentleman from California, [Mr. HAWKINS], chairman of the House Committee on Education and Labor, to bring to the attention of the Members of this House the critical situation in which our children find themselves during the course of this administration.

Again, I thank the gentleman for yielding time to me.

Mr. HAWKINS. Mr. Speaker, I thank the gentleman from California for his contribution.

Let me conclude by making some reference to jobs because I think a lot of the rhetoric is being floated throughout the country as propaganda to make the current job situation appear to be one of a miracle, a miracle of millions of new jobs being created.

However, when we look into the quality of the job, not just the quanitity, but the quality of the job, we find that the kinds of jobs that are being created in net constitute 44 percent in size, the new jobs pay poverty level wages, which is hardly anything to gloat about. Virtually all of the new jobs created since this administration has been in power pay less than $14,000 per year and two out of every three new jobs pay less than $7,000 a year.

So for every Wall Street financier who makes $1 million buying and selling stock options, millions of Americans and American wage earners, even those with jobs, find it impossible to make ends meet by the end of the month.

It has been said that if we have more jobs that we will increase inflation. This is totally inaccurate according to the facts and the empirical evidence of our history. We have achieved in various periods before this very low unemployment rate even in times of very low inflation. For example, it was only 2.9 percent in 1953, far below the current 5.9 percent. It was only 3.8 percent in 1966, without inflation. This was not during wartime, it was after the Korean War and before the Vietnam war. Again, it was 3.5 percent in 1969. During these times inflation was also under control.

On the other hand, during the Vietnam war period we did have very high unemployment rates, which I think convinces us that it does not mean we need war to create low unemployment. We simply need the leadership, we need the right policies and we need the moral leadership for the Nation in order to reduce the unemployment rate.

In 1976 we had requested in a congressional hearing at that time with the Budget Committee as to whether or not the unemployment rate could be reduced below 4 percent, which was a goal of the full employment bill. In answer to that question, Director of the Congressional Budget Office at that time, Alice Rivlin, replied in this manner:

> Most would also agree that measures to reduce structural imbalances in the labor market, to improve labor mobility, to reduce frequent occurrences of unemployment among the unskilled, and to improve employability by training and the elimination of discrimination could lower the unemployment rate at which the labor market becomes "tight". If such measures were adopted and were effective, a noninflationary unemployment rate could potentially be even lower than 3 pecent.

So I think it is pretty much not a question of the ability to achieve low employment, it is a deliberate policy to keep unemployment high, and the reason some give for that is that it might cause inflation.

I think it is pretty obvious that this is a tradeoff of jobs for so-called inflation. This obviously ignores the fact that we have had oil shocks to cause the increased inflation, we have had very high interest rates, we have had a lot of greed and corrupt practices to keep inflation high, because in some ways there are a few, only a few, who gain a temporary benefit from such inflation.

So I think it is pretty obvious that we can afford to put people to work, that it is desirable, that it is the best way to bring the budget deficit down. It is the moral thing to do, and certainly it is economically possible.

It is pretty obvious that we are faced during these days with the desire to balance the budget. Sharp reductions in domestic spending seem to be the order of the day, regardless of whether they are right or wrong.

It is to achieve a so-called fictional balanced budget process. Actually, cutting education and job programs, training and health, housing and other essential needs of the American people can only make things worse, according to what reliable economists would tell us. So that reductions in the deficit can only come about from a sustained period of gross national product, the real growth in the economy, and in putting the millions of unemployed people to work in real jobs, thereby to increase revenues. This obviously requires a change in the monetary and fiscal policies of this Nation. We cannot afford the current interest rates and the money supply and we should tell the Federal Reserve Board that.

In 1985 fiscal year, for example, excess interest rates cost us more than $135 billion. That could have bought a lot of jobs and housing and transportation, it could have helped the infrastructure and many other vital domestic needs.

We should obviously increase the growth rate of the country, not to keep it low because of this fear of inflation.

The only stimulus we have in the economy today happens to be the deficit, and if we reduce the deficit then obviously under Reaganomics we would, therefore, reduce the only stimulus that is in the Reagan philosophy. We need progressive taxation instead of the regressive taxes that have resulted from the 1981 Tax Act, and we should adjust those taxes to make them progressive.

Education and training must be a top priority of this Nation. The way that we have neglected education and the future of our children and of our country is certainly morally indefensible.

We have many things to do, Mr. Speaker, and tomorrow during a special order I hope that we will have Members of my committee, the Committee on Education and Labor, to explain the various job proposals, the various improvements in education that we feel are needed if we are to indeed improve the economy, balance the budget, and move ahead as a humane and progressive nation. We can do it. There is no reason for pessimism, there is no reason for doom obviously to be expressed if we recognize and know what we have to do. We have solutions available to us, and the only reason that we can be discouraged would be through a continuation of the current policies in this Nation.

It is well that we can recognize them in time, change them, and in that sense we should be prosperous and should be a hopeful and certainly optimistic people.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COBLE) to revise and

extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, on October 6.

Mr. LEWIS of California, for 60 minutes, on October 7.

Mr. LEWIS of California, for 60 minutes, on October 8.

Mr. HANSEN, for 5 minutes, on October 7.

Mr. HANSEN, for 5 minutes, on October 14.

Mr. KEMP, for 5 minutes, today.

Mr. ROTH, for 60 minutes, on October 7.

(The following members (at the request of Mr. HAWKINS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HOWARD, for 5 minutes, today.

Mr. HAYES of Illinois, for 60 minutes, on October 6.

Mr. PENNY, for 30 minutes, on October 6.

Mr. ALEXANDER, for 45 minutes, on October 7.

Mr. FRANK, for 60 minutes, on October 13.

Mr. BONIOR of Michigan, for 60 minutes, on October 13.

Mr. MILLER of California, for 60 minutes, on October 14.

Mrs. BOXER, for 60 minutes, on October 14.

Mr. KOSTMAYER, for 60 minutes, on October 15.

Mr. GLICKMAN, for 60 minutes, on October 16.

Mr. MCHUGH, for 60 minutes, on October 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RAY, on H.R. 2416, in general debate.

Mr. ALEXANDER, following his previous remarks on H.R. 3307.

(The following Members (at the request of Mr. COBLE) and to include extraneous matter:)

Mr. GOODLING.

Mr. KEMP in two instances.

Mr. FIELDS.

Mr. GEKAS.

Mr. LIGHTFOOT.

Mr. LIVINGSTON.

Mr. COURTER.

(The following Members (at the request of Mr. HAWKINS) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. DE LA GARZA in 10 instances.

Mr. DANIEL.

Mr. ACKERMAN.

Mr. RODINO.

Mr. LANTOS in two instances.

Mr. LIPINSKI in two instances.

Mr. SLAUGHTER of Virginia.

Mr. MARKEY.

Mr. DORGAN of North Dakota.

Mr. VENTO.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 253. An act to convey Forest Service land to Flagstaff, AZ; to the Committee on Interior and Insular Affairs.

S. 322. An act to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on House Administration.

S. Con. Res. 80. Concurrent resolution to express the appreciation of the Congress to the city of Philadelphia, the National Park Service, and We the People 200, Inc., for their hospitality during the July 16, 1987, ceremonies commemorating the bicentennial of the Great Compromise; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

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

H.R. 2249. An act to change the title of employees designated by the Librarian of Congress for police duty and to make the rank structure and pay for such employees the same as the rank structure and pay for the Capitol Police.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 1691. An act to provide interim extensions of collections of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan, and for other purposes;

S.J. Res. 72. Joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week"; and

S.J. Res. 110. Joint resolution to designate October 16, 1987, as "World Food Day."

ADJOURNMENT

Mr. HAWKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 6, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2187. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), Department of Defense, transmitting notification of munitions disposal, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services, October 5, 1987.

2188. A letter from the Acting Secretary of Commerce, transmitting a report entitled Liability Risk Retention Act of 1986: Implementation Report, pursuant to 15 U.S.C. 390int.; to the Committee on Energy and Commerce.

2189. A letter from the Director (Office of Hearings and Appeals), Department of Energy, transmitting information concerning the filing for refund from crude oil overcharge funds now held by the Department; to the Committee on Energy and Commerce.

2190. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more to the Government of Egypt (Transmittal No. MC-32-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2191. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed issuance of an export license for the export of defense articles services sold commercially under a contract to Egypt (Transmittal No. MC-32-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2192. A letter from the Assistant U.S. Trade Representative for Administration, transmitting notice of a proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2193. A letter from the Vice President, Farm Credit Banks of Springfield, transmitting the annual report on the retirement system for the Farm Credit Banks of Springfield Retirement Plan for the plan year ending December 31, 1986, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2194. A letter from the Secretary of the Interior, transmitting the study report on the Trail of Tears with the recommendation that the proposed trail is suitable for designation by the Congress as a national historic trail, pursuant to 16 U.S.C. 1244(b); to the Committee on Interior and Insular Affairs.

2195. A letter from the Secretary of the Interior, transmitting the study report on the Juan Bautista de Anza Trail in Arizona and California, with the recommendation that the proposed trail is suitable for designation by the Congress as a national historic trail, and enclosing a draft of proposed legislation which, if enacted, would designate the trail, pursuant to 16 U.S.C. 1244(b) (H. Doc. No. 100-108); to the Committee on Interior and Insular Affairs and ordered to be printed.

2196. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2197. A letter from the President, Vietnam, Veterans of America, Inc., transmitting the 1986 annual report and audit, pursuant to 36 U.S.C. 3812; to the Committee on the Judiciary.

2198. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 23, United States Code, to provide for the construction of new toll highways and for other purposes, to the Committee on Public Works and Transportation.

2199. A letter from the Assistant Comptroller General, General Accounting Office, transmitting a report discussion pilot projects in six states of the immigration status of alien applicants for Federal entitlement programs, pursuant to 42 U.S.C. 1320b-7nt., jointly, to the Committees on Government Operations and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[Pursuant to the order of the House on Oct 1, 1987, the following reports were filed on Oct. 2, 1987]

Mr. BROOKS: Committee on Government Operations. Report on child care in Federal buildings (Rept. 100-333). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on failure and fraud in civil rights enforcement by the Department of Education (Rept. 100-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Consumer Product Safety Commission's response to hazards of three-wheel all-terrain vehicles [ATV'S]: a followup report (Rept. 100-335.). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary H.R. 3307. A bill to provide for an orderly transition to the taking effect of the initial set of sentencing guidelines prescribed for criminal cases under section 994 of title 28, United States Code, and for other purposes; with an amendment (Rept. 100-336). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3258. A bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs (Rept. 100-337). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. House Resolution 274. Resolution providing for the release of certain materials relating to the inquiry into the conduct of U.S. district judge Alcee L. Hastings (Rept. 100-338). Referred to the House Calendar.

[Submitted Oct. 5, 1987]

Mr. HUGHES: Committee on the Judiciary. H.R. 3226. A bill to amend the Anti-Drug Abuse Act of 1986 to permit certain participants in the White House Conference for a Drug Free America to be allowed travel expenses, and for other purposes; with an amendment (Rept. 100-340). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2325. A bill to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas; with an amendment (Rept. 100-341). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2416. A bill to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes; with amendments (Rept. 100-342). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular affairs. H.R. 2486. A bill to authorize the Secretary of Agriculture to acquire certain private lands to be added to wilderness areas in the State of Texas; with an amendment (Rept. 100-343). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular affairs. H.R. 2652. A bill to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes (Rept. 100-344). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3391. A bill to prohibit the importation into the United States of all products of Iran, and for other purposes; with an amendment (Rept. 100-345). Referred to the Committee on the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 or rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1622. A bill to provide that all U.S. cotton producers participate in defraying costs of their research and promotion program and that imported cotton and products be subject to the program assessments, and for other purposes; with an amendment which was referred to the Committee on Ways and Means for a period ending not later than December 4, 1987, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X. (Rept. 100-339, pt. 1). Ordered to be printed.

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. BILIRAKIS (for himself, Mr. WYDEN, and Mr. THOMAS A. LUKEN):

H.R. 3415. A bill to amend the Federal Trade Commission Act to authorize the Federal Trade Commission to prevent unfair or deceptive acts or practices by air carriers; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. DERRICK:

H.R. 3416. A bill to prohibit the importation into the United States of Russian-made textiles and textile products; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 3417. A bill to provide for the treatment of payments associated with excess capacity of the Minot Pipeline, an extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. ECKART (for himself, Mr. WAXMAN, and Mr. HOYER):

H.R. 3418. A bill to establish certain grant programs, requirements, and prohibitions for the purpose of protecting emergency response employees from infectious diseases, including acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. KEMP:

H.R. 3419. A bill to establish certain grant programs with respect to the prevention and control of acquired immune deficiency syndrome and related conditions; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. LAGOMARSINO:

H.R. 3420. A bill to change the name of Ventura Marina to Ventura Harbor; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mr. PENNY, and Mr. FRENZEL):

H.R. 3421. A bill to amend title XVIII of the Social Security Act to permit a hospital to exempt a prolonged respiratory care unit that is a distinct unit of the hospital from the prospective payment system; to the Committee on Ways and Means.

By Mrs. BOXER (for herself, Mr. MILLER of California, Mr. WOLPE, Mr. MRAZEK, Mr. SMITH of Florida, Mr. TOWNS, and Mr. BIAGGI):

H.J. Res. 370. Joint resolution directing the Secretary of Transportation to develop a system of airline safety indicators and to provide information to the public on a semiannual basis on the safety of certain air carriers; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

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

H.R. 612: Mr. SLATTERY, Mr. SHAW, Mr. STAGGERS, Mr. HORTON, Mr. MARKEY, Mr. JEFFORDS, Mr. OWENS of Utah, Mr. LUJAN, and Mr. SYNAR.

H.R. 810: Mr. DANNEMEYER.

H.R. 911: Mr. STENHOLM, Mr. BOSCO, Mr. GORDON, Mr. HATCHER, and Mr. SHUSTER.

H.R. 1148: Mr. RINALDO and Mr. GLICKMAN.

H.R. 1158: Mr. SHAYS.

H.R. 1259: Mr. ESPY.

H.R. 1396: Mr. CRAIG.

H.R. 1636: Mr. KONNYU and Mr. FAZIO.

H.R. 1647: Mr. SCHUETTE.

H.R. 2051: Mr. PACKARD and Mr. DENNY SMITH.

H.R. 2248: Mr. BATES, Mr. HOUGHTON, and Mr. LATTA.

H.R. 2325: Mr. PICKLE and Mr. COLEMAN of Texas.

H.R. 2384: Ms. OAKAR and Mr. COLEMAN of Missouri.

H.R. 2559: Mr. HALL of Ohio, Mr. TRAFICANT, Mr. TOWNS, Mr. OWENS of New York, and Ms. KAPTUR.

H.R. 2666: Mr. PANETTA, Mr. OBERSTAR, Mr. LOWRY of Washington, Mr. SMITH of New Jersey, Mr. EARLY, and Mr. RODINO.

H.R. 2807: Mr. FEIGHAN.

H.R. 2808: Mr. FEIGHAN.

H.R. 2809: Mr. FEIGHAN.

H.R. 2810: Mr. FEIGHAN.

H.R. 2879: Mr. HAYES of Illinois and Mr. VENTO.

H.R. 2958: Mr. FOGLIETTA and Mr. WISE.

H.R. 2988: Mr. BEILENSON, Mr. KOLBE, Mr. KONNYU, Mr. MILLER of California, Mr. BADHAM, Mr. HUNTER, and Mr. LUNGREN.

H.R. 3002: Mr. FAUNTROY.

H.R. 3071: Mr. WYDEN and Mr. CLAY.

H.R. 3075: Mr. CHENEY, Mr. KONNYU, Mr. GALLEGLY, Mr. HYDE, Mr. CRAIG, Mr. ARMEY, Mr. HARRIS, Mr. MORRISON of Washington, and Mr. RHODES.

H.R. 3228: Mr. FLORIO, Mr. FRENZEL, and Mr. BILIRAKIS.

H.R. 3265: Mr. CLAY, Mr. ROE, and Mr. CONYERS.

H.R. 3391: Mr. DORGAN of North Dakota and Mr. INHOFE.

H.R. 3393: Mr. FEIGHAN, Mr. TORRICELLI, Mr. GORDON, Mr. MCCLOSKEY, and Mr. CLARKE.

H.J. Res. 137: Mr. BORSKI, Mr. BRUCE, Mr. CAMPBELL, Mr. HEFLEY, Mr. HOYER, and Mr. SMITH of Florida.

H.J. Res. 328: Mr. CHAPPELL and Mr. LAFALCE.

H.J. Res. 365: Mr. ANDERSON, Mr. ANDREWS, Mr. BADHAM, Mr. BALLENGER, Mr. BARNARD, Mr. BATEMAN, Mrs. BENTLEY, Mr. BEILENSON, Mr. BLILEY, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BROOKS, Mr. BROOMFIELD, Mr. BUECHNER, Mr. CALLAHAN, Mr. CLINGER, Mr. COATS, Mr. COBLE, Mr. CONTE, Mr. COUGHLIN, Mr. DANIEL, Mr. DAVIS of Michigan, Mr. DELAY, Mr. DELLUMS, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ENGLISH, Mr. FAZIO, Mr. FISH, Mr. FROST, Mr. GEKAS, Mr. GILMAN, Mr. GINGRICH, Mr. GREEN, Mr. GREGG, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HASTERT, Mr. HAWKINS, Mr. HEFLEY, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOCKBRUECKNER, Mr. HOPKINS, Mr. HORTON, Mr. HOUGHTON, Mr. HUCKABY, Mr. HUNTER, Mr. HUTTO, Mr. INHOFE, Mr. IRELAND, Mr. JENKINS, Mr. JONES of Tennessee, Mrs. KENNELLY, Mr. KILDEE, Mr. KONNYU, Mr. LATTA, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LENT, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOTT, Mr. LOWRY of Washington, Mr. DONALD E. LUKENS, Mr. MADIGAN, Mr. MARLENEE, Mr. MCCOLLUM, Mr. MCEWEN, Mr. MCHUGH, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MONTGOMERY, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. NATCHER, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. PACKARD, Mr. PASHAYAN, Mr. PEPPER, Mr. PETRI, Mr. PURSELL, Mr. RANGEL, Mr. RAY, Mr. RHODES, Mr. RINALDO, Mr. RODINO, Mr. ROGERS, Mr. ROTH, Mr. ROYBAL, Mr. SCHAEFER, Mr. SCHUMER, Mr. SHAW, Mr. SHUMWAY, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mrs. SMITH of Nebraska, Mr. SMITH of New Hampshire, Mr. SOLOMON, Mr. STANGELAND, Mr. STOKES, Mr. STUMP, Mr. SUNDQUIST, Mr. TAYLOR, Mr. THOMAS of California, Mr. TRAXLER, Mr. UPTON, Mr. VALENTINE, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WHEAT, Mr. WHITTEN, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. WORTLEY, Mr. WYLIE, and Mr. YATRON.

H. Con. Res. 5: Mr. SCHEUER, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. GLICKMAN, Mr. DELAY, and Mr. BONIOR of Michigan.

H. Con. Res. 41: Mr. PEPPER.

H. Con. Res. 97: Mr. KASICH, Mr. KOLTER, Mr. MATSUI, and Mrs. MORELLA.

H. Res. 141: Mr. EVANS, Ms. SLAUGHTER of New York, Mr. WEISS, and Mr. GLICKMAN.

H. Res. 210: Mr. FAWELL and Mr. HYDE.

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. 3296: Mrs. SAIKI.

PETITIONS, ETC.

Under clause 1 of rule XXII,

81. The SPEAKER presented a petition of June W. Depp, City of Hallandale, FL, relative to the Social Security Act; which was referred to the Committee on Ways and Means.