HOUSE OF REPRESENTATIVES—*Wednesday, June 29, 1988*

The House met at 10 a.m.

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

We look to You, Almighty God, for all those benefits that assist people in their problems and concerns. Yet, O God, we know, too, that You have created us with minds to think, hearts to care, and bodies to act to ease the burdens of the day and the pain of life. Encourage us, gracious God, to accept our responsibilities, to use the abilities and gifts You have given us to do the works of justice and mercy everywhere before us. 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.

Mr. RHODES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RHODES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 128, not voting 40, as follows:

[Roll No. 207]

YEAS—263

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCollum
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Patterson
Payne
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Whitten
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—128

Armey
Badham
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell
Chandler
Clay
Clinger
Coats
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Grandy
Gregg
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Miller (OH)
Molinari
Moorhead
Morrison (WA)
Murphy
Nielson
Oxley
Penny
Porter
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—40

Anderson
Biaggi
Boggs
Boulter
Cheney
Clement
Dingell
Dixon
Ford (MI)
Ford (TN)
Gray (IL)
Gray (PA)
Hall (OH)
Hayes (IL)
Hoyer
Hunter
Johnson (SD)
Jones (TN)
Kemp
Konnyu
Lott
Lujan
Mack
MacKay
McCloskey
Mica
Myers
Nagle
Pashayan
Ray
Ritter
Saiki
Spence
Spratt
St Germain
Stratton
Weiss
Wheat
Williams
Wilson

□ 1021

Mr. SCHAEFER changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that he will limit 1-minute speeches today in order to accomplish our legislative business. The Chair will arbitrarily take no more than 8 1-minute speeches on each side, for a total of no more than 16.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 128. Concurrent resolution expressing the sense of the Senate concerning His Majesty King Bhumibol Adulyadej of Thailand.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2188) enti-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

tled "An act to amend section 307 of the Federal Employees' Retirement System Act of 1986."

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER. Pursuant to the provisions of section 491 of the Higher Education Act of 1965, as amended by section 407 of Public Law 99-498, the Chair reappoints on the part of the House the following member from private life to the Advisory Committee on Student Financial Assistance:

Mr. Joseph L. McCormick, of Austin, TX.

APPOINTMENT AS MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 105, 100th Congress, the Chair appoints to the Joint Congressional Committee on Inaugural Ceremonies the following Members on the part of the House:

Mr. WRIGHT of Texas;
Mr. FOLEY of Washington; and
Mr. MICHEL of Illinois.

LITHUANIAN COUPLE REUNITED AFTER 8 YEARS OF SEPARATION

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

Mr. BROWN of California. Mr. Speaker, I would like to take a moment this morning to welcome Mr. Pyatras Pakenas, a Soviet divided spouse who just yesterday was reunited with his wife, Dr. Galina Vileshina, in Washington, DC, after nearly 8 years of separation. I would also like to congratulate my friend and colleague, Congressman CLAY SHAW, of Florida, who has worked tirelessly on behalf of Mr. Pakenas.

In 1980, Dr. Vileshina emigrated to this country from the Soviet Union with the belief that her husband would also be allowed to leave Lithuania and join her. She settled in Florida, working as a practicing physician. When it became apparent that the Soviet Government was not going to let Mr. Pakenas out of the country, she quickly became an outspoken representative for divided spouses. She contacted Representative SHAW to bring her case to the attention of the Soviet Government through Soviet Embassy officials and administration representatives.

Her first good news came last year after Dr. Vileshina appeared on the 1987 human rights show on the "Capital to Capital" ABC Television series. Congressman SHAW was able to stand up on live television and ask the Soviets directly about this case. Soon after that show, Dr. Vileshina was granted a visitor's visa to return to the Soviet Union to visit her husband for 10 days. Just before President Reagan's visit to Moscow for the summit, on May 28, Dr. Vileshina received word that her husband would be allowed to leave. Finally, yesterday—1 month from that date—Mr. Petrov landed at Dulles Airport to a joyful reunion with family and friends.

While this reunion is cause for celebration, I also want to call attention to the case of Mr. Benjamin Charny, who has not been allowed to join his family in the United States and receive the medical attention he needs. I wish Dr. Vileshina and her husband every happiness, but we must temper our feelings of success until all divided spouses and families are reunited. Thousands of Soviet Jews still desire to emigrate to the United States and Israel, and hundreds of spouses and other family members remain cruelly separated. Our joy today for Pyatras and Galina must strengthen and embolden our efforts on behalf of these remaining individuals. The future appears encouraging for relations between the United States and the Soviet Union. However, this brighter future must include a greater willingness on the part of the Soviet leadership to approve emigration for those individuals who seek to practice their religion abroad, or, as in the case of Pyatras and Galina, simply desire to live with their loved ones. I urge my colleagues to share both in my joy today, and in my continued commitment to this important issue.

Again I wish to congratulate CLAY SHAW for his compassion and perseverance on this matter, as well as his leadership, as a member of the Capital-to-Capital Steering Committee, in maintaining our strong focus on human rights issues in that program.

A HAPPY ENDING TO THE TRIBULATIONS OF A LITHUANIAN COUPLE

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, I would like to thank my good friend, the gentleman from California [Mr. BROWN], for his very kind remarks in recognizing a very, very happy event.

Mr. Speaker, I rise today before you and my colleagues to inform you of a happy ending to a beautiful love story.

Last evening, Pyatras Pakenas, of Lithuania, was reunited here in Washington, DC, after an 8-year separation from his wife, Dr. Galina Vileshina. That moment marked the end of an 8-year struggle for Pyatras and Galina and a major breakthrough in cooperation with the Soviet Union. Pyatras and Galina both have shown great strength and courage through their separation, and it is only now that they are able to share and live their lives together in peace.

Mr. Speaker, this is a turning point in the lives of Galina Vileshina and Pyatras Pakenas. Let us not forget other separated families and let us work together to bring happy endings to all those who wish to be reunited in this world.

HOUSE SOON TO CONSIDER PLANT CLOSING BILL

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Mr. Speaker, in the near future we will consider the plant closing bill, the same legislation this body passed as part of the trade bill. The issue is whether or not we should continue to permit employers to harm individual workers, their families, their communities and the country by denying adequate notice of impending mass layoffs and plant closings in circumstances where the employer knows in advance that such action is coming. The simple answer is that we can neither morally nor economically justify this kind of abuse.

Advance notice of plant closings will save $300 million in unemployment compensation alone. Studies have shown that the provision of notice reduces the duration of unemployment for dislocated workers by 27 percent.

The National Academy of Sciences, the GAO, and the President's own plant closing task force all concluded that advance notice is essential to promoting efficient adjustment programs for dislocated workers.

Eighty-six percent of the American people support this legislation. By providing notice, we provide greater opportunity for individuals to control their own lives. Notice is not simply economically essential but morally imperative.

Workers deserve notice. The country can no longer afford the cost of denying them notice. I urge that this body pass this legislation.

AMERICA CELEBRATES ANOTHER GREAT AUTOMOBILE RACE

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

Mr. BUECHNER. Mr. Speaker, Americans are noted for looking ahead to the future. We celebrate the newest and the fastest, the boldest, and the brightest—appreciating today only as a prelude to tomorrow. However, every now and then an event occurs that causes us to pause in our headlong

flight into tomorrow, and to turn our eyes to yesterday. Such an event is the Great Classic Automobile Race currently being run across our country. Last night just beyond the halfway mark they stopped in my district, in the historic town of St. Charles, MO.

Driving a diverse collection of vintage automotive Americana these contestants in their Hupmoblies, Packards, Willys, Pierce Arrows, Studebakers—and a score of other automobile echoes of past glory, will cover over 4,500 miles using only speedometer, stopwatch, pencil and paper to guide their journey; 123 contestants representing 29 States and 4 nations, left Anaheim, CA, on June 22, and will arrive in Boston on July 3.

Billed as the world's preemient race of precision driving, controlled speed, endurance—demanding the ultimate from drivers and machines—these racers carry more than their own individual hopes and dreams of victory. They carry with them a part of what we were—which in large part—has determined what we are today.

As we continue our exploration into the heavens, as we dream of the glories to be found among the stars, it is altogether fitting that we take time to recognize the contributions of those magnificent machines. Gentlemen, ladies, best of luck on the rest of your journey.

HAPPY BIRTHDAY, OCEANSIDE

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

Mr. PACKARD. Mr. Speaker, I rise today to congratulate the city of Oceanside, CA, on the occasion of its 100th birthday. From the day it was founded by Andrew "Uncle Jack" Meyers in 1881, to its incorporation on July 3, 1888, to present day, Oceanside has been regarded as one of southern California's most colorful cities. Part of this city's great appeal comes from its exciting past. Located here is the San Luis Rey Mission, built by Father Junipero Serra. With its rich history and grand architecture, this mission has become known as the King of Old Missions.

Oceanside is also the home of Camp Pendleton, the largest Marine base in the United States. Founded in 1942, Camp Pendleton now stations 45,000 marines and has become an invaluable resource to the community and a vital asset to our Nation's security.

Oceanside is truly admired for its picturesque coastline. Each year, thousands of visitors are drawn toward this city to relax on the sandy beaches of the Pacific Ocean. To commemorate this special birthday, the Oceanside Centennial Committee has planned numerous events, ranging from a talent pageant to a heritage dress contest. This 4-day celebration is well deserved by the city of Oceanside. For the past 100 years, Oceanside has brought pride to southern California, and I am confident that this tradition will continue. Happy birthday, Oceanside.

TRIBUTE TO CHARLES WILSON OF TEXAS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.

Mr. RICHARDSON. Mr. Speaker, now that the Soviets are withdrawing from Afghanistan, everyone is trying to take credit for this successful U.S. foreign policy initiative. Was it President Carter with his boycott of the Olympics that deserves the credit. Was it President Reagan and his freedom fighter policy that turned the tide?

Mr. Speaker, I believe that, if you ask the Mujahidin the true unbiased group in this matter they would say that the man that made the most difference was the gentleman from Texas [Mr. WILSON]. Here is an example where a Congressman played a positive role and made a major contribution to U.S. foreign policy. CHARLIE WILSON took up the Mujahidin struggle when it was not fashionable or well-known. Lord knows how many amendments he passed to provide needed assistance at critical times.

So total was his commitment that the gentleman from Texas [Mr. WILSON] probably was in Afghanistan engaging the enemy. Although this a factious statement, this was CHARLIE WILSON's cause.

CHARLIE WILSON made a difference, and a tribute in our foreign policy should go to this man who, as a Member of Congress, made a positive contribution to a successful policy and to a people seeking liberation and self-determination.

STEEL IMPORTS FROM NON-VRA COUNTRIES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the American Iron and Steel Institute have supplied some new figures that are a little disturbing; namely, that imports of steel into the United States which do not have voluntary restraint agreements rose substantially in the first quarter of 1988. In fact these 15 principal non-VRA countries accounted for 311,000 tons or 57.2 percent of an overall increase of 544,000 tons or 10.8 percent over the 1987 period.

Mr. Speaker, this is disturbing because our steel industry is only now beginning to operate at a profit; not at a big profit, a small profit, and I think that the members of the steel caucus are as concerned about this as am I, and we will look into it to make certain that once again the steel industry of the United States does not revert to the sad plight it went through for so many years while imports poured into this country from overseas.

DISABILITY BENEFITS FOR VICTIMS OF AIDS-RELATED COMPLEX

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today I am introducing legislation which would make it easier for people with severe and disabling AIDS-related complex [ARC] to get disability benefits from the Social Security Administration. Companion legislation is being introduced today in the other body. I urge my colleagues to support this effort.

This legislation would require the Secretary of Health and Human Services to develop revised medical criteria for assessing disability claims involving ARC. Currently, decisions are made regarding ARC cases without clear medical criteria. By establishing clear rules for decisionmaking, these cases can be decided more objectively and in a shorter period of time.

The Social Security Administration reports that over 1,400 ARC claims have been denied by disability determination services across the country. Of the cases that have been allowed, many have been decided favorably only on reconsideration or following an administrative law judge hearing. These levels of review add cost to the system and delay payments to those who are severely disabled.

I meet frequently with people with AIDS and people with ARC in my district. Among the most frequent complaints is the difficulty that people with ARC have with the Social Security Administration. A person with ARC can be just as ill and just as disabled as a person with AIDS. This legislation will help assure fairness in the disability determination process for people with ARC. I urge my colleagues to join me in advocating these reforms. I hope they will consider cosponsoring this humane legislation.

REMEMBER THE CREW OF THE "LIBERTY"

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

Mr. DORNAN of California. Mr. Speaker, because all of my adult life I have been a strong supporter of the young, dynamic State of Israel, the survivors of a great tragedy at sea

have come to my office and asked for some justice, and the justice is simply that they not be shoved down a dark memory hole and that their country act as though the tragedy had never happened.

Mr. Speaker, I speak of the survivors of the crew of the U.S.S. *Liberty*, the United States intelligence ship that was tragically attacked by aircraft of the State of Israel 21 years ago this month.

Now we have had tragedies where in conflict we have killed our own men in a part of the Mediterranean very close to where the *Liberty* lost 34 of its men and 171 others were injured, some of them terribly, in an attack lasting over 2 hours. There were over 821 rockets and machinegun shells pounded into the *Liberty*. In World War II, the island of Sicily about 3 days after our invasion of Italy, our own antiaircraft guns shot down 23 C-47 cargo transports loaded with paratroopers. Shortly after that our Navy ships machinegunned the survivors, who were crashing next to our ships. These were young, healthy paratroopers ready to go into battle, 23 planeloads of them killed by our own fire, a terrible mistake.

Well, Mr. Speaker, such a mistake was the one that Israel perpetrated on the *Liberty*. But this year when we celebrate 37 lost on the U.S.S. *Stark*, in the Persian Gulf, we cannot forget the 34 lost on the *Liberty* and the 171 that were injured. Israel has apologized, and has paid reparations. But the country must remember that we cannot dismiss this tragedy as does Robert Strange McNamara who says, "I don't remember," or LBJ who said "five men were killed in a 5-minute attack."

Mr. Speaker, remember the crew of the *Liberty*.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

□ 1043

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 28, 1988, an amendment offered by the gentleman from Pennsylvania [Mr. WALKER] had been disposed of and the reading of this bill was completed.

AMENDMENT OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW: Page 57, after line 25, add the following new section:

SEC. 332. (a) The Secretary of Transportation shall conduct a study to determine the appropriateness of the location of the park and ride facilities described in subsection (b) which are being proposed for construction in the vicinity of Fort Lauderdale, Florida, in connection with the high occupancy vehicle lanes being constructed on a north-south interstate route which connects Miami and Jacksonville, Florida.

(b) The park and ride facilities referred to in subsection (a) of this section are the following:

(1) The park and ride facility in the vicinity of the interchange connecting Cypress Creek Road and I-95.

(2) The park and ride facility in the vicinity of the proposed interchange connecting Congress Avenue and I-95.

(c) The Secretary shall submit a report to Congress on the results of such study not later than 60 days after the date of enactment of this Act.

Mr. SHAW (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Chairman, this is a very similar amendment that I offered yesterday evening right before the close of business.

In recent weeks, the inspector general of the Department of Transportation has been conducting an informal inquiry into the lobbying activities of a former employee involving the selection of several sites for a major park and ride project in south Florida. In light of this investigation, and recognizing the controversy generated over several of these sites, I feel that it would be to the best interest of all those involved if the Secretary of Transportation were to conduct a reevaluation of these sites to evaluate not only their usefulness, but also their location for a park and ride lot. The results of such investigation would allow the Florida Department of Transportation to either proceed with the project, confident that the chosen sites were capable of serving their intended purpose, or else consider alternative sites before the beginning of construction.

Mr. Chairman, there has been a black cloud of suspicion that has been hovering over two of these lots. One is directly in my own district and one is directly to the north in Palm Beach County, FL.

I believe that because of the questions that have been raised as to the improprieties and the question as to the fact that both these locations are owned by one individual that these layers of suspicion would best be removed by an independent examination by the Federal Department of Transportation before the Florida Department of Transportation continues.

This is a federally funded project and I believe that we as a Congress have a great responsibility to see that our dollars are being spent properly and at this time I am asking for an investigation of a project that I have worked long and hard for and feel is very necessary to my area.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we did not see this amendment in advance and our committee has not had time to review it.

The gentleman is a member of the committee that has argued against rule XXI violations with charts and so forth, as they did last night. This is a similar violation.

I assume that my friend, the gentleman from Florida, voted against the rule yesterday because those violations were protected by the rule. This is exactly the same situation here.

As far as I know, the Public Works Committee chairman opposes this amendment. We have had conversations with a high ranking member of the committee, the distinguished gentleman from California [Mr. MINETA], and I understand he opposes it.

I think this matter well deserves the consideration of the inspector general at DOT and should be handled in that manner.

Therefore, Mr. Chairman, I urge my colleagues to defeat the amendment.

Mr. SHAW. Mr. Chairman, will the gentleman yield to me?

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I think the gentleman in looking at my past voting pattern may have assumed that I voted against the rule, but I must advise my friend that I was absent during the vote yesterday and was unable to either support or oppose the rule.

There is an urgency to this matter and it has been cleared on the minority side, but the gentleman is quite correct, it has not been cleared on the majority side.

The gentleman is also correct in that the amendment has been handed to him of late. As a matter of fact, it was yesterday evening when it was delivered, but I would like to emphasize two points: First, that what we are talking about is doing an investigation of an appropriation that has been made and an authorization that has been made. We are not talking about more money. This is not a pork barrel project. This is simply a study to be sure that everybody is acting honestly and above board.

I would also like to advise the gentleman that the study that I am talking about is going to report back to the Congress and that it would come back to the Public Buildings and Grounds Committee, as well as to the gentleman's committee.

It is unusual for this House to hear from a Member that what he wants to do is investigate the dealings with regard to a project that he supports very much, as I do; but I think in this particular instance this examination is necessary.

Mr. Chairman, I would urge my fellow Members to support this amendment. The reason it is on this bill is because the project is going forward. This Congress will only have this one chance to speak to this particular subject and I feel that it is quite important that we do it before my State DOT continues with the project.

Mr. LEHMAN of Florida. Mr. Chairman, I thank my friend, the gentleman from Florida.

I stand corrected on the gentleman's vote on the rule.

I am sure the matter that the gentleman is going forward with in his amendment is well-intended. We just are not familiar with the details of the situation at this time. I can assure the gentleman from Florida [Mr. SHAW] that our committee will work with the gentleman and the Department of Transportation to pursue this in a correct form and as expeditiously as possible, but I do not consider that an amendment in the House is the proper way to do it at this point.

Again, Mr. Chairman, I urge my colleagues to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SHAW].

The question was taken; and on a division—demanded by Mr. SHAW—there were—ayes 8, noes 13.

So the amendment was rejected.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 28, 1988, it is now in order to consider three amendments to be offered by the gentleman from Illinois [Mr. DURBIN].

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment, designated as Durbin amendment No. 34.

The Clerk read as follows:

Amendment offered by Mr. DURBIN: Page 4, strike lines 3 through 8.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 28, 1988, the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes and a Member opposed will be recognized for 20 minutes.

Does the chairman of the subcommittee, the gentleman from Florida [Mr. LEHMAN] oppose the amendment?

Mr. LEHMAN of Florida. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. LEHMAN] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, the amendment I am offering today, in fact the three amendments which I am offering today, would accomplish the following:

It would terminate the essential air service subsidies. It would then transfer the funds presently allocated in the transportation bill for that subsidy to the Airport Improvement Program.

The net impact of the passage of those amendments and that change would be to increase the budget authority under the Airport Improvement Program by $150 million. This $150 million would then be available to airports across the United States, large and small, for modernization, for improvement and for increasing their devices and instruments to increase the level of safety at those airports.

I might say at the outset, Mr. Chairman, that I have not been on a warpath against the Essential Air Service Program during my years of service on the Transportation Subcommittee. In fact, I voted for the reauthorization of the program, but since that vote I have had the opportunity on two different occasions at public hearings to have, first, a gentleman who is the president of a regional airline, and second, a gentleman representing the administration, come and tell us stories about this program which raise serious questions in my mind.

Let me tell you briefly the history of the program. Ten years ago when we decided to deregulate the airline industry, we put in place the Essential Air Service Program and said that we would guarantee to airports which lost air service a Federal subsidy which they would be eligible for to maintain their service. Last year in the reauthorization we changed the bill, but over the past 10 years we have invested some $500 million of Federal funds into subsidies directly to regional and commuter airlines so that they can maintain service to communities across the United States.

Let me tell you what we have received for our $500 million investment. Today there are 104 communities receiving EAS subsidies. As we look at those subsidies, we find some things which I think most Members of Congress would find indefensible. We find empty planes, massive subsidies, and a history of outrageous overcharges.

Let me be specific. Joel Murray, the president of Simmons Airlines, testified before this subcommittee at O'Hare Field in Chicago and told the following story of service in Jackson, MI, and I quote Mr. Murray:

> Essential Air Service in Jackson, Michigan. At the present time Jackson is best known as the home of Michigan State Penitentiary. The community is only an hour away from the Detroit Metropolitan Airport. It receives two daily round trips to Detroit under its current EAS subsidy. Simmons boards approximately one passenger per flight on this route and receives a subsidy, the airline receives a subsidy of $20,000 a month for that. This equates to a payment of close to $200 for each Jackson to Detroit passenger.

Mr. Murray went on to tell the Senate in testimony that the only realistic prospect for increasing traffic at Jackson, MI, would be a major prison break, in which event all the passengers would be traveling one way only.

That is not the only instance.

In Wisconsin, we provide six flights per week to one airport where they average fewer than one passenger per day.

In California, we subsidize service to a community that has fewer than two passengers a day.

We know that the Department of Transportation standard suggests that unless your community can generate 20 enplanements per day, you cannot reach a threshold for air sufficiency.

The second part of this program, besides the empty planes, are the massive subsidies, and let me give you some examples. In Wisconsin, we subsidize air traffic per passenger from one Wisconsin airport at seven times the fare. The fare is $40 for the trip. The Federal Government pays out $280 for every passenger who gets on the plane.

In another Wisconsin community, we pay as taxpayers $500 for each passenger who gets on the airplane in one community.

And the average? One passenger per day.

Let me tell you what the kicker is. This community is 30 miles away from an airport hub, and yet we are paying $500 a day to maintain this service.

In Georgia in a community with fewer than one passenger per day, $357 is the Federal subsidy for each passenger who boards on the airline.

In fact, of all the markets that are subsidized, in one-third of them the Federal subsidy is larger than the fare being paid by the passenger, and in 20

percent the subsidy is more than twice the fare being paid by the passenger.

In Tennessee in one community, the per passenger subsidy is three times the fare.

In the State of Maine, we pay $219 for each passenger, 152 percent of the fare. They average two passengers per day, and the airport is 35 miles away from Portland, ME, a major field where they do not have subsidized air service.

In addition to these problems, we have a history of overcharges. The inspector general from the Department of Transportation has testified that he did audits in 1986 and found on the average that 39 percent of the claims were excessive.

Let me quote Mr. Melchner:

> The problem is on hold in claims. Nobody explains to the airline who is submitting the claim and how to put it together. It puts a pretty heavy policing task on us to make sure that it is right after the claim comes in.

And pay particular note to what he says now:

> The attitude in the industry is claim it and let the auditors knock it out later.

He goes on to tell of an airline that overclaimed by $486,000 when they asked for their subsidy.

Losing essential air service will definitely mean that some communities will lose air service altogether.

□ 1100

I think it is incumbent on Congress to take on the responsibility of protecting those communities, but let us not take on the responsibility of subsidizing those regional and commuter airlines with massive subsidies which in fact do a disservice to the taxpayers. We know now from the Department of Transportation study that of the communities served, about 24, if we eliminated the subsidy, would probably retain some level of service. Seventy would probably lose service, but half of those are within an hour's drive of another major aiport.

I would suggest to the Members of the House that during the course of this debate that they consider whether this program is worthy of our investment of the precious dollars which we have to allocate under the Transportation appropriation.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, I congratulate the gentleman for bringing an excellent amendment to this floor, and I must, first, warn the Members in this Chamber, and especially those Members who have tobacco growing States, that this is not a tobacco amendment. Listen to what the gentleman from Illinois is talking about. I also want to call attention to the members of the Grace Caucus. Most of the members of the Grace Caucus sent home press releases to their districts calling for the end of waste, fraud, and abuse.

The essential air service does not have fraud in it, but it certainly has waste and abuse. It is wasting the taxpayers' money at a time when we must set the priorities, making it clear that we are not able to waste this kind of money. We need to spend this money on the basic infrastructure needs of our country.

Just think about it. If we spend $29 million on the so-called EAS Program this year, what will we have to show for it? Nothing. A year from now that money will be spent and gone. A tiny number of people will have been transported at a cost that has proven to be more than it is worth. There will be nothing to show for it.

If we adopt these amendments today, we will have $150 million more worth of airport facilities under construction. This time next year, we will have concrete and buildings, access roads, taxiways, terminal space, and gates under construction that will serve many more people than the EAS Program ever will. This $150 million could be a down payment on a new airport for Denver that will serve as a hub for almost every city in the West.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DELAY. Mr. Chairman, I am happy to yield to the gentleman.

Mr. ROBERTS. Mr. Chairman, there are 125,000 people the gentleman is going to disenfranchise who now fly to Denver from 6 communities in my district. Is that a tiny number?

Mr. DELAY. Mr. Chairman, many of the communities that receive this subsidy are within a 1½-hour drive of a major airport.

Mr. ROBERTS. Mr. Chairman, those are 3 to 4 hours. No.

Mr. DELAY. Mr. Chairman, reclaiming my time, this $150 million could help ease the horrible congestion in Chicago, New York, Atlanta, and dozens of other major airports that we have all been stuck in at one time or another because of delays.

In my district, we have reliever airports that need FAA grants to allow them to be purchased by local communities to ensure that they are not lost to commercial development. Many other Members have reliever airports with grants pending before the FAA.

This $150 million will make the difference in a lot of those cases.

I do not expect many of those Members who represent towns receiving these subsidies to support this amendment. They have to protect their districts, but the rest of us owe it to the thousands of our constituents who pay for this service and who use this country's aviation system to make sure that this money is well spent on improvements that will last and serve us all for years to come.

I cannot think of a more timely or well-crafted package of amendments, and I urge their adoption.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DELAY. Mr. Chairman, I am happy to yield to the gentlewoman.

Mrs. SMITH of Nebraska. Mr. Chairman, I want to call to the gentleman's attention that he would disenfranchise the one-half million people who live in my district where all 10 of our airports have to be subsidized and most of those cities are at least 300 miles from a hub airport.

Mr. DELAY. Mr. Chairman, if the gentlewoman would permit me to say so, we are not disenfranchising anyone. If there is a market, it will be served.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, the Essential Air Service [EAS] Program was first enacted in 1978 as part of the Airline Deregulation Act. It was designed to protect small communities from the loss of air service following airline deregulation.

Just 6 months ago, after extensive hearings and debate, Congress reauthorized the EAS Program. Support for the reauthorization of this program was overwhelming. The vote was 385 to 14 in favor.

Unfortunately, the amendment before us now would eliminate all funds for the EAS Program during fiscal year 1989. This is a serious mistake. If passed, it will mean that many small communities will lose all their air service.

Right now, there are more than 400 communities in 48 States that benefit from the service guarantees of the Essential Air Service Program.

About 150 communities in 32 States actually need a subsidy to keep their air service. Most of them could be expected to lose that service if this program were not funded.

Some of the arguments made against the EAS Program are totally without foundation and grossly misleading.

It is argued that many small communities enplane very few passengers. But most communities enplaned many more before deregulation.

It is the failure of the existing EAS Program that is responsible for the lower passenger levels now. The improvements made by the new EAS Program should correct that.

It is argued that some small communities are very close to other airports.

But the new EAS law deletes from the program those that are within 45 miles of a hub.

It is argued that the EAS Program provides no economic benefit.

But this runs directly contrary to the testimony of many community leaders at our hearing last year who stated that air service greatly benefited their area.

Furthermore, many small airlines got their start and prospered under the EAS Program thereby providing many new jobs in their service area.

Finally, it is argued that the DOT inspector general testified that the program is wasteful. But the DOT and the IG renounced this testimony in a June 20 letter to Senator EXON.

The sad fact is that this amendment is a subtle attempt by some airlines to get more valuable landing slots at a major hub airport. By denying EAS subsidies, these airlines hope to put a few small carriers out of business and then grab their slots at Chicago O'Hare. I urge my colleagues not to let them abuse the legislative process in this way.

In my view, the amount of money for EAS that is now in this bill—about $29 million—is barely enough to keep the existing program going let alone fund the improvements we envisioned when we reauthorized it.

Mr. Chairman, the small communities and rural areas of this Nation have been the main victims of airline deregulation. Let's not take one more slap at them by eliminating their air service entirely. Let's vote "no" on this amendment.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I rise in strong opposition to the Durbin amendment.

Mr. Chairman, just last year, Congress reauthorized and revised the Essential Air Service [EAS] Program. This program provides important benefits to small communities and rural areas in Minnesota and across the Nation. The EAS Program ensures that all citizens have access to the national air transportation system.

Some may charge that this program is wasteful. But nothing could be further from the truth.

The amount of money needed to support this program has been steadily decreasing. A few years ago, more than $100 million was needed to support essential air service. Now, less than $30 million is being appropriated.

No doubt, there are some communities whose subsidy per passenger is too high. But this is due to the poor management of the program by the Department of Transportation which has caused passenger traffic to drop dramatically at some communities. The gentleman's amendment is a meat ax approach where a scalpel might be better used. The new EAS Program that Congress recently reauthorized should help to bring passenger traffic back up to predereguation levels and further reduce subsidy per passenger in the long run. But this can only occur if these improvements are given a chance to work. Therefore, I urge you to vote against this amendment and preserve essential air service at small communities.

I would also like to point out that a provision that I sponsored in the new EAS law will give new communities a chance to participate in the EAS Program. But these communities will have to pick up 25 percent of the cost. This provision will greatly benefit several small communities while having a minimal effect on the overall cost.

Therefore, Mr. Chairman, I once again urge the defeat of this amendment.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I strongly oppose the amendment to eliminate funding for the Essential Air Service Program. Less than a year ago, on October 1, 1987, this House voted by an overwhelming 385 to 14 to renew the Essential Air Service Program for 10 years.

The EAS Program was originally adopted in 1978 as part of the Airline Deregulation Act. The program assured small communities which were receiving air service when deregulation was enacted that they would continue to receive at least a minimum level of service, supported by Federal subsidy if necessary. The EAS Program benefits more than 400 communities in the 48 States, and 150 of these communities in 32 States would not have air service without EAS subsidies.

The renewal legislation will improve the cost effectiveness of the EAS Program. One of the problems with the original program was that for many communities, the type of aircraft subsidized was so small that it was unacceptable to passengers. As a result, passenger traffic declined and the subsidy cost per passenger grew. The renewal legislation will require better service which should increase traffic and end up reducing the subsidy cost per passenger.

The renewal legislation requires service with aircraft with at least 15 seats, where a city demonstrates that it has enough traffic to support this size aircraft. The renewal legislation will also improve the cost effectiveness of the program by permitting DOT to end subsidies at communities which are within 45 miles of a hub airport. The renewal legislation also permits DOT to authorize enhanced air service if a community is willing to share in the increased subsidy cost.

Mr. Chairman, the cost of the Essential Air Service Program is quite low. Our estimate was that the cost of the renewed program would not exceed $40 million a year and the appropriations bill we are now considering would appropriate $29 million for the first year of the new program. For this relatively low cost, we have a program which is of great importance to 400 communities which are highly dependent on air service.

I strongly urge defeat of this amendment.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in opposition to the amendment offered by Mr. DURBIN, which would eliminate funding for the Essential Air Service Program.

Just last year, the Congress reauthorized the Essential Air Service Program for another 10 years.

The provision reauthorizing the program was passed in the House by a vote of 385 to 14, certainly an overwhelming margin and a show of the broad support this program has in the House.

In fact, I note that the sponsor of this amendment was among those who voted for the 10-year reauthorization of the program he seeks to eliminate today.

I would urge all my colleagues who voted for the authorization of essential air service to follow through on their commitment to rural America by voting to fund the program.

Mr. Chairman, the Essential Air Service Program is designed to ensure that smaller cities are provided with a minimum of low-cost air service.

Approximately 150 communities across the country now receive essential air service subsidies.

Ten of these cities are in the Third District of Nebraska—Alliance, Chadron, Columbus, Hastings, Kearney, McCook, Sidney, Grand Island, Scottsbluff, and North Platte.

And the Department of Transportation estimates that most of the communities now receiving essential air service subsidies—approximately 70 percent—would lose their air service without the EAS Program.

I think that would be disastrous for Nebraska, and disastrous for the Nation.

Mr. Chairman, I would dispute the contention of those who claim that EAS subsidies provides no significant economic development benefits.

In my district, for example, small manufacturing communities that are hundreds of miles from a major hub airport are especially dependent on the regularly scheduled commuter air service provided by EAS.

Common sense will tell you that if managers cannot get in and out of communities on a regular basis, some plants will be forced to relocate—and a loss of even 20 or 30 jobs would be disastrous for most communities in my district.

And we all know that businesses consider the availability of air service when considering a move to a new location.

I think I can speak for nearly every community served by EAS—or any regularly scheduled air service, for

that matter—when I say that air service is important to economic development.

The sponsor of this amendment says the Essential Air Service Program has "no national benefits."

I disagree.

I believe strongly that essential air service is a good, sound investment in the future viability of rural America.

Now, whether guaranteeing residents of smaller, isolated communities at least a bare minimum of transportation mobility is in the national interest, is a matter of opinion.

But a majority of this House has said "yes" to this program—obviously believing it in the national interest—not only by funding essential air service for the last 10 years, but also by reauthorizing the program for another ten.

Mr. Chairman, the relatively modest amount of funding for EAS guarantees rural and isolated communities a link to the national air transportation system.

And at a time when rural America is trying desperately to diversify by attracting new industry, eliminating air service guarantees would be a devastating blow.

I strongly urge a vote against this amendment, and for the committee bill.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I thank the gentlewoman from Nebraska for yielding.

Mr. Chairman, I just want to say that I think I will support the Durbin amendment, but I think I should observe here that just about 10 days ago in full committee it was the gentleman from Illinois [Mr. DURBIN] who was the only one in our whole committee opposed to a cap of $250,000 subsidy for bees. I guess it all depends on who is getting the sweetener.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to my good friend, the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong opposition to the Durbin amendment. If we are going to solve the problem, let us free up the $10 billion in the trust fund and send it where it should be sent.

Mr. Chairman, our airport and airway system simply is not ready for the Durbin amendment at this point in time. Deregulation has been very good for both the commercial airline industry and the consumers who have saved an estimated $6 billion annually since deregulation took effect. The Essential Air Service Program is a small investment aimed at ensuring fairness in the system without returning to the dark days of regulation. The widespread support for this concept was demonstrated by the vote of 385 to 14 by this body in favor of extending the Essential Air Service Program last October. That amendment, by the way, was supported by the author of the amendment presently under consideration.

I also want to note my disappointment in the manner in which this issue has been framed as a choice between safety and essential air service. This amendment would delete $29 million for vital commercial air service to communities in rural areas across the Nation. That $29 million is less than one-half of 1 percent of the $10 billion surplus that has accumulated in the aviation trust fund. If safety could be improved by spending more money—for which I believe a good case could be made—then we should direct our efforts toward freeing the $10 billion surplus instead of arguing over a relatively miniscule amount of funds that is serving a legitimate and much needed purpose. If the gentleman has uncovered some minor flaws in the program then perhaps we should consider making some changes. But for now, let's not victimize all rural communities that receive a subsidy because of a few flaws that are perceived in the program, and in that regard I urge my colleagues to vote "no" on the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

□ 1115

Mr. PICKLE. Mr. Chairman, I rise in support of this amendment. I do not wish to involve myself so much in the argument about depriving or changing the essential air service. I support the amendment because it is the nearest thing I have to express my feelings about the need to increase funding for airport construction.

As a member of the Committee on Ways and Means, in conjunction with the Committee on Public Works and Transportation we passed legislation last year that said that the Congress must spend 85 percent of the airport and airways trust fund; they must appropriate up to 85 percent of it. If they do not, we are going to cut that in half.

We have asked the Joint Tax Committee to review appropriation of these funds. They told us just last week that the bill before us only spends 74 percent, not 85 percent. We are falling way short of what we need to do. I have talked to the FAA Administrator and I know they want to do what's necessary to protect public safety. I know this committee intends that. But we are not expending enough funds.

At the rate we are going, based on this bill, we will not render essential air safety for this country.

The trust fund now gets 8 percent on passenger tax, 5 percent on freight, we get funds out of fuel, and from international landings.

We have $12 to $13 billion in the trust fund now and approximately half of that is obligated. In other words we have about $7 billion in there not being used and the OMB sits down there like a big mogul and does not spend the money because they just do not want to put it in appropriations.

Now that is wrong. This Congress clearly said we want those funds to be expended for airport development. We expect it. The American people have a right to expect it.

With this amendment there is a controversy about the small airports and essential air service. I am not involved in that dispute. I am saying to you that the American people are demanding action. We should be appropriating these funds, and if you do not want them cut in half, I am telling you as a member of the Committee on Ways and Means that there is a risk that's exactly what is going to happen.

Within the next 30 days I am going to start hearings on these airport and airway trust fund matters because the funds are not being expended and we expect them to be expended.

Mr. Chairman, I rise in support of Mr. DURBIN's amendment.

I do so because it is the only vehicle I see to express my feelings that there should be additional expenditures for airport development. I do not wish to be involved in the question of essential air service. I have no intention of depriving any portion of the country of air service, but I do view with alarm that the Congress is not doing enough to provide safety in our air system.

We are all aware of the vital need in the United States today for improvement of our airport system. The number of people traveling by air has very nearly overloaded the current capacity of our airports. We need new airports and expanded airports, not for convenience alone, but for the safety of the flying public.

Recent news articles report that there will be recordbreaking air traffic this summer. The expected 5-percent increase in airline passengers will mean 100,000 more passengers and 500 more flights a day. Those of us who fly frequently are feeling the crunch, and it will only get worse as the summer progresses.

Personally, I have discussed the need for new and expanded airports with FAA Administrator T. Alan McArtor. He has informed me that there are many more airport projects planned than the FAA can adequately fund because of budgetary constraints.

During recent meetings with Administrator McArtor and staff, the FAA seems willing to do what is necessary to assure safety, and I commend them for their cooperation. The

same intent is evident by this committee and the Public Works Committee.

Currently, many cities are requesting funds from the FAA. Recognizing the need for new airports, cities such as Denver, CO, and my home city, Austin, TX, have made plans to develop new airports. These new facilities are an example of what must be done to unclog our airports.

While I believe that for the most part Congress, and this subcommittee in particular, has tried to address the Nation's need for increased airport development, I believe we must do more.

By passing this amendment, we can increase the obligation ceiling for airport development and planning grants by $150 million. The money in the airport and airway trust fund should be used for the purpose it was intended; airport development. The Congress has clearly expressed that it is our intent and our clear position that we expect more of the airport and airways trust fund to be spent for construction and safety.

Congress has said that unless FAA actually spends an appropriate amount of these funds, the tax for the trust fund will be reduced accordingly. As a member of the Ways and Means Committee, I can tell you that we will reduce the tax if the funds are not used for the purpose for which the tax was imposed.

Less than 6 months ago, the Congress passed a law that says the airport user fees will be reduced by 50 percent if the authorized funds are not appropriated within a given period of time. Now we have the first appropriation bill on this matter and I am afraid that we are clearly not meeting the targets of that law.

The Joint Taxation Committee reviewed, at the request of the Ways and Means Committee, the pending bill and estimates that the Congress is only appropriating approximately 74 percent of the authorized funds. This $150 million extra could only raise that percentage a perceptible amount. The Ways and Means Committee establishes the rate that raises the money.

Today the airport and airway trust funds have both $12 and $13 billion in the fund and approximately less than one-half of that amount has been obligated. That means that we have $6 to $7 billion in the trust fund that is not being expended and this bill overall doesn't do it. We have an 8-percent passenger tax, a 5-percent freight tax, $3 land fee, and 12- to 14-cent fuel tax.

We have set these fees in order to have ample money for aviation safety. If we are only spending 74 percent of the authorized funds, you can be sure that our committee is going to revisit this overall trust fund matter. My subcommittee is going to hold hearings in the next month or two on this vital question.

The American people demand better aviation safety and they are entitled to it. And, I think the public is going to demand it. If we need to improve airport development—and I don't think anybody in the Congress on either side of the aisle would question that—then we must raise our sights and tell the administration and OMB that we expect these funds to be appropriated. The OMB sits down the street like a high mogul pinching pennies from a budgetary standpoint just so the expenditure facts would look small. It is my hope that the Congress will make it clear that we expect these funds to be appropriated.

Airport development is a No. 1 priority for the FAA, the airline industry and airport operators. It should be a No. 1 priority for Congress also.

I urge my colleagues to join with me in voting in favor of this important amendment. I wish it was an amendment that increased airport development—and not a question over essential air services; that is, between rural and urban airports. But, Mr. Chairman, we must do better. Later, I hope we will have a chance to address this question more directly.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the chairman for yielding.

Mr. Chairman, essential air service is a key element of a compact that was agreed upon in 1978, deregulation for the major airlines in the major metropolitan areas of the United States and protection for rural areas of the United States so they could continue to participate in the Nation's economic growth.

We knew what would happen with deregulation, that air service to the small cities would dry up while the hubs, the major areas, the airlines were already developing the hub and spoke system, would suck all the—like an astronomical black hole—suck all the profitable air service into the major metropolitan areas. And that is exactly what happened.

Many small towns would not have air service today if we had not included the essential air service provision in that 1978 Deregulation Act.

So I do not want to hear people coming around complaining about this subsidy program.

Second, let us have some facts in this debate. The fact is that this is a declining program. It was intended to be; it is. Three hundred thirty-five cities were first designated in the Essential Air Service Program. There are 103 cities participating now and the number is going down each year as is the amount of subsidy going down each year.

We had an allegation by the author of the amendment that the Federal Government paid $1,130 to subsidize air fare for each passenger at an airport in Wisconsin.

Well, you know, that is the Beloit/Janesville Airport. The nearest airport, 16 miles away, the gentleman alleges, is smaller than the Rock County Airport at Beloit. It has no commuter service. It is in no way an alternative to the Essential Air Service.

Furthermore the Department of Transportation has made arrangements to find a carrier and the fare subsidy has dropped to $185 per passenger and it is going down further.

The highest subsidy in February 1987 was $515 for Manitowoc in Wisconsin. That subsidy today is down to $356.

The next highest was for Clinton, IA. There were six subsidies of $200 or more per passenger and that number continues to go down.

The fact is that without Essential Air Service, just like with deregulation of the railroads in the 1960's when the rails and the U.S. mail service conspired to take the railway post office off the tracks, small towns lost rail services; they lost passenger service, they lost less-than-carload service, they lost their economic viability. We do not want to see the same thing happen with Essential Air Service.

Now, the gentleman is also talking about a commuter airline that says it cannot get slots at O'Hare Airport. Well, in fact at O'Hare, Essential Air Service accounts for only 5 percent of the slots on weekdays at O'Hare. Only 22 out of over 2,000 slots at O'Hare Airport are attributable to Essential Air Service aircraft.

Now that is not an awful lot to ask. In fact, the newly enacted Essential Air Service Program is going to upgrade basic air service; it is going to give communities a voice in designing that service and is going to require cost sharing—in fact it does because it is now law—for upgraded service.

Do not fall for the smoke and mirrors. You are not going to transfer money from Essential Air Service and expect to see airport improvements springing up next year. The spendout rate is too slow.

They will not pour a pound of concrete with the amendment of the gentleman from Illinois.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

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

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Chairman, I appreciate my colleague from Minnesota yielding to me. As much as I admire my colleague from Illinois, and even though I know his intentions are good, I must join my colleague from Minnesota in opposing his amendment.

I want to emphasize right at the beginning that my district does not receive any funds under the Essential Air Service Program and thus the success or failure of this amendment will not directly affect my district. My opposition to the amendment is due strictly to its impact on our national air transportation system. The amendment is based on a flawed set of assumptions about the direction our air transportation system should be heading.

If we pass this amendment, we are sending a very clear message to the American people that we do not care whether or not vast portions of our country have access to air transporta-

tion. This amendment tells millions of Americans that if they want to fly to other sections of the country they have to move. What is worse is that it tells businesses not to locate in rural areas of the country because they will not have access to air transportation.

If we look back through history at the factors which helped our Nation develop and become a world power, an extensive and diversified transportation system clearly sticks out. Our comprehensive network of railroads, highways, inland waterways, and air corridors has brought our Nation closer together. It has enabled us to grow and prosper in ways our ancestors never dreamed.

Transportation in the United States is not a luxury. It is a necessity. When we built our Interstate Highway System, we did not pass over certain areas of the country just because they were lightly populated. We made the system serve all regions. We must do the same for air transportation, which is no less essential.

If we look at the two biggest problems with our air transportation system today the solution to them should be obvious. One problem is the vast overcrowding at major metropolitan airports. This leads to travel delays and wastes an enormous amount of travelers' time, and it increases the risk of dangerous accidents. The other major problem is that many rural and suburban areas have no air service whatsoever, or substandard service.

The obvious solution is that we should be encouraging the use of more, small, regional airports to relieve the burden on our larger airports, and to provide additional service to areas that need it. By making greater use of smaller regional airports like the Wilkes-Barre/Scranton Airport in Avoca, PA, we can provide direct air service to communities which do not have it, and we can provide connecting service through airports which are currently underutilized.

In a hub and spoke system, as most major airlines currently use, it is not essential that hubs all be in major metropolitan areas. Why should we be paying millions of dollars for airport expansions in the New York or Philadelphia metropolitan areas, for example, when we can provide the same level of service at a much lower cost by making better use of facilities in Wilkes-Barre, Harrisburg, or Allentown?

When Federal Express chose Memphis as its principal hub, Memphis was not a major airline center. What it did have, which Federal wisely recognized, was the ability to expand its operations in a cost-effective and time-efficient manner. There is no reason why we cannot follow that lead with passenger service at other underutilized airports.

The amendment we are considering today would send us down the wrong path. It would lead to even greater concentration of air transportation services. As a result it would widen the disparity between the have and have-not areas of our Nation. We should reject this amendment today and develop a new air transportation policy which encourages the use of smaller, underutilized airports, and discourages the use of larger, crowded airports.

Mr. OBERSTAR. I urge equity for rural America and defeat of the Durbin amendment.

Mr. DURBIN. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] has 7 minutes remaining, and the gentleman from Florida [Mr. LEHMAN] has 6½ minutes remaining.

Mr. DURBIN. Mr. Chairman, is it my understanding as well that the chairman of the subcommittee in opposition to the amendment will be entitled to close the debate?

The CHAIRMAN. The gentleman is correct, the chairman will have the right to close debate.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. This is a difficult area. I acknowledge that there are cities in America that probably in all due respect need essential air service. There are many cities that in my judgment do not.

But my good friend from Minnesota happened to pick out an example that I have some personal knowledge about, Rock County Airport. I happen to have been born in Rock County and I happen to have learned to fly at Rock County Airport. It is a nice airport but it does not need essential service in my judgment. It is only 47 miles from a major airport in Wisconsin, only 76 miles from a major hub airport in Milwaukee.

In my own State I used to represent Jackson, MI. That is on the essential air service list. It is a simple hour drive from Jackson to Detroit Metropolitan Airport or it is a simple 45-minute drive to Lansing, MI, which has excellent air service.

I am sure that the gentleman can cite to me examples where those kinds of conveniences do not exist and I would readily agree with him. My point, however, is that we had 10 years of transition here. While the Committee on Public Works and Transportation I think tried to do a good job, essentially what we ended up with was a grandfathering of everyone who had it, and an expansion of this program into some kind of an entitlement. I can well appreciate that Members in this Congress who were opposed to the deregulation of the airlines might want to hang on to some form of holdfast economic regulation. But I think the time is past.

I would support, I think, a more rational system of essential air service in the future.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to understand that there are some essential services in our country that are important, important to be universal in scope: transportation, communications for example.

Let us talk then about transportation and talk about how it used to be. In the old days we regulated air service and we regulated air service in a way that said to a carrier—

> We will give you some lucrative long-haul routes, you can make some good money off that. But then you also are required to serve this short-haul route that probably is not going to be profitable.

That was a regulatory scheme that we had to provide universal air service. Then deregulation came along. And some folks said—

> We want to be deregulated in the big markets. We want you to fly out of the big Los Angeles/Chicago markets, anywhere you want to go, any place, any fare.

The promise was that if we deregulated so they could access those markets any way they wanted to access them, they would also be required under the EAS then to establish guarantees for the small communities who would otherwise lose all their air service. That was the problem.

If that promise had not been made, I guarantee deregulation would not have happened. But the promise was made. Deregulation happened and the essential air service to the small communities is working. It used to cost nearly $100 million, now it has decreased by almost 70, 75 percent. It gives guarantees for example in my State to communities like Williston, ND, Devils Lake, ND, Jamestown, ND; no, not 40 miles from the nearest population center but hundreds—a hundred or hundreds in some cases. So this is a very important program. We do not make these promises to small communities and then a few years later say—

> As far as we are concerned you can twist in the wind. If you folks want to fly out of O'Hare, out of LAX, you can get any flight you want any direction you want at any fare you want, but you folks in the small communities, sorry about that. We do not have a universal system that cares about you.

Now that does not make sense to me. The strength of this country is to put in place a universal system in transportation that cares about the small as well as the big and that is what the

gentleman from Illinois is trying to undo. I hope we will defeat his amendment and defeat it handily.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague, Mr. DURBIN of Illinois, which would eliminate funding for the Essential Air Service Program. While Mr. DURBIN's goals of ensuring needed improvements in our aviation infrastructure are made are laudable and ones that I share, I do not think they should come at the expense of a program that for some provides the only means of air travel.

The Essential Air Service Program was established so that people living in smaller communities and rural areas would be assured of air transportation to larger cities and hub airports. It is no exaggeration to state that people living in towns such as Dodge City, Hutchinson, Hays, Liberal, KS, do and numerous other communities around the country would be left stranded without any air service if the EAS Program is eliminated. It concerns me that with the decreasing amount of train and bus service because of deregulation to some of these areas as well as poor highways that we are freezing out a segment of our population from basic transportation services.

Quite frankly, this vote raises a very basic question: Do you think rural and small town America has a future? I think it does—it must—and this amendment would be a strike against the large stretches of this land which are not urbanized.

I have long been an advocate of moving ahead on much needed improvements in our aviation infrastructure and commend Mr. DURBIN for his concerns, but to take away from some what is their only means of travel is not the way to do it. I urge defeat of this amendment.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I have got to tell you I am a little steamed about this. Talk about the law of unintended effects, shame on you, shame on you. Mr. DURBIN and Mr. DELAY, based on ideology and speculation, what are you going to do with this amendment is disenfranchise air service in my district, six communities including my hometown.

You are like the cowboy who is shooting flies with a shotgun and I have got to tell you I am more than a little tired of it. One hundred twenty-five thousand people in my district will have no air service. We have heard a great hue and cry here to eliminate the fraud, waste, and abuse. Five hundred thousand people in my district overall will be disenfranchised. And why? For 150 million bucks to improve the airports in Chicago and Houston at the expense of my people? Do a little homework. Eighty-five to ninety percent of those passengers that fly on this plane are business oriented, 24 bucks per passenger.

□ 1130

We are spending less money in total than we were in 1976 and 1978, $30 million, and I resent having only 1 minute to respond to this naked attempt to take away essential air service from my district. Shame on you.

I rise in strong opposition to this attack on rural America's access to essential air service. Not only are we suffering dry weather at a critical time for agriculture, we now must suffer another misguided effort to divert all air passenger service to the Nation's urban areas.

As many Members of this body are well aware, the trend toward deregulation in the past 10 years has eroded transportation, communications, banking and health services in rural communities across this country almost to the point of no return. In 1978 the Airline Deregulation Act went into effect. Since then, major air carriers have been able to abandon air services at will, especially to less profitable rural communities.

The same year the Essential Air Service Program was set in place to ensure that small communities would not lose air service through the transition period of deregulation. Well, deregulation and its long lasting effects still are with us. And if the EAS Program is allowed to expire as this amendment envisions more than 130 rural communities across the Nation in 60 congressional districts will be in jeopardy of losing the remaining air service they currently have.

Not only has the EAS Program assisted many rural communities nationwide, it also has proved cost efficient for taxpayers. Last year more than 50,000 Kansas passengers in nine communities, plus thousands more across the country, were served by airlines participating in the EAS Program at a cost to the Federal Government of about $30 million. That is $40 million less than the same air service cost in 1978.

Mr. Chairman, it amazes me that this attack on our rural air services comes just a few short months after this issue received full study, debate, and approval by the Congress. EAS was authorized for another 10 years at a flat $30 million per year. Again, I remind my colleagues this faces up to our responsibility of holding the line on spending because it is less than we were spending previously and because it does not increase yearly.

For rural communities served under this program, EAS represents their last link to the national transportation system. The last thing we need in this great country is further isolation for rural areas by a misguided, ill timed abandonment of a commitment we made a decade ago and renewed just last year.

I urge in the strongest possible terms a vote to defeat this amendment.

The CHAIRMAN. The Chair will state that the gentleman from Florida [Mr. LEHMAN] has 2½ minutes remaining and the gentleman from Illinois [Mr. DURBIN] has 5 minutes remaining.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, this amendment is being touted as a means of providing increased funding for grants in aid to airports.

Let me just point out that the bill presently provides for a 20-percent increase in the obligation ceiling for grants in aid to airports.

Let me tell the Members what this is about. If we transfer even more money into this grants in aid for airports, we are creating a bow wave out there that is going to kill us in the outyears. I take exception to the statement of my dear friend, the gentleman from Texas, because this increase in grants in aid for airports would create a very small outlay this year, but once we obligate those funds, we would have to provide them year after year and we would cut into every other program we have.

So, Mr. Chairman, I certainly urge the Members to defeat this amendment and the succeeding amendments as well.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I would just like to say, in response to the outlays argument made by my good friend, the ranking minority member, that the outlays will still be prioritized by the subcommittee, and the BA's will be looked at down the road by the subcommittee which does such a credible job.

Let me say to my good friend, the gentleman from Kansas, that I know he is trying to protect his interests in Kansas, and I want to say that every passenger coming out of his district is subsidized $24 to $58. In other words, if they pay $24 to $58 more per ticket, then they would not even need the essential air service and they could continue to fly.

As far as the reference to Houston is concerned, I am more than willing, as I do, to drive from 45 minutes to 1½ hours, depending on traffic, and I drive over 30 miles to get to a hub airport for air service in Houston, because I live completely away from the airport just like those about which we are speaking.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield on that point?

Mr. DELAY. I cannot yield because I have less than a minute left.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

Mr. DURBIN. Mr. Chairman, I yield myself 4 minutes, the balance of my time.

Mr. Chairman, the gentleman from Kansas, speaking in opposition to this amendment, suggested that there was a promise made when deregulation took place and that promise included the essential air service subsidy. What the gentleman failed to note was that that promise was a 10-year promise, and the promise was kept for 10 years, and some $500 million later in Federal subsidies we have a record which demonstrates that we have lost half the passengers in the subsidized airports during that 10-year period of time.

The Federal Government kept its word. Deregulation took place. On another day and at another time we may debate the wisdom of that decision, but let me tell the Members that this subsidy at this point is indefensible.

Members have come up to me and said, "Congressman DURBIN, I cannot support your amendment. It would be devastating to my community."

I took a look at their communities. Let me give one example. In one community there are two passengers a day, two airplanes coming in and out, one passenger on each of them, and $167 is being paid by the Federal Government for each passenger who gets on board. And guess what? That passenger is 45 miles away from a hub airport.

As the gentleman from Texas [Mr. DELAY] mentioned, many people living in urban areas drive from 45 minutes to 1½ hours and think nothing of it. To ask that of residents of rural areas, I do not believe, is unreasonable.

Another Member came to me outraged at this amendment to eliminate this subsidy. I looked at that Member's airport. Do you know how much the subsidy is? It is $11 a passenger. It is only $11 dollars. Are we suggesting that that passenger cannot afford $11?

I would ask the Members to take a closer look at this. Let me acknowledge at this point that I know the gentleman from Kansas has very heartfelt emotions about this amendment. The gentleman from Kansas, the gentlewoman from Nebraska, and the gentleman from North Dakota can each make very valid arguments for a continued subsidy, and I would gladly support those if I could.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I will not yield. I do not have enough time.

Mr. ROBERTS. The gentleman had all the time.

Mr. DURBIN. When we look at the program as a whole, I am afraid at this point we cannot justify the outrageous subsidy charges that are being given to some commuter airlines. The cost of this program, some have said, is going down, but let us take a look at what the administration says. Next year it is to go up from $28 to $40 million, and the changes made in the reauthorization last year cannot help but increase the cost of this program.

Let me also add that the aviation trust fund which will be used for the airport management program enhanced by this amendment is going to be appropriated at a level of $170 million below authorization. We are putting $150 million more into it, and to suggest that money is going to larger airports is just totally unfair. Half the money in the Airport Improvement Program goes to primary airports, and the other half goes to reliever and smaller airports, even in the rural areas. To suggest that they are not helped by that is, I think, unfair and inaccurate.

In fact, let me say that putting the money in airport improvement can help rural areas. It can increase capacity so that there are more gates to serve these areas.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield for just 10 seconds?

Mr. DURBIN. I yield for only 10 seconds to my friend, the gentleman from Kansas.

Mr. ROBERTS. Why are you going to put money into local airports in six towns in my district when we are not going to have any air service?

Mr. DURBIN. The question is whether or not the enhancement of that airport would attract a carrier.

Mr. ROBERTS. We have already done that. We have already enhanced the airports.

Mr. DURBIN. Mr. Chairman, I have yielded to the gentleman, and I have answered his question.

Let me say this: If we take a look at some of the communities in the gentleman's State, the service they are receiving for two planes a day is two passengers. We are paying $58, $150, and $200 for two passengers a day.

Mr. ROBERTS. No; it is $24, and the gentleman knows that.

Mr. DURBIN. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order is requested.

Mr. DURBIN. Let me say also that I have supported amendments for rural America. I represent rural America. I have been there. There is not anyone in rural America who can stand up and defend the indefensible subsidies that are included in the EAS subsidy package. For those of us in rural America to turn our backs on these outrageous overcharges and to suggest that we have to live with those excesses in order to provide service to rural America is, I think, an absolute travesty.

Mr. Chairman, let me suggest to the gentleman that $1,130 for 1 passenger in Wisconsin is an outrage. If any Member of this House turned in a voucher for a 35-mile trip and a $1,130 charge, he would catch blazes back in his district, and he should.

Mr. LEHMAN of Florida. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in opposition to the Durbin amendment.

Mr. Chairman, I rise in strong opposition to the Durbin amendment which would eliminate the $29 million appropriated for the Essential Air Services Program.

There are presently about 41 small air carriers that receive the subsidy payments to serve about 140 small communities around the Nation. In Nebraska, we have 11 communities served by two air carriers which receive subsidies from the Essential Air Service Program. If the subsidy payments were to end as proposed by this amendment, these small communities, like Norfolk, NE, would lose all air service and be cut off from the Nation's air transportation system.

Small communities throughout Nebraska rely heavily on the essential air service subsidy. Since much of Nebraska is sparsely populated, many communities' sole link to the Nation's air transportation system is provided by this subsidy program.

Mr. Speaker, while the overall national experience with airline deregulation has produced benefits, recent bankruptcies and consolidations continue to cause great concern for sparsely populated areas. Certainly small communities have not shared in the benefits of deregulation.

We give much lipservice to the issue of rural development, but when we have a program such as the essential air services that is up and running and is resulting in necessary access and "economic development" by providing an efficient means of transportation—it seems ludicrous to eliminate such a worthwhile and beneficial program.

The Essential Air Services Program should be maintained and I urge my colleagues to vote "no" on the Durbin amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the Durbin amendment which would strike the $29.1 million included in this measure for the Essential Air Service Program. The EAS Program is extremely important to the rural communities of this Nation, including many in West Virginia, in that without the assistance provided by the program, many of these areas simply would have no air service.

In my home State of West Virginia, there are five communities whose airports receive EAS assistance. Two of these communities, Beckley and Bluefield, are located in my congressional district and I can personally attest to the vital need for EAS support in these areas. The continuation of air service in southern West Virginia will be in severe jeopardy without the assistance provided by the EAS.

Adequate air service is of critical importance in many ways to small communities throughout this country. As my home State continues to suffer from inordinately high levels of unemployment, we are seeking to broaden our economic base by promoting new businesses in

the State. One of the most promising areas of development is our tourism industry, for which these community airports are a critical component to ensure further promotion and expansion. Adequate air service is also an important factor in attracting other businesses which we in West Virginia so desperately need.

For these reasons, I urge my colleagues to reject the amendment before us, which would seriously damage the rural air service in this country.

Mr. AKAKA. Mr. Chairman, I rise in opposition to this amendment that would strike $29.1 million in budget authority provided for the Essential Air Service Program.

The Essential Air Service Program is appropriately named because it does just that—it protects small communities from the loss of air service.

The Essential Air Service Program must continue to ensure that adequate air services are provided.

The Pacific Islands rely heavily on air transportation for their economic, social, and political connections to each other and to the mainland. These island communities cannot depend on other air services to takeover any abrupt disruption in service. Any delay could be devastating to the community, not to mention those needing medical attention.

The Pacific island communities have a unique need for air transportation. They are isolated, they lack good intraisland surface transportation, and their air route to Hawaii is a life line for access to the United States. Additionally, these communities are experiencing problems with cargo and mail service that need to be addressed sometime by the Essential Air Service Program.

Airlines in the Pacific must, by geography and role, assume a greater burden of responsibility to the communities they serve. Therefore, the functions and tasks which must be performed by Pacific carriers are unique in the airline industry. Consumer convenience, mobility and safety are the types of considerations and services which directly impact the consumer.

Last October, the House overwhelmingly voted to reauthorize the Essential Air Service Program for 10 years. Now is not the time to cut funding for this program. Now is not the time for Congress to send a message to rural America and the Pacific islands that we don't care about their transportation needs. If this amendment is passed, we will virtually lock in these communities into isolation and economic devastation.

The CHAIRMAN. The gentleman from Florida [Mr. LEHMAN] is recognized for 1 minute to conclude debate.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Essential Air Service Program, which the gentleman from Illinois would eliminate funding for was authorized less than 1 year ago. At that time, an overwhelming majority of the Members voted to continue the program.

Mr. Chairman, I believe our subcommittee and the full Committee on Appropriations have developed a fair and balanced bill. Under our legislation, the Essential Air Service Program would receive a 2-percent increase, which is consistent with the economic summit agreement. The grants in aid for airports program, on the other hand, would receive an increase of $261,275,000—more than a 20-percent increase over fiscal year 1988. This is one of the largest increases in the bill and is the largest program level ever provided for airport development and planning grants.

Mr. Chairman, I would hope the Members could support the committee bill. It is fair; it is balanced; and its adequate to meet our Federal transportation requirements.

I urge a "no" vote on the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 74, noes 333, not voting 24, as follows:

[Roll No. 208]

AYES—74

Archer
Armey
Aspin
Atkins
Bartlett
Barton
Bates
Bellenson
Berman
Bilirakis
Broomfield
Brown (CO)
Bruce
Buechner
Carper
Carr
Chandler
Clay
Conte
Crane
Dannemeyer
Davis (IL)
DeLay
Donnelly
Dornan (CA)
Dreier
Durbin
Fawell
Fields
Florio
Foglietta
Frank
Frenzel
Gallegly
Garcia
Gradison
Green
Guarini
Hamilton
Hefley
Henry
Hertel
Kleczka
Kostmayer
Lancaster
Lewis (CA)
Lowery (CA)
Lungren
McGrath
Miller (CA)
Moorhead
Morrison (CT)
Mrazek
Neal
Owens (NY)
Pease
Pickle
Porter
Ritter
Russo
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Shumway
Smith (TX)
Torricelli
Udall
Walker
Weldon
Wolpe

NOES—333

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
AuCoin
Badham
Baker
Ballenger
Barnard
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dorgan (ND)
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foley
Ford (MI)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefner
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kyl
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Savage
Sawyer
Saxton
Schuette
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—24

Anderson
Biaggi
Bonker
Boulter
Brown (CA)
Cheney

Dixon	Lott	Saiki
Ford (TN)	Mack	Spence
Hayes (IL)	MacKay	Spratt
Johnson (CT)	Mica	St Germain
Jones (TN)	Myers	Stratton
Kemp	Ray	Weiss

□ 1158

Mrs. MEYERS of Kansas and Messrs. LUJAN, SAVAGE, and MOODY changed their vote from "aye" to "no."

Messrs. SENSENBRENNER, BILIRAKIS, WOLPE, and GUARINI changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair's understanding is that the gentleman from Illinois [Mr. DURBIN] will not offer the additional amendments.

Mr. DURBIN. Mr. Chairman, I withdraw the two amendments at the desk.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman from Florida for yielding.

Mr. Chairman, I want to express my support for H.R. 4794, the Department of Transportation appropriations bill for the fiscal year beginning October 1, 1988.

H.R. 4794 provides $10.8 billion in new budget obligation authority for the programs in the Department of Transportation and related agencies. Over $5.1 billion will go to the Federal Aviation Administration [FAA], and an additional $1.5 billion from the airport and airways trust fund will be used for airport development and planning grants—providing a total of $6.6 billion for the FAA in fiscal year 1989. This is a much needed increase of $882 million over last year's appropriation.

Of special interest to me is the $1.53 billion for the Airport Improvement Program [AIP], an increase of $260 million over the fiscal year 1988 level. I fully support the highest possible level of AIP funding because FAA improvement programs would add much-needed new runways and services to the Nation's aviation system, saving enormous sums in the costs of air transportation delays and passenger lost time. This funding also will help make the new Denver metropolitan airport a reality.

The new Denver airport is the only major airport start proposed by the FAA for the country in the next decade. It is critical to the entire national air transportation system. By improving airline service through Denver, we will improve service to all parts of the country. When flights coming to or leaving Stapleton International Airport back up, there's a backup at airports all across the land.

Because the Nation's entire aviation system will benefit from a new Denver airport, the Federal Government has a clear and substantial responsibility to help fund this project. Appropriately, then, this bill designates the new Denver airport a priority facility for receipt of funds from the Secretary of Transportation's discretionary account under the AIP portion of the bill.

The cost for the new airport is projected at $1.6 billion and the funds Denver will realize from the current Stapleton land will represent a significant portion of the overall funding package—perhaps as much as $400 million. However, those funds alone will not be sufficient to complete the airport. That's one of the reasons why an increase in AIP funding levels is so important.

It's also important to understand the implications of the Denver airport project for similar new airport construction in the future. If national airway capacity is going to keep pace with demand, we'll need several more new airports around the country in the 20 years. Other communities will look to the Denver experience to see how seriously they can take Federal Government pledges to help them fulfill their role in the national air transportation system. So we can't afford anything but a success in Denver—a success that's been supported in every way possible at the Federal level.

This bill demonstrates that the House is committed to expanding the capacity of our Nation's air transportation system, and I urge my colleagues to support it.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman from Florida yielding.

Mr. Chairman, I want to compliment the committee for the product they brought to the floor, and I urge its passage.

Mr. Chairman, I rise in strong support of H.R. 4794 and to commend the committee, my friends Mr. LEHMAN, and Mr. COUGHLIN for producing another Transportation Appropriations bill that addresses the changing needs and challenges of American transportation.

The problems this year were especially complex, given continuing budget constraints and rapidly skyrocketing demands on the 302(b) allocations. But, despite these problems, we have before us another well-rounded bill and I compliment its authors.

If the administration had its way, mass transit funding for fiscal year 1989 would have been restricted to the Washington, DC Metro system. That's it! No recognition that mass transit provides vital service to millions of people and hundreds of cities and towns across the country. No recognition that mass transit provides approximately 2.5 billion miles of service each year. No recognition that without continued support, mass transit across the United States would face serious problems in the near future.

Overcoming this sort of hostility is indicative of the kind of foresight we have come to expect from this committee. An excellent example of a transit program hard at work is the MAX system in Portland, OR. The MAX system has been supported by this committee and UMTA for a number of years. This year we're investing in MAX in a way that will revitalize the business district of Northeast Portland.

This is only one example of the hard work of Mr. LEHMAN, the staff, and committee have accomplished—but I think it well represents the efforts of insuring the continued growth in the state of Oregon.

Yet while the bill invests in many successful projects, I must call to the attention of my colleagues a serious situation facing the Coast Guard. It is my understanding that the Defense authorizing conferees have decided that because the military will become more actively involved in the role of drug interdiction, the star wars to drug wars transfer, that I initiated and the House approved earlier this year, has been eliminated.

For anyone who is concerned about drug interdiction and the future of the Coast Guard, this development is most disturbing. The best estimates I can get show that this will leave the Coast Guard short $252 million in AC&I and $75.4 million in OE.

I look forward to working with Mr. LEHMAN, Mr. COUGHLIN, and other members of the appropriate authorizing and appropriations committees, and with Commandant Yost, to address the potential of any funding shortfall that will severely hamper the vital mission of the Coast Guard.

Mr. VALENTINE. Mr. Chairman, the Transportation appropriations bill we are considering today contains provisions that are important to the Nation. I would like to call special attention to one part of the bill.

Raleigh-Durham International Airport, which serves increasing numbers of citizens throughout North Carolina and the Nation, was chosen last year to be the site of a demonstration project to test an experimental radar system.

Because, under current Federal regulations, the parallel runways at RDU are too close to allow simultaneous landings and takeoffs when visibility is poor, the experimental radar system, known as a radar guidance system, will help remedy this particular safety problem and help pave the way for improved operations at other airports across the country.

Once the radar guidance system is installed, air traffic controllers will receive readings every half-second on the location of airplanes approaching or taking off from RDU's twin runways. Until the radar system is fully operational, however, RDU's current system of guiding planes during landings will be used in conjunction with the experimental radar system.

Initially, RDU was awarded $5 million to be used in the development and construction of the radar system. Under the original terms of the agreement, however, the project was to be of limited duration. Once testing had been successfully completed, the radar system was to be dismantled and RDU would again have to rely on its present system of guiding planes during landings until such time as the radar system received final approval from the Federal Aviation Administration.

Today, as we consider H.R. 4794, the Transportation appropriations for fiscal year 1989, the House has an opportunity not only to ensure that the experimental radar system at RDU is completed but also that it be made a permanent safety feature at the airport.

Just as important, we have the opportunity to take a step that will eventually lead to safer operations at many airports across the country.

The bill before us today includes funds to complete the system, which is scheduled for testing from early 1989 to early 1990, and to retain and upgrade the equipment on a permanent basis.

In the last few years I have watched RDU emerge as a major air travel center on the east coast. Now, with the completion of the American Airline hub at RDU, the need for the experimental radar system is greater than ever before. This equipment is vital to the successful and safe operation of the hub.

At a time when it is not uncommon to hear Members of Congress and the administration, as well as representatives of the major airlines, speak of the approaching day when there will be gridlock in the skies, safe and dependable air travel must be a top priority. This experimental radar system will not only set higher safety standards, it will also increase the numbers of people who can be served by RDU and, later, other airports. In short, it will improve the quality of service to the flying public.

Mr. MARLENEE. Mr. Chairman, in 1978 when Congress deregulated the airline industry, we made a commitment to communities served by commuter and smaller airline services to ensure continuation of their service through Essential Air Service [EAS].

The Durbin amendment to H.R. 4794 would break that commitment by eliminating the entire EAS Program of approximately $29 million for fiscal year 1989.

Seven Montana communities—Lewistown, Glendive, Miles City, Glasgow, Wolf Point, Havre, and Sidney—are presently served by EAS, which allows these communities to be connected with the outside world. Without EAS, people who live in these communities would have to travel several hours to use our air traffic system.

Big Sky Airlines/Northwest Airlink is vital to rural communities in Montana and should be permitted to continue their outstanding service. Under the Durbin amendment, Big Sky would be hard-pressed to continue their current level of service to these communities.

With an annual budget of approximately $29 million a year, EAS is inexpensive when compared to many Federal programs that support transportation to the urban centers in the Eastern United States. Mr. Chairman, I urge the defeat of the Durbin amendment.

Mr. ROWLAND of Connecticut. Mr. Chairman, I rise today in strong support of the Shumway-Eckart-Schneider amendment to the Department of Transportation fiscal year 1989 appropriations bill. Reopening the nine Coast Guard search and rescue stations is essential to the safety of the many people who use our waterways for commercial enterprise and for enjoyment.

Search and rescue is a major priority of the U.S. Coast Guard. During the past 6 years, 614 lives were saved as a result of actions taken by the nine stations that were closed this year. It is ludicrous to justify losing lives in order to save a mere $4.8 million out of a budget of $3.07 billion. A dollar figure should not be placed on saving lives.

The Shumway-Eckart-Schneider amendment does not appropriate new money. It merely provides for the reopening of the stations by earmarking $4.8 million of the money already included in the bill. It is also important to point out that the bill does not take any money away from the Coast Guard's excellent effort to stop the flow of illegal drugs into the United States. The Coast Guard has a critical role in the war against drugs and the reopening of the nine stations can only assist the battle.

The station on Block Island, RI, is practically in my backyard. Many of my constituents visit the island in the summertime. It is estimated that each year, Coast Guard Station Block Island saves 12 lives and $2.1 million in property loss. The dedicated men and women on Block Island respond to nearly 200 calls for assistance annually.

It is a shame that the stations were closed at all and I encourage my colleagues to support this critical amendment.

Mr. BRENNAN. Mr. Chairman, I rise today in support of H.R. 4794, a bill making appropriations for the Department of Transportation and related agencies for fiscal year 1989. This measure appropriates $10.8 billion for transportation programs, including such important programs as the Coast Guard, the Federal Aviation Administration, Amtrak, urban mass transit, and the Federal Highway Administration.

There are many important programs which are funded through this measure and I would like to take a moment and highlight the funding allocated for the Coast Guard. As a member of the Coast Guard Subcommittee, I am well aware of the funding difficulties the Coast Guard has faced in fiscal year 1988. I have supported and spoken in favor of granting adequate funding to the Coast Guard so that they can carry out their important missions involving drug interdiction, search and rescue, and marine safety. The appalling situation we have witnessed this year with drug interdiction partols reduced 55 percent has sent the wrong signal to drug smugglers. I remain hopeful that the funding contained in this measure for drug interdiction, $492 million, will alleviate the reduction in drug interdiction patrols for fiscal year 1989.

I was particularly pleased to support Representative SHUMWAY'S amendment earmarking $4.8 million to reopen nine Coast Guard search and rescue stations which were closed earlier this year. Included in the nine affected stations, is a station located at Eastport, ME. This station serves an extremely important role in marine safety for many Maine fishermen and pleasure boaters. The adoption of this amendment will assist in the saving of lives, as witnessed by the fact 617 lives were saved by these nine stations in 1987.

Another important provision contained in the Coast Guard budget is finding for repairing eroded piers at the South Portland, ME, Coast Guard station. Having personally observed the deteriorating condition of these piers, the $8.6 million will correct this problem and assist the Coast Guard in their day-to-day missions.

Because of the limited time, I have only focused on the important Coast Guard portions of this bill. However, I also want to emphasize the other programs contained in H.R. 4794 are worthy of our support—such as the FAA, urban mass transit, Amtrak, and the Federal Highway Administration.

I urge my colleagues to join me in a strong show of support by voting "yes" on H.R. 4794.

Mr. HOLLOWAY. Mr. Chairman, I am opposed to H.R. 4794 because of its many pork barrel demonstration projects, its continuation of substances for Amtrak and its overall cost to U.S. taxpayers.

However, I would like to express my support for a provision urging the Department of Transportation to drop its proposed rulemaking to reclassify anhydrous ammonia as a poisonous gas. This reclassification could cost farmers millions of dollars in increased transportation costs and could even jeopardize the availability of this widely used fertilizer. Because of its importance to corn production and its very good safety record, I concur with the Appropriations Committee and with U.S. Secretary of Agriculture Richard Lyng that anhydrous ammonia should not be classified as a poisonous gas.

Mrs. COLLINS. Mr. Chairman, the Speaker's task force on safety has prepared a report which concludes that the level of air safety has been eroding over the past 8 years to the point where there is a public perception that it is becoming increasingly dangerous to fly. In conducting oversight of the Federal Aviation Administration over the last year, the Government Activities and Transportation Subcommittee, which I chair, has closely examined the regulatory performance of the FAA as it relates to air safety and has prodded the agency to make reforms in critical safety areas. The subcommittee has reviewed, for example, the FAA's oversight of airline maintenance practices, regulation of airport security, and management of the air traffic control system. The subcommittee has also reviewed internal management, including the agency's handling of airline inspections and airline safety regulations, and human resource management as it relates to the agency's employment practices.

The problems which were identified in the course of those subcommittee investigations and hearings run the gamit. What is clear, is that the FAA has remained relatively static in a rapidly changing air transportation environment. Both the Air Traffic Control System and the airline inspection functions have been stretched thin by demands of a proliferation of air carriers entering the industry, and the steep rise in the number of flights, causing an inordinate number of delays and heavy traffic congestion.

In 1986, for example, the Nation's airports handled a record 58.9 million takeoffs and landings, an increase of approximately 1 million more operations than in 1985. This problem is, of course, compounded by an understaffed air traffic controller work force due to the 1981 firing of over 11,000 air traffic controllers. I am particularly sensitive to this problem of an overburdened, undermanned air traffic system. Chicago's O'Hare Airport led the Nation last year in delayed flights—experiencing 133,000 hours of aircraft delay. In terms of time lost for passengers, that airport experienced 12.3 million hours of passenger delay. Chicago O'Hare also led the Nation in the number of air traffic controller errors last

year and, as of June of this year, has experienced 20 systems errors, more than the total number of errors recorded last year. The safety implications of this trend is readily apparent. As more traffic attempts to use limited space, keeping traffic separated becomes more of a challenge for an understaffed, relatively inexperienced work force.

In view of the obvious urgency to rebuild the air traffic controller work force, particularly at Chicago's O'Hare Airport, I find it particularly disturbing that the FAA has apparently failed to adequately recruit and employ minority and female air traffic controllers. My subcommittee recently held hearings in Chicago to examine allegations of race and sex discrimination within the FAA's air traffic control work force at O'Hare. Several controllers testified about discriminatory treatment against them personally and against other blacks and females. What we learned is that nationwide blacks and women represent less than 4 percent and less than 10 percent, respectively, of all air traffic controllers. At O'Hare the shortage is even more acute. There is only 1 black full performance level controller and only 3 female full performance level controllers out of over 100 controllers. Moreover, there have been only 2 black FPL's at O'Hare ever. The FAA readily acknowledges that there is clearly room for progress in this area and has committed to taking more aggressive and innovative initiatives to improve this situation.

Furthermore, the alleged practice of discrimination may impose safety risks. One controller testified about so-called "airplane games"—a deliberate attempt to cause a controller to have a systems error. Another controller testified about being forced to handle more traffic than she was capable of handling. Derogatory literature, with blatantly racist overtones, has surfaced at the O'Hare control tower in the recent past. Clearly, this cannot be tolerated. There is no room for such practices, particularly in key safety-related occupations.

It is my hope that the FAA will be vigilant in erasing vestiges of such attitudes and behavior and continue to pursue affirmative action within its work force.

The CHAIRMAN. Are there any further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1989".

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The first amendment printed in House Report 100-723 is considered as having been adopted.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 371, noes 40, not voting 20, as follows:

[Roll No. 209]

AYES—371

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Staggers
Stallings
Stangeland
Stark
Stokes
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—40

Archer
Armey
Bartlett
Barton
Buechner
Burton
Combest
Crane
Dannemeyer
Davis (IL)
DeWine
Dreier
Fields
Frenzel
Gekas
Gregg
Hertel
Holloway
Jacobs
Kemp
Kyl
Latta
Lightfoot
Lukens, Donald
Lungren
McCandless
McEwen
Moorhead
Nielson
Penny
Petri
Sensenbrenner
Shuster
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stenholm
Stump
Tauke
Walker

NOT VOTING—20

Anderson	Jones (TN)	Saiki
Biaggi	Mack	Spence
Boulter	MacKay	Spratt
Brown (CA)	Marlenee	St Germain
Cheney	Mica	Stratton
Dixon	Myers	Weiss
Hayes (IL)	Ray	

□ 1222

Mr. CRAIG and Mr. HALL of Texas changed their votes from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL ENERGY MANAGEMENT IMPROVEMENT ACT

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1382) to amend the National Energy Conservation Policy Act to improve the Federal Energy Management Program and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Energy Management Improvement Act".

SEC. 2. (a) Title V, part 3 of the National Energy Conservation Policy Act (42 U.S.C. 8251-8261) is amended to read as follows:

"PART 3—FEDERAL ENERGY MANAGEMENT

"SEC. 541. FINDINGS.

"The Congress finds that—

"(1) the Federal Government is the largest single energy consumer in the Nation;

"(2) the cost of meeting the Federal Government energy requirement is substantial;

"(3) there are significant opportunities in the Federal Government to conserve and make more efficient use of energy through improved operations and maintenance, the use of new energy efficient technologies, and through the application and the achievement of energy efficient design and construction;

"(4) Federal energy conservation measures can be financed at little or no cost to the Federal Government using private investment capital made available through performance contracts as authorized by title VIII of the National Energy Conservation Policy Act; and

"(5) an increase in Federal Government energy efficiency would benefit the Nation by reducing the cost of government, reducing national dependence on foreign energy resources, and demonstrating the benefits of greater energy efficiency to the Nation.

"SEC. 542. POLICY.

"It is the policy of the United States that the Federal Government has the opportunity and the responsibility, with the participation of industry, to promote the efficient use of energy by the Federal Government.

"SEC. 543. PURPOSE.

"It is the purpose of this part to promote the conservation and the efficient use of energy by the Federal Government.

"SEC. 544. DEFINITIONS.

"For the purposes of this part—

"(1) The term 'agency' has the meaning given it in 5 U.S.C. 551(1).

"(2) The term 'community of Federal buildings' means a collection of Federal buildings' and the energy consuming support systems for those building collections.

"(3) The term 'construction' means construction and substantial retrofitting or renovation.

"(4) The term 'energy conservation measures' means measures that are applied to a Federal building or community of Federal buildings that improve energy efficiency and are life cycle cost effective, and that involve energy conservation, cogeneration systems, renewable energy sources, improvements in operations and maintenance efficiencies, or retrofit activities.

"(5) The term 'energy survey' means a procedure to be used in determining energy and cost savings likely to result from use of appropriate energy related maintenance and operating procedures and modifications, including the purchase and installation of particular energy-related equipment, and use of renewable energy sources.

"(6) The term 'Federal building' means any building, structure, or facility, or part thereof, and including the associated energy consuming support system, which is owned or leased by the United States, and which consumes energy.

"(7) The term 'life cycle cost' means the total costs of owning, operating, and maintaining a building over its useful life, including such costs as fuel, energy, labor, and replacement components, determined on the basis of a systematic evaluation and comparison of alternative building systems; except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

"(8) The term 'renewable energy sources' includes but is not limited to sources such as agriculture and urban waste, geothermal energy, solar energy, and wind energy.

"(9) The term 'cogeneration;' shall have the same definition as in section 3(18)(A) of the Federal Power Act (16 U.S.C. 796(f))

"(10) The term 'performance contracting' means a contract underwhich energy conservation measures are installed at reduced or no cost to the government and subsequent payments are linked to energy savings.

"(11) The term 'Secretary' means the Secretary of Energy.

"SEC. 545. ESTABLISHMENT AND USE OF LIFE CYCLE COST METHODS.

"(a) ESTABLISHMENT OF LIFE CYCLE COST METHODS.—The Secretary, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, the Director of the National Bureau of Standards, and the Administrator of the General Services Administration, shall—

"(1) establish practical and effective present value methods for estimating and comparing life cycle costs for Federal buildings or communities of Federal buildings, using the sum of all capital and operating expenses of such buildings over the expected life of the proposed energy conservation measure or twenty-five years, whichever is shorter, and using average fuel costs and a discount rate as determined by the Secretary; and

"(2) develop and prescribe the procedures to be followed in applying and implementing the methods so established.

"(b) USE OF LIFE CYCLE COSTS.—*(1)* In the design of new Federal buildings and communities of Federal buildings, and the application of energy conservation measures to existing Federal buildings and communities of Federal buildings, selection of design or conservation alternatives by the Federal Government shall be made using life cycle cost methods and procedures established under subsection (a) of this section.

(2) USE IN LEASED BUILDINGS.—In leasing buildings for its own use or that of another agency, each agency shall give appropriate preference to buildings which minimize life cycle costs.

"(c) USE IN NON-FEDERAL STRUCTURES.—The Secretary shall make available to the public information on the use of life cycle cost methods in the construction of buildings, structures, and facilities in all segments of the economy.

"SEC. 546. BUDGET TREATMENT FOR ENERGY CONSERVATION MEASURES.

"Each agency, in support of the President's annual budget request to the Congress, shall specifically set forth and identify funds requested for energy conservation measures under section 549.

"SEC. 547. INCENTIVES FOR AGENCIES.

"Each agency shall establish a program of incentives that uses internal resources to encourage that agency to conserve and make more efficient use of energy. Such a program shall consist of arrangements in which the managers of Federal buildings or communities of Federal buildings of the agency retain a portion of the dollar savings which result from their energy conservation measures. Such dollar savings shall remain available for obligation without further appropriation to undertake additional energy conservation measures.

"SEC. 548. INTERAGENCY ENERGY MANAGEMENT TASK FORCE.

"(a) In order to assist the interagency committee organized under section 656 of the Department of Energy Organization Act (42 U.S.C. 7266) to coordinate the activities of the Federal Government in promoting energy conservation and the efficient use of energy and inform non-Federal entities of the Federal experience in energy conservation, an Interagency Energy Management Task Force, referred to in this section as the 'Task Force', shall be established.

"(b) The Task Force shall be composed of the chief energy managers of agencies represented on the interagency committee organized under section 656 of the Department of Energy Organization Act (42 U.S.C. 7266).

"(c) The Task Force shall meet when the Director requests, but not less often than twice a year, to assess the progress of the various agencies in achieving energy savings; to collect and disseminate to agencies, States, local governments, and the public, information on effective survey techniques, innovative approaches to the efficient use of energy, incentive programs developed under section 547, innovative performance contracting methods, the use of cogeneration and renewable resources, and other information and technologies that would promote the conservation and the efficient use of energy; to coordinate energy surveys conducted by the agencies; to develop options for use in conserving energy; and to report

to the committee organized under section 656 of the Department of Energy Organization Act (42 U.S.C. 7266).

"(d) The Task Force shall, from time to time, as may be necessary, review the regulations relating to building temperature settings to determine whether or not changes in such regulations would be appropriate to meet the goals of the Act.

"SEC. 549 ENERGY MANAGEMENT GOALS.

"(a) ENERGY PERFORMANCE GOAL FOR FEDERAL BUILDINGS.—Each agency shall apply energy conservation measures to and shall improve the design for the construction of its Federal buildings and communities of Federal buildings so that the energy consumption per gross square foot of its Federal buildings and communities of Federal buildings in use during the fiscal year ending September 30, 1995, is at least 10 per centum less than the energy consumption per gross square foot of its Federal buildings and communities of Federal buildings in use during the fiscal year ending September 30, 1985. Except that a building, and the associated energy consumption and gross square footage, that houses energy intensive activities may, at the discretion of the agency operating that building, be excluded from the requirements of this section. Each agency shall identify and list those buildings designated for exclusion from coverage under this section in its periodic report required in section 550.

"(b) IMPLEMENTATION STEPS FOR FEDERAL BUILDINGS GOAL.—To achieve the goal set in subsection (a), each agency shall—

"(1) prepare or update a plan describing how the agency intends to meet the goal including designation of staff and identification of high priority projects;

"(2) perform energy surveys of its Federal buildings and communities of Federal buildings to the extent necessary for implementation of this section;

"(3) using the results of the energy surveys, apply to its Federal buildings and communities of Federal buildings the most life cycle cost-effective energy conservation measures in accordance with the methods and procedures specified in section 545;

"(4) among federally funded measures, give priority to those having the highest savings to investment ratio, and

"(5) among measures accomplished with private investment capital, give priority to those having the highest estimated net benefit to the government; and

"(6) ensure that any operation and maintenance procedures applied are continued.

"(c) ENERGY PERFORMANCE GOAL FOR FEDERAL PASSENGER AUTOMOBILES.—(1) Each agency shall apply appropriate procurement, operations, and maintenance policies to its passenger automobile fleet so that the fleet's energy consumption per mile driven during the fiscal year ending September 30, 1995, is at least 10 per centum less than the energy consumption per mile driven during the Fiscal Year ending September 30, 1985.

"(2) For purposes of this subsection the term 'passenger automobile' has the meaning given it in section 501(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001(2)), except that the term does not include automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement or emergency rescue work.

"SEC. 550. REPORTS.

"Each agency shall periodically furnish the Secretary with complete information on its activities under this part; on its progress in achieving the goals set in section 549; on the incentives, activities, and result of its program conducted under section 547; on obstacles encountered and recommendations to overcome such obstacles; and on its progress in achieving the goals established in the Federal Ten Year Plan required by section 381(a)(2) of the Energy Policy and Conservation Act. The Secretary shall report annually to Congress on all activities under this part on the progress made toward achievement of the objectives of this part.".

SEC. 3. Section 101(b) of the National Energy Conservation Policy Act (the Table of Contents) is amended to read as follows:

"PART 3—FEDERAL ENERGY MANAGEMENT

"Sec. 541. Findings.
"Sec. 542. Policy.
"Sec. 543. Purpose.
"Sec. 544. Definitions.
"Sec. 545. Establishment and use of life cycle cost methods.
"Sec. 546. Budget treatment for energy conservation measures.
"Sec. 547. Incentives for Agencies.
"Sec. 548. Interagency Energy Management Task Force.
"Sec. 549. Energy Management Goals.
"Sec. 550. Reports.".

SEC. 4. Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c) is amended to read:

"(c) The Secretary shall include in the report required under section 550 of the National Energy Conservation Policy Act the steps taken under subsections (a) and (b) of this section.".

MOTION OFFERED BY MR. SHARP

Mr. SHARP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHARP moves to strike all after the enacting clause of the Senate bill, S. 1382, and to insert in lieu thereof the text of H.R. 4065 as passed by the House , as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Management Improvement Act of 1988".

SEC. 2. FEDERAL ENERGY MANAGEMENT IMPROVEMENTS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251-8261) is amended to read as follows:

"PART 3—FEDERAL ENERGY MANAGEMENT

"SEC. 541. FINDINGS.

"The Congress finds that—

"(1) the Federal Government is the largest single energy consumer in the Nation;

"(2) the cost of meeting the Federal Government's energy requirement is substantial;

"(3) there are significant opportunities in the Federal Government to conserve and make more efficient use of energy through improved operations and maintenance, the use of new energy efficient technologies, and the application and achievement of energy efficient design and construction;

"(4) Federal energy conservation measures can be financed at little or no cost to the Federal Government by using private investment capital made available through contracts authorized by title VIII of this Act; and

"(5) an increase in energy efficiency by the Federal Government would benefit the Nation by reducing the cost of government, reducing national dependence on foreign energy resources, and demonstrating the benefits of greater energy efficiency to the Nation.

"SEC. 542. PURPOSE.

"It is the purpose of this part to promote the conservation and the efficient use of energy by the Federal Government.

"SEC. 543. ENERGY MANAGEMENT GOALS.

"(a) ENERGY PERFORMANCE GOAL FOR FEDERAL BUILDINGS.—(1) Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, its Federal buildings to that the energy consumption per gross square foot of its Federal buildings in use during the fiscal year 1995 is at least 10 percent less than the energy consumption per gross square foot of its Federal buildings in use during the fiscal year 1985.

"(2) An agency may exclude from the requirements of paragraph (1) any building, and the associated energy consumption and gross square footage, in which energy intensive activities are carried out. Each agency shall identify and list in each report made under section 548(a) the buildings designated by it for such exclusion.

"(b) IMPLEMENTATION STEPS—To achieve the goal established in subsection (a), each agency shall—

"(1) prepare or update, within 6 months after the date of the enactment of the Federal Energy Management Improvement Act of 1988, a plan describing how the agency intends to meet such goal, including how it will implement this part, designate personnel primarily responsible for achieving such goal, and identify high priority projects;

"(2) perform energy surveys of its Federal buildings to the extent necessary;

"(3) using such surveys, apply energy conservation measures in a manner which will attain the goal established in subsection (a) in the most cost-effective manner practicable; and

"(4) ensure that the operation and maintenance procedures applied under this section are continued.

"SEC. 544. ESTABLISHMENT AND USE OF LIFE CYCLE COST METHODS AND PROCEDURES.

"(a) ESTABLISHMENT OF LIFE CYCLE COST METHODS AND PROCEDURES.—The Secretary, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, the Director of the National Bureau of Standards, and the Administrator of the General Services Administration, shall—

"(1) establish practical and effective present value methods for estimating and comparing life cycle costs for Federal buildings, using the sum of all capital and operating expenses associated with the energy system of the building involved over the expected life of such system or during a period of 25 years, whichever is shorter, and using average fuel costs and a discount rate determined by the Secretary; and

"(2) develop and prescribe the procedures to be followed in applying and implementing the methods so established.

"(b) USE OF LIFE CYCLE COST METHODS AND PROCEDURES.—(1) The design of new Federal buildings, and the application of energy conservation measures to existing Federal buildings, shall be made using life cycle cost methods and procedures established under subsection (a).

"(2) In leasing buildings for its own use or that of another agency, each agency shall give appropriate preference to buildings which minimize life cycle costs.

"(c) USE IN NON-FEDERAL STRUCTURES.—The Secretary shall make available information to the public on the use of life cycle cost methods in the construction of buildings, structures, and facilities in all segments of the economy.

"SEC. 545. BUDGET TREATMENT FOR ENERGY CONSERVATION MEASURES.

"Each agency, in support of the President's annual budget request to the Congress, shall specifically set forth and identify funds requested for energy conservation measures.

"SEC. 546. INCENTIVES FOR AGENCIES.

"(a) IN GENERAL.—Each agency shall establish a program of incentives for conserving, and otherwise making more efficient use of, energy as a result of entering into contracts under title VIII of this Act.

"(b) IMPLEMENTATION.—The head of each agency shall, no later than 120 days after the date of the enactment of the Federal Energy Management Improvement Act of 1988, implement procedures for entering into such contracts and for identifying, verifying, and utilizing, on a fiscal year basis, the cost savings resulting from such contracts.

"(c) USE OF SAVINGS.—The portion of the funds appropriated to an agency for energy expenses for a fiscal year that is equal to the amount of cost savings realized by such agency for such year from contracts entered into under title VIII shall remain available for obligation, without further appropriation, to undertake additional energy conservation measures.

"SEC. 547. INTERAGENCY ENERGY MANAGEMENT TASK FORCE.

"(a) IN GENERAL.—To assist the interagency committee organized under section 656 of the Department of Energy Organization Act (42 U.S.C. 7266) to coordinate the activities of the Federal Government in promoting energy conservation and the efficient use of energy and in informing non-Federal entities of the Federal experience in energy conservation, the Secretary shall establish an Interagency Energy Management Task Force (hereafter in this section referred to as the 'Task Force').

"(b) MEMBERS.—The Task Force shall be composed of the chief energy managers of agencies represented on the interagency committee organized under section 656 of the Department of Energy Organization Act.

"(c) DUTIES.—The Task Force shall meet when the Secretary requests, but not less often than twice a year, to—

"(1) assess the progress of the various agencies in achieving energy savings;

"(2) collect and disseminate information to agencies, States, local governments, and the public on effective survey techniques, innovative approaches to the efficient use of energy, incentive programs developed under section 546, innovative contracting methods developed under title VIII of this Act, the use of cogeneration facilities and renewable resources, and other technologies that promote the conservation and efficient use of energy;

"(3) coordinate energy surveys conducted by the agencies;

"(4) develop options for use in conserving energy;

"(5) report to the committee organized under section 656 of the Department of Energy Organization Act; and

"(6) review, from time to time as may be necessary, the regulations relating to building temperature settings to determine whether changes in such regulations would be appropriate to assist in meeting the goals specified in section 543.

"SEC. 548. REPORTS.

"(a) REPORTS TO THE SECRETARY.—Each agency shall transmit a report to the Secretary, at times specified by the Secretary but at least annually, with complete information on its activities under this part, including information on—

"(1) the agency's progress in achieving the goals established by section 543; and

"(2) the procedures being used by the agency pursuant to section 546(b), the number of contracts entered into by such agency under title VIII of this Act, the energy and cost savings that have resulted from such contracts, the use of such cost savings under section 546(c), and any problem encountered in entering into such contracts and otherwise implementing section 546.

"(b) REPORTS TO CONGRESS.—The Secretary shall report annually, with respect to each fiscal year beginning after the date of the enactment of this subsection, to the Congress—

"(1) on all activities carried out under this part and on the progress made toward achievement of the objectives of this part, including a copy of the list of the exclusions made under section 543(a)(2);

"(2) the number of contracts entered into by all agencies under title VIII of this Act, the difficulties (if any) encountered in attempting to enter into such contracts, and proposed solutions to those difficulties; and

"(3) the extent and nature of interagency exchange of information concerning the conservation and efficient utilization of energy.

"SEC. 549. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'agency' has the meaning given it in section 551(1) of title 5, United States Code;

"(2) the term 'construction' means new construction or substantial rehabilitation of existing structures;

"(3) the term 'cogeneration facilities' has the same meaning given such term in section 3(18)(A) of the Federal Power Act (16 U.S.C. 796(18)(A));

"(4) the term 'energy conservation measures' means measures that are applied to a Federal building that improve energy efficiency and are life cycle cost effective and that involve energy conservation, cogeneration facilities, renewable energy sources, improvements in operations and maintenance efficiencies, or retrofit activities;

"(5) the term 'energy survey' means a procedure used to determine energy and cost savings likely to result from the use of appropriate energy related maintenance and operating procedures and modifications, including the purchase and installation of particular energy-related equipment and the use of renewable energy sources;

"(6) the term 'Federal building' means any building, structure, or facility, or part thereof, including the associated energy consuming support systems, which is constructed, renovated, leased, or purchased in whole or in part for use by the Federal Government and which consumes energy; such term also means a collection of such buildings, structures, or facilities and the energy consuming support systems for such collection;

"(7) the term 'life cycle cost' means the total costs of owning, operating, and maintaining a building over its useful life (including such costs as fuel, energy, labor, and replacement components) determined on the basis of a systematic evaluation and comparison of alternative building systems, except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease;

"(8) the term 'renewable energy sources' includes, but is not limited to, sources such as agriculture and urban waste, geothermal energy, solar energy, and wind energy; and

"(9) the term 'Secretary' means the Secretary of Energy.".

(b) CONFORMING AMENDMENT.—Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) is amended to read as follows:

"(c) The Secretary shall include in the report required under section 548(b) of the National Energy Conservation Policy Act the steps taken under subsections (a) and (b) of this section.".

(c) TECHNICAL AMENDMENT.—Part 3 of title V of the table of contents of the National Energy Conservation Policy Act is amended to read as follows:

"PART 3—FEDERAL ENERGY MANAGEMENT

"Sec. 541. Findings.
"Sec. 542. Purpose.
"Sec. 543. Energy management goals.
"Sec. 544. Establishment and use of life cycle cost methods and procedures.
"Sec. 545. Budget treatment for energy conservation measures.
"Sec. 546. Incentives for agencies.
"Sec. 547. Interagency Energy Management Task Force.
"Sec. 548. Reports.
"Sec. 549. Definitions.".

SEC. 3. SURVEY OF ENERGY SAVING POTENTIAL.

(a) IN GENERAL.—The Secretary of Energy shall, using funds appropriated to carry out this section, carry out an energy survey, as defined in section 549(5) of the National Energy Conservation Policy Act, for the purposes of—

(1) determining the maximum potential cost effective energy savings that may be achieved in a representative sample of buildings owned or leased by the Federal Government in different areas of the country; and

(2) making recommendations for cost effective energy efficiency and renewable energy improvements in those buildings and in other similar Federal buildings.

(b) IMPLEMENTATION.—(1) The Secretary shall transmit to the Congress, within 180 days after the date on which funds are appropriated to carry out this section, a plan for implementing this section.

(2) The Secretary shall designate buildings to be surveyed in the project so as to obtain a sample of buildings of the types and in the climates that is representative of the buildings owned or leased by Federal agencies in the United States that consume the major portion of the energy consumed in Federal buildings.

(3) For purposes of this section, an improvement shall be considered cost effective if the cost of the energy saved or displaced by the improvement exceeds the cost of the improvement over the remaining life of a Federal building or the remaining term of a lease of a building leased by the Federal government as determined by the life cycle costing methodology developed under section 544 of the National Energy Conservation Policy Act.

(c) PERSONNEL.—(1) In carrying out this section, the Secretary shall utilize personnel who are—

(A) employees of the Department of Energy; or

(B) selected by the agencies utilizing the buildings which are being surveyed under this section.

(2) Such personnel shall be detailed for the purpose of carrying out this section without any reduction of salary or benefits.

(d) REPORT.—As soon as practicable after the completion of the project carried out under this section, the Secretary shall transmit a report of the findings and conclusions of the project to the Congress and to the agencies who own the buildings involved in such project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000 to carry out this section.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4065) was laid on the table.

EXTENDING EXPIRATION DATE OF TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 2203) to extend the expiration data of title II of the Energy Policy and Conservation Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 281, (42 U.S.C. 6285) of the Energy Policy and Conservation Act is amended by striking "1988" both places it appears and inserting "1990" in its place.

MOTION OFFERED BY MR. SHARP

Mr. SHARP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHARP moves to strike all after the enacting clause of the Senate bill, S. 2203, and to insert in lieu thereof the text of H.R. 4604 as passed by the House, as follows:

That section 281 of the Energy Policy and Conservation Act (42 U.S.C. 6285) is amended by striking "1988" both places it appears and inserting in lieu thereof "1990".

SEC. 2. STUDY AND REPORT ON ENERGY POLICY COOPERATION BETWEEN UNITED STATES AND THE OTHER WESTERN HEMISPHERE COUNTRIES.

(a) STUDY.—The Secretary of Energy, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study to determine how best to enhance cooperation between the United States and the other countries of the Western Hemisphere with respect to energy policy including stable supplies of, and stable prices for, energy.

(b) REPORT.—On completion of the study described in subsection (a), the Secretary of Energy shall—

(1) report the results of such study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate;

(2) propose a comprehensive international energy policy for the United States designed to enhance cooperation between the United States and the other countries of the Western Hemisphere; and

(3) recommend such action as the Secretary deems necessary to establish and implement such policy.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4604) was laid on the table.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4867, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 485, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That during the consideration of the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 3 through page 3, line 10; beginning on page 4, line 18 through page 6, line 18; beginning on page 8, line 12 through page 9, line 22; beginning on page 11, line 12 through "compensation:" on page 12, line 12; beginning on page 12, lines 18 through 20; beginning on page 14, line 21 through page 15, line 3; beginning on page 15, lines 8 through 13; beginning on page 43, line 1 through page 44, line 15; beginning on page 45, lines 1 through 17; beginning on page 52, lines 8 through 13; beginning on page 54, line 14 through page 57, line 12; beginning on page 57, lines 24 through 26; beginning on page 60, line 19 through page 63, line 2; beginning on page 66, line 18 through page 67, line 10; beginning on page 83, lines 17 through 20; beginning on page 84, lines 1 through 11; and beginning on page 84, line 20 through page 85, line 5. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Jones of North Carolina, or his designee, said amendments may be offered en bloc, shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a member opposed thereto, and shall not be subject to amendment. Said amendments on bloc may not be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order to consider the amendment printed in the report of the Committee on Rules, if offered by Representative Yates of Illinois, or his designee, and all points of order against said amendment for failure to comply with provisions of clause 7 of rule XVI and with clause 2 of rule XXI are hereby waived. Said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a member opposed thereto, and shall not be subject to amendment. It shall be in order to consider the amendment printed in the report of the Committee on Rules, if offered by Representative Quillen of Tennessee, or his designee, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived. Said amendment shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a member opposed thereto, and shall not be subject to amendment. It shall be in order to consider the amendment printed in the report of the Committee on Rules, if offered by Representative Walker of Pennsylvania, and all points of order against said amendment for failure to comply with the provisions of clause 2(c) of rule XXI are hereby waived, if the motion to rise and report under clause 2(d) of rule XXI is rejected or not offered.

The SPEAKER pro tempore. The gentleman from California [Mr. BIELENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 485 is the rule providing for consideration of H.R. 4867, making appropriations for the Department of Interior and related agencies for fiscal year 1989. The rule waives clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in appropriations bills, against specified provisions of the bill listed in the rule. Where points of order are waived against only a portion of a paragraph, a point of order against any other provision in the paragraph may be made only against that particular provision and not against the entire paragraph.

The rule also makes specific provisions for amendments to be offered by Representative JONES of North Carolina, Representative YATES, Representative QUILLEN, and Representative WALKER; and those provisions are as follows:

First, the rules makes in order the amendments printed in the report accompanying this resolution if offered

by Representative JONES of North Carolina or his designee. The Jones amendments would add $4 million to the Refugee Revenue Sharing Act, and subtract the equivalent amount from land acquisition funds.

These amendments may be offered en bloc, and are debatable for 1 hour. The amendments are not subject to amendments, nor are the amendments, if offered en bloc, subject to a division of the question in the House or in the Committee of the Whole.

Second, the rule makes in order an amendment printed in the report accompanying this resolution if offered by Representative YATES or his designee. The Yates amendment would retain a process for providing recognition to films to that are historically, culturally, and esthetically significant. But it would not make it illegal to show a colorized or otherwise materially altered film without making certain disclosures, as provided under the bill as originally reported by the Appropriations Committee.

The rule waives clause 7 of rule XVI, which prohibits nongermane amendments, and it also waives clause 2 of rule XXI, against the Yates amendment. The rule provides that the amendment is not subject to amendment, and provides for 1 hour of debate on it.

The film provision was a matter of great controversy in the Rules Committee's deliberations on this rule. The language as reported by the Appropriations Committee, was strongly opposed by senior members of the Judiciary Committee who were concerned that the proposed National Film Commission would have the authority to amend U.S. copyright law. The Rules Committee did not protect the Appropriations Committee's original language from points of order but, instead, permitted the offering of an amendment which would provide formal recognition to the most significant American films without raising the copyright issues that the original measure raised. The members of the Rules Committee believe that this is a fair solution, and we commend the members of the Appropriations Committee and the Judiciary Committee who put forth a great deal of effort to accommodate each other on this complex and controversial issue.

Third, the rule makes in order an amendment printed in this report accompanying this resolution if offered by Representative QUILLEN or his designee. The Quillen amendment would prohibit funds from being used to implement proposed rules dealing with the reimbursement of the Government's costs incurred in reviews of surface coal mining and reclamation operations.

The rule waives clause 2 of rule XXI against the Quillen amendment. It provides that the amendment is not subject to amendment, and it provides for 1 hour of debate on the amendment.

Finally, the rule makes in order an amendment printed in the report accompanying this resolution it offered by Representative WALKER. The Walker amendment would prohibit funds from being expended in any workplace that is not free of the illegal use and possession of drugs.

The rule waives clause 2(c) of rule XXI, which prohibits consideration of amendments to appropriations bills which change existing law, against the Walker amendment, if the motion to rise and report under clause 2(d) of rule XXI is rejected or not offered.

Mr. Speaker, H.R. 4867, the bill for which the Rules Committee has recommended this rule, would appropriate $9.7 billion in fiscal year 1989 for the Department of the Interior (except for the Bureau of Reclamation), and for a number of related agencies including the National Forest Service, the fossil fuels and conservation programs under the Department of Energy, Indian education and health programs, the Smithsonian Institution, and the National Foundation on the Arts and Humanities. This bill funds the critically important programs we have to manage our Nation's great natural resources, and to preserve and protect our national heritage. I urge the adoption of House Resolution 485 so that we can proceed with the consideration of this important bill.

□ 1230

Mr. KASTENMEIER. Mr. Speaker, will the gentleman from California yield?

Mr. BEILENSON. I am pleased to yield to my friend, the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I have a question for the gentleman from California with reference to the creation of a national film commission. The language in the text of the bill that we have on page 77 to 82 deals with that subject. However, it is my understanding that the gentleman from Illinois [Mr. YATES] will offer an amendment at page 15 in the bill which proposes a different forumlation of a national film commission. But if I understand the gentleman from California correctly, if the Yates amendment is adopted as offered by the gentleman from Illinois there would be two competing sections dealing with the same subject.

Therefore, is it anticipated by the gentleman from California that a point of order shall lie against the former section; that is, that section on page 73 on?

Mr. BEILENSON. The gentleman is correct. It is anticipated that such a point of order will be brought forward, that it will lie, that it will be accepted without any problem whatsoever.

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

Mr. BEILENSON. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, it was my understanding that the gentleman from Wisconsin [Mr. KASTENMEIER] was ready to offer that point of order. I will tell the gentleman that if he does not do it, I am prepared to do it and make a point of order against that section.

Mr. BEILENSON. Against the original language?

Mr. YATES. Against the original language.

Mr. BEILENSON. I thank the gentleman from Illinois.

Mr. KASTENMEIER. If the gentleman from California will yield further, of course the report and the text of the bill reflects only the former amendment, and I am wondering whether the language that the gentleman from Illinois will offer as a substitute is available to the House?

Mr. BEILENSON. It certainly is. It is printed in the committee report of the Committee on Rules, I will tell the gentleman from Wisconsin, and we have it available for the gentleman right here. We will hand it to him in a moment.

Mr. KASTENMEIER. I thank the gentleman.

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

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, today is a red letter day. Today we are beginning consideration of the last of the 13 general appropriations bills. And unless some unforeseen problem arises, this bill along with all the others will be on its way to the Senate before the fourth of July break begins. Compared to our record in recent years, Mr. Speaker, this is a remarkable achievement. If the Senate is able to move these bills as promptly as the House, there is a good chance of avoiding the sort of omnibus continuing resolution that has caused so many problems in the past.

Mr. Speaker, I would like to commend the members of the Appropriations Committee for their good work in moving these bills on schedule.

I would also like to commend the chairmen of this Appropriations subcommittee, the gentleman from Illinois [Mr. YATES], and the ranking Republican Member, the gentleman from Ohio [Mr. REGULA]. They have had to work out solutions to some very difficult problems in order to move their bill to the floor. Up until recently it looked as if we were in for a battle over the colorization of black and white movies. However, with cooperation of key Members on both sides of

the issue a compromise has been worked out, which will be offered by the gentleman from Illinois [Mr. YATES].

Mr. Speaker, there is nothing in this rule which restricts the normal open amending process for general appropriations bills. This rule establishes a fair procedure for the consideration of the Department of the Interior and related agencies appropriations bill for 1989. I support the rule and the bill it makes in order.

Mr. Speaker, I have an amendment which I propose to offer at the conclusion of the amendment process on the bill with an hour of general debate. The amendment corrects an error, in my opinion, in the fee charges to the coal industry in those States where the Office of Surface Mining administers the program on its own. I will explain this amendment when it is presented on the floor, but the proposed Office of Surface Mining rule discriminates against Tennessee and against the State of Washington and the mine operators on Indian lands. This rulemaking process and the additional fees should not go into effect, Mr. Speaker, and I will offer the amendment at the appropriate time.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from California [Mr. EDWARDS], the distinguished chairman of the Subcommittee on Civil and Constitutional Rights.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I rise to speak on a very narrow point about the bill, but one which is of great importance, I believe, which is that the rule protects a provision, establishing a national film commission to pass on the merits or value of a film. This is an unprecedented and unwarranted extension of Federal power over privately produced works of art. I emphasize that, Mr. Speaker. We should not have an agency or a commission of the Federal Government judging private works of art, films. We certainly would not want them to do it for books or anything else.

This provision creates a commission that will be a new arm of the Federal Government, paid for by the Federal Government, that will judge films and rate them as classics or nonclassics, granting and denying certain protections accordingly.

This is content-based Government regulation of speech. In simple terms, Mr. Speaker, it smacks of censorship.

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

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, would the gentleman tell me how he distinguishes between what is proposed to be done in this bill; namely, to have not a committee of Government people but of lay people who will be in the nature of a peer panel review, and the process such as we have in connection with selections for grants in the National Endowment for the Arts and the National Endowment for the Humanities and the National Science Foundation? The point I am trying to make is I think this is not the first time we have done it. We have done it since we have engaged in the Historic Preservation Program. We have the States of the country designating the buildings that should be designated as historic landmarks and to be registered in the national program. They do not do it for all buildings. They select what they consider to be the outstanding buildings in the country that deserve the designation of national treasures. They are called national landmarks.

This bill proposes an extension of that same kind of critical judgment. As a matter of fact, it is done by people who are not connected with the Government, by the heads of various private organizations, whereas in the case of historic landmarks it is done by Government agencies.

I think this really redounds against the kind of argument the gentleman from California is making. As a matter of fact, we do designate in all kinds of programs what our national treasures should be. We have selected Martin Luther King's home, for example. We have selected Faneuil Hall, the Old, State House, which is a national shrine deserving of particular protection.

These are the kinds of treasures we want to protect and preserve into the future. There are landmarks that are not selected. I suppose this is in the nature of a censorship by the gentleman's definition. But the fact remains that we are now engaged in this program of defining what kinds of lands, what kinds of buildings deserve national recognition, recognition as national, distinctive treasures.

We have that program going, which is an extension of the same program. I do not see it as censorship, but I respect the gentleman's point of view.

Mr. EDWARDS of California. Mr. Speaker, I certainly respect the viewpoint of the gentleman from Illinois [Mr. YATES] and have been a friend and admirer of his for more than a quarter of a century. But I would like to respectfully point out that when he talks about designations of historical monuments that we are not talking about works of art, we are not talking about thoughts, we are not talking about books, we are not talking about films, which are protected by the first amendment, while buildings are not. We are in an entirely different game where these are private works of art judged by people being paid for by the Federal Government, traveling with Federal funds, and to some extent making their living off the Federal Government.

Mr. YATES. Mr. Speaker, if the gentleman will yield further, the architectural works of Frank Lloyd Wright, for example, are selected for national distinction not so much because of their historic values; rather, it is because of their artistic values, and that calls for a judgment by a group of people.

□ 1245

Mr. EDWARDS of California. Mr. Speaker, I think most people can tell the difference between houses and buildings, and books and movies. But the last point I would like to make is that the designation by the National Foundation for the Arts, the granting of Federal funds for worthy artists and authors and so forth, there you are using Federal funds. The key to the problem here is that these are private works of art, private films and you have a Federal agency judging them and allocating benefits accordingly.

I thank the gentleman for yielding.

Mr. FISH. Mr. Speaker, I rise to make a record objecting that this rule would make in order an amendment that would create a National Film Commission to designate certain films as part of a national film registry.

Clearly this amendment represents legislation on an appropriations bill and should not be in order. Moreover, the amendment has not had the benefit of public hearings or debate. This is especially troubling given the complexity of the issues raised by this amendment.

There are copyright implications in the amendment. "Material alteration" is an aspect of moral rights and within the jurisdiction of the copyright and trademark responsibilities of the Judiciary Committee.

I had the opportunity to sit with the House Judiciary Copyright Subcommittee for the 2 days of hearings it held in Geneva on U.S. adherence to the Berne Convention. During the hearings we heard testimony from witnesses of 11 different countries that are all members of Berne. It quickly became clear from their testimony that the issue of moral rights is an extremely complex and controversial one. Each country had varying moral rights laws ranging from strict to very modest and some were reevaluating the effects of their laws. Accordingly, for purposes of U.S adherence to the Berne Convention we made the decision to leave the law with regards to moral rights where it is today and continue to allow it to evolve.

During the House of Representatives consideration of the Berne legislation several members of the Judiciary Committee discussed the need legislatively to address the U.S. moral rights responsibilities outside the

context of Berne adherence, particularly with respect to the film industry.

Accordingly, the gentleman from Wisconsin, BOB KASTENMEIER, and the gentleman from California, CARLOS MOORHEAD, the chairman and ranking Republican on the Copyright Subcommittee requested that the Register of Copyrights and the Commissioner of Patents and Trademarks prepare studies of the relevant provisions of the Copyright Act and the Lanham Act as they relate to the use of colorization, panning and scanning, and time compression of preexisting motion pictures. The Copyright Office published a notice in the Federal Register requesting information relevant to this study on May 25, 1988, and a hearing will be held at the Copyright Office on September 8, 1988.

Last week when the copyright subcommittee held a hearing on Congressman GEPHARDT's Film Integrity Act the Register of Copyrights, Ralph Oman testified that:

The Copyright Office supports the Subcommittee's intention of revisiting the important issue of moral rights after the United States has joined the Berne Union. The Office cannot support any one approach to moral rights legislation concerning the alteration of motion pictures until after the completion of our study on that topic.

I agree with Mr. Oman that before legislating in this area the United States should adhere to Berne and we should await the relevant studies on these issues that have been requested.

Finally, the administration in its letter to the Appropriations Committee on June 15 stated that:

The bill includes authorizing language for a new agency, the National Film Commission, and provides $500,000 for it to create a National Film Registry, label films as to their cultural and aesthetic merit, and require certain disclosures * * * no hearings have been held on this agency, there is no compelling need for it, and the resources are clearly only a small beginning for what could become a massive and intrusive new federal regulatory authority.

Clearly Mr. Speaker, this issue raises serious policy questions about copyright issues which are clearly within the jurisdiction of the Judiciary Committee. Before we proceed on a proposal of this nature we should have an adequate record on which to base our decision. We do not have that in this case. I have heard nothing which justifies the haste in adopting this particular response to a complex issue.

Mr. BEILENSON. Mr. Speaker, we have heard some of the arguments presented as well to the Rules Committee and we have heard arguments on the amendment and the bill itself. We think it is a good rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SUNDQUIST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 57, not voting 32, as follows:

[Roll No. 210]

YEAS—342

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Armey
Atkins
AuCoin
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—57

Archer
Badham
Bartlett
Barton
Bentley
Bilirakis
Bliley
Brown (CO)
Bunning
Burton
Callahan
Coble
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
Dickinson
Edwards (CA)
Fawell
Fields
Fish
Frenzel
Grandy
Gregg
Gunderson
Hastert
Hefley
Henry
Herger
Hiler
Hyde
Ireland
Kastenmeier
Kyl
Lewis (FL)
Lungren
Martin (IL)
McCandless
McCollum
Roberts
Schroeder
Sensenbrenner
Shaw
Shumway
Shuster
Smith, Denny (OR)
Smith, Robert (NH)
Stump
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Whittaker

NOT VOTING—32

Anderson
Aspin
Biaggi
Boulter
Brown (CA)
Chappell
Cheney
Coughlin
Dixon
Gingrich
Hayes (IL)
Hunter
Jones (TN)
Kemp
Konnyu
Lewis (CA)
Lukens, Donald
Mack
MacKay
Marlenee
McDade
Mica
Myers
Ray
Saiki
Spence
Spratt
St Germain
Stratton
Vander Jagt
Weiss
Wilson

□ 1308

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEILENSON. 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 485, the resolution just agreed to.

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to meet for the balance of the day notwithstanding the fact that the House is meeting under the 5-minute rule.

I understand this request has been cleared with the minority.

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

Mr. MADIGAN. Mr. Speaker reserving the right to object, the gentleman from California clearly states the situation. The ranking member of the Committee on Energy and Commerce, the gentleman from New York [Mr. LENT] does not object to our meeting this afternoon during the 5-minute rule.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask that the Committee on the Judiciary may be permitted to sit while the House is reading for amendment tomorrow, June 30, 1988.

The purpose of the meeting is to continue markup of the antidrug abuse amendments.

The minority has been consulted, and the request has been cleared with the minority.

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

There was no objection.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend and their remarks on the bill, H.R. 4867, which we are about to consider, and that I may be permitted to include tables, charts, and other extraneous material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes; and appending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Minnesota [Mr. OBERSTAR] as Chairman of the Committee of the Whole and requests the gentleman from California. [Mr. Bosco] to assume the chair temporarily.

□ 1310

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of Whole House on the State of the Union for the consideration of the bill, H.R. 4867, with Mr. Bosco [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring the Interior and related agencies appropriation bill for fiscal year 1989 to the Committee of the Whole.

The total recommended for the bill is $9,696 billion, an increase of $353 million or less than 4 percent over the amount of the bill for fiscal year 1988.

I will tell the committee members, Mr. Chairman, that the bill is within our 302(b) allocation for both discretionary budget authority and discretionary outlays. But it is just within the limit on outlays, Mr. Chairman, and I hope that the Members of the House are cognizant of that statement and I hope that no amendments will be offered to increase the amount of the bill inordinately because we will be exceeding our outlay limit.

As former House Speaker Thomas Brackett Reed, who served as Speaker of the House at about the turn of the century—and he was a great Speaker, Mr. Chairman—as Speaker Reed once said. "It's very difficult to squeeze a tall oak tree back into the acorn from which it grew."

That is what our subcommittee had to do, Mr. Chairman. Our budget allocation has forced the committee to attempt to do the impossible by compressing the Federal natural resource programs under our jurisdiction to fit within the constraints of our allocation. In order to do this, we have reconfigured the Clean Coal Program. Instead of providing $525 million in 1989, as we planned to do in the bill that the Congress approved for the last fiscal year, the new budget authority for clean coal in 1989 will be $100 million.

The bill also provides that an additional $225 million shall become available in 1990, and $200 million more shall become available in 1991. This conforms with the obligational schedule of the Department of Energy.

In preparing this bill, Mr. Chairman, the committee took testimony from over 300 Members of Congress. Overall these amounted to 1,256 individual requests for action by our subcommittee.

I only regret, Mr. Chairman, that we could not comply with the requests of the Members of Congress who came before us, because in my opinion at least 99 percent of those requests deserved to be recognized by our committee. We just did not have the money to do it.

□ 1315

All of them, all of them were worthy requests, and in time I hope that they will be accepted by the Committee on Appropriations. I hope that the budget will permit the things to be done that the Members of Congress ask us to do because by and large their requests were to preserve and protect parks, forests, wildlife refuges, public lands, the treasures, the national resource treasures, that our Nation has and which we must pass on to our children and to the generations to come.

Mr. Chairman, this bill reflects our continuing investment in America and in the American people. We have rejected the administration's requests in the President's budget to curtail land acquisition for our national parks, our national forests, our public lands and wildlife refuges. The President's budget requested only $20 million for land acquisition, for all our resource agencies, for our parks, our forests, our public lands and wildlife refuges. Rather than the $20 million requested by the administration, we are making

available approximately $167 million for that purpose, an increase of $145 million over the budget request. The President's land acquisition program, had we complied with it, would only result in our facing higher land prices in years to come, loss of critical habitats, hardships for private land owners, we also included $20 million for State grants from the land and water conservation fund. This is $20 million above the administration's request for the State portion of it.

Under the leadership of the administration the Secretaries of the Interior have pushed for greater private development of public resources. The congressional legislation that was passed in 1902 opened public lands for grazing, mining, logging, oil exploration, and water resource development, and it is interesting to note that the Members of Congress who appeared before us were much more interested in preserving our natural resources, in purchasing lands that were threatened with outside development so that we could add to our natural resources rather than permitting outside exploitation of them.

With respect to Outer Continential Shelf leasing, the committee has responded to the requests of large majorities of the California, Florida, and Massachusetts delegations by providing for moratoria on leasing off the coast of northern California, portions of the eastern Gulf of Mexico and Georges Bank in the North Atlantic to protect environmentally sensitive areas which could be affected by drilling operations.

And one of the initiatives taken by our subcommittee, Mr. Chairman, of which I am particularly proud is an appropriation for the National Endowment for the Humanities. This deals with the deterioration of books in libraries all over the country.

A recent study by the Office of Technology Assessment states, and I quote:

> Even in today's high tech society books are the principal records of human civilization. Over the centuries books have become the most reliable and permanent records available, but, in the last century, that reliability has been threatened by the use of modern acidic paper that becomes brittle and unstable in a relative short time. Books printed since 1850 are deteriorating en masse in libraries the world over.

I may say in passing, Mr. Chairman, the gentleman from New York [Mr. GREEN] earlier called my attention to the very spendid work being done by the New York Public Library in connection with fighting the brittling of books. It has been a leader in making copies, in filming books that have already been brittled, so that their contents are preserved and the civilization presented in those books are preserved for the generations to come. Books are an important part of the American civilization, books from the civilizations in the past and the present, and our committee has given the Endowment on the Humanities the lead role among all the agencies, and libraries and organizations that are engaged in this very necessary process. We have set aside $8 million for microfilming brittle books, including grants for cooperative microfilming projects and awards to individual research libraries to film endangered volumes in their collections.

In connection with the preservation program, the Committee agrees that program funds may be used to cover additional administrative expenses associated with the expanded preservation program.

House Report 100-713 explains the committee actions represented in the bill in considerable detail. For further clarification, I am placing support table into the RECORD to accompany this statement.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989

Agency and item	New budget (obligational) authority, fiscal year 1988	Budget estimates of new (obligational) authority, fiscal year 1989	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1988	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1989
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	498,983,000	464,487,000	500,959,000	+1,976,000	+36,472,000
Construction and access	3,430,000	1,338,000	5,431,000	+2,001,000	+4,093,000
Payments in lieu of taxes	105,000,000	105,000,000	105,000,000	---	---
Land acquisition	8,885,000	100,000	11,640,000	+2,755,000	+11,540,000
Oregon and California grant lands	58,475,000	57,434,000	61,445,000	+2,970,000	+4,011,000
Range improvements (indefinite)	8,506,000	8,506,000	8,506,000	---	---
Service charges, deposits & forfeitures (indefinite)	6,600,000	6,000,000	6,000,000	-600,000	---
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	---	---
Total, Bureau of Land Management	689,979,000	642,965,000	699,081,000	+9,102,000	+56,116,000
United States Fish and Wildlife Service					
Resource management	342,594,000	331,863,000	350,251,000	+7,657,000	+18,388,000
Construction and anadromous fish	25,062,000	7,577,000	23,756,000	-1,306,000	+16,179,000
Migratory bird conservation account	1,000,000	---	---	-1,000,000	---
Land acquisition	51,754,000	1,874,000	50,809,000	-945,000	+48,935,000
National Wildlife Refuge Fund	5,645,000	5,645,000	5,645,000	---	---
Total, United States Fish and Wildlife Service	426,055,000	346,959,000	430,461,000	+4,406,000	+83,502,000
National Park Service					
Operation of the national park system	730,799,000	733,768,000	742,181,000	+11,382,000	+8,413,000
National recreation and preservation	12,935,000	10,204,000	14,093,000	+1,158,000	+3,889,000
Historic preservation fund	28,250,000	---	30,000,000	+1,750,000	+30,000,000
Urban Park recreation fund (rescission)	-1,900,000	---	---	+1,900,000	---
Construction	93,017,000	15,003,000	131,809,000	+38,792,000	+116,806,000
Visitors facilities fund	(4,700,000)	---	---	(-4,700,000)	---
(Liquidation of contract authority)	(31,000,000)	(31,000,000)	(47,000,000)	(+16,000,000)	(+16,000,000)
Land and water conservation fund (rescission of contract authority)	-30,000,000	---	-30,000,000	---	-30,000,000
Land acquisition and state assistance	60,749,000	15,779,000	62,206,000	+1,457,000	+46,427,000
John F. Kennedy Center for the Performing Arts	4,904,000	5,193,000	5,181,000	+277,000	-12,000
Illinois and Michigan Canal National Heritage Corridor Commission	250,000	---	250,000	---	+250,000
American Revolution Bicentennial Administration	---	---	4,765,000	+4,765,000	+4,765,000
Total, National Park Service	899,004,000	779,947,000	960,485,000	+61,481,000	+180,538,000
Geological Survey					
Surveys, investigations, and research	447,747,000	425,003,000	448,056,000	+309,000	+23,053,000
Minerals Management Service					
Leasing and royalty management	168,717,000	171,317,000	170,009,000	+1,292,000	-1,308,000
Payments to States from receipts under Mineral Leasing	---	600,000	---	---	-600,000
Total, Minerals Management Service	168,717,000	171,917,000	170,009,000	+1,292,000	-1,908,000
Bureau of Mines					
Mines and minerals	146,398,000	126,605,000	146,254,000	-144,000	+19,649,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	102,125,000	101,066,000	104,086,000	+1,961,000	+3,020,000
Abandoned mine reclamation fund (definite, trust fund)	199,380,000	159,094,000	191,154,000	-8,226,000	+32,060,000
Total, Office of Surface Mining Reclamation and Enforcement	301,505,000	260,160,000	295,240,000	-6,265,000	+35,080,000
Bureau of Indian Affairs					
Operation of Indian Programs	970,756,000	938,416,000	996,024,000	+25,268,000	+57,608,000
Construction	83,225,000	56,793,000	79,136,000	-4,089,000	+22,343,000
Road Construction	1,000,000	---	---	-1,000,000	---
Miscellaneous payments to Indians	13,340,000	13,955,000	13,952,000	+612,000	-3,000
Tribal trust funds	1,000,000	---	---	-1,000,000	---
Revolving fund for loans (limitation on direct loans)	---	(13,000,000)	---	---	(-13,000,000)
Indian loan guaranty and insurance fund	3,085,000	3,370,000	3,370,000	+285,000	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	---	(45,000,000)	---	---	(-45,000,000)
Total, Bureau of Indian Affairs	1,072,406,000	1,012,534,000	1,092,482,000	+20,076,000	+79,948,000

19-059 O-89-5 (Pt. 12)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

Agency and item	New budget (obligational) authority, fiscal year 1988	Budget estimates of new (obligational) authority, fiscal year 1989	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1988	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1989
Territorial and International Affairs					
Administration of territories	78,235,000	71,477,000	82,397,000	+4,162,000	+10,920,000
Trust Territory of the Pacific Islands	41,940,000	2,780,000	28,434,000	-13,506,000	+25,654,000
Compact of Free Association	33,620,000	34,935,000	36,160,000	+2,540,000	+1,225,000
Total, Territorial Affairs	153,795,000	109,192,000	146,991,000	-6,804,000	+37,799,000
Departmental Offices					
Office of the Secretary	47,519,000	51,681,000	49,580,000	+2,061,000	-2,101,000
Office of the Solicitor	23,053,000	25,325,000	24,686,000	+1,633,000	-639,000
Office of Inspector General	17,757,000	18,816,000	18,858,000	+1,101,000	+42,000
Construction Management	1,800,000	1,800,000	1,800,000	---	---
Total, Departmental Offices	90,129,000	97,622,000	94,924,000	+4,795,000	-2,698,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	4,395,735,000	3,972,904,000	4,483,983,000	+88,248,000	+511,079,000
Appropriations	(4,427,635,000)	(3,972,904,000)	(4,513,983,000)	(+86,348,000)	(+541,079,000)
Definite	(4,412,429,000)	(3,958,298,000)	(4,499,377,000)	(+86,948,000)	(+541,079,000)
Indefinite	(15,206,000)	(14,606,000)	(14,606,000)	(-600,000)	---
Rescission	(-31,900,000)	---	(-30,000,000)	(+1,900,000)	(-30,000,000)
(Liquidation of contract authority)	(31,000,000)	(31,000,000)	(47,000,000)	(+16,000,000)	(+16,000,000)
(Limitation on direct loans)	---	(13,000,000)	---	---	(-13,000,000)
(Limitation on guaranteed loans)	---	(45,000,000)	---	---	(-45,000,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	135,510,000	129,279,000	139,865,000	+4,355,000	+10,586,000
State and private forestry	76,469,000	34,781,000	78,143,000	+1,674,000	+43,362,000
National forest system	1,243,391,000	1,159,655,000	1,309,244,000	+65,853,000	+149,589,000
Construction	214,078,000	203,974,000	216,542,000	+2,464,000	+12,568,000
Timber receipts transfer to General Fund (indefinite)	(-78,635,000)	(-79,100,000)	(-79,100,000)	(-465,000)	---
Timber purchaser credits	---	(125,367,000)	(64,000,000)	(+64,000,000)	(-61,367,000)
Mount St. Helens (contract authority)	---	---	(5,333,000)	(+5,333,000)	(+5,333,000)
Land acquisition	49,076,000	3,900,000	42,245,000	-6,831,000	+38,345,000
Timber Roads, Purchaser Election, Forest Service (rescission)	-75,000,000	---	---	+75,000,000	---
Timber Salvage Sales	37,000,000	---	---	-37,000,000	---
Tongass Timber Supply Fund	---	40,699,000	25,264,000	+25,264,000	-15,435,000
Operation and maintenance of recreation facilities	---	31,800,000	---	---	-31,800,000
Acquisition of lands for national forests, special acts	966,000	966,000	966,000	---	---
Acquisition of lands to complete land exchanges (indefinite)	990,000	335,000	335,000	-655,000	---
Range betterment fund (indefinite)	3,605,000	3,875,000	3,875,000	+270,000	---
Miscellaneous trust funds	90,000	90,000	30,000	-60,000	-60,000
Total, Department of Agriculture	1,686,175,000	1,609,354,000	1,816,509,000	+130,334,000	+207,155,000
DEPARTMENT OF ENERGY					
Clean coal technology	50,000,000	---	---	-50,000,000	---
Base program, FY 1989	(525,000,000)	525,000,000	100,000,000	+100,000,000	-425,000,000
Base program, FY 1990	---	---	(225,000,000)	(+225,000,000)	(+225,000,000)
Base program, FY 1991	---	---	(200,000,000)	(+200,000,000)	(+200,000,000)
Supplemental program, FY 1990	---	(575,000,000)	---	---	(-575,000,000)
Supplemental program, FY 1991	---	(600,000,000)	---	---	(-600,000,000)
Supplemental program, FY 1992	---	(600,000,000)	---	---	(-600,000,000)
Fossil energy research and development	326,975,000	166,992,000	357,361,000	+30,386,000	+190,369,000
(By transfer)	(20,894,000)	---	---	(-20,894,000)	---
Naval petroleum and oil shale reserves	159,663,000	185,071,000	185,071,000	+25,408,000	---
Energy conservation	309,517,000	89,359,000	326,138,000	+16,621,000	+236,779,000
Economic regulation	21,565,000	20,772,000	21,010,000	-555,000	+238,000
Emergency preparedness	6,172,000	6,154,000	6,154,000	-18,000	---
Strategic Petroleum Reserve	164,162,000	173,421,000	173,421,000	+9,259,000	---
SPR petroleum	438,744,000	333,555,000	333,555,000	-105,189,000	---
Energy Information Administration	61,398,000	62,856,000	62,856,000	+1,458,000	---
Total, Department of Energy	1,538,196,000	1,563,180,000	1,565,566,000	+27,370,000	+2,386,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

Agency and item	New budget (obligational) authority, fiscal year 1988	Budget estimates of new (obligational) authority, fiscal year 1989	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1988	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1989
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Indian health services	949,481,000	986,772,000	1,016,667,000	+67,186,000	+29,895,000
Fiscal year 1990	---	(1,003,007,000)	---	---	(-1,003,007,000)
Indian health facilities	62,511,000	---	64,050,000	+1,539,000	+64,050,000
Total, Department of Health and Human Services	1,011,992,000	986,772,000	1,080,717,000	+68,725,000	+93,945,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	66,326,000	67,653,000	68,153,000	+1,827,000	+500,000
OTHER RELATED AGENCIES					
Navajo and Hopi Indian Relocation Commission					
Salaries and expenses	25,270,000	22,973,000	27,723,000	+2,453,000	+4,750,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Salaries and expenses	---	2,467,000	3,094,000	+3,094,000	+627,000
Smithsonian Institution					
Salaries and expenses	201,432,000	216,214,000	208,766,000	+7,334,000	-7,448,000
Construction and improvements, National Zoological Park	8,150,000	5,305,000	5,305,000	-2,845,000	---
Restoration and renovation of buildings	19,254,000	20,835,000	20,835,000	+1,581,000	---
Construction	1,315,000	10,150,000	8,655,000	+7,340,000	-1,495,000
Subtotal	230,151,000	252,504,000	243,561,000	+13,410,000	-8,943,000
National Gallery of Art					
Salaries and expenses	37,352,000	38,543,000	37,831,000	+479,000	-712,000
Repair, restoration and renovation of buildings	---	1,000,000	500,000	+500,000	-500,000
Subtotal, National Gallery of Art	37,352,000	39,543,000	38,331,000	+979,000	-1,212,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	4,028,000	4,285,000	4,240,000	+212,000	-45,000
Endowment Challenge Fund	---	350,000	---	---	-350,000
Total, Woodrow Wilson International Center for Scholars	4,028,000	4,635,000	4,240,000	+212,000	-395,000
Total, Smithsonian Institution	271,531,000	296,682,000	286,132,000	+14,601,000	-10,550,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	139,311,000	140,531,000	141,800,000	+2,489,000	+1,269,000
Matching grants	28,420,000	27,200,000	27,200,000	-1,220,000	---
Total, National Endowment for the Arts	167,731,000	167,731,000	169,000,000	+1,269,000	+1,269,000
National Endowment for the Humanities					
Grants and administration	111,935,000	111,735,000	125,000,000	+13,065,000	+13,265,000
Matching grants	28,500,000	28,700,000	28,700,000	+200,000	---
Total, National Endowment for the Humanities	140,435,000	140,435,000	153,700,000	+13,265,000	+13,265,000
Institute of Museum Services					
Grants and administration	21,944,000	21,944,000	22,620,000	+676,000	+676,000
Commission on Film Colorization					
Salaries and expenses	---	---	500,000	+500,000	+500,000
Total, National Foundation of the Arts and the Humanities	330,110,000	330,110,000	345,820,000	+15,710,000	+15,710,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

Agency and item	New budget (obligational) authority, fiscal year 1988	Budget estimates of new (obligational) authority, fiscal year 1989	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1988	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1989
Commission of Fine Arts					
Salaries and expenses	443,000	451,000	475,000	+32,000	+24,000
National Capital Arts and Cultural Affairs					
Grants	4,500,000	---	5,000,000	+500,000	+5,000,000
Advisory Council on Historic Preservation					
Salaries and expenses	1,719,000	1,781,000	1,774,000	+55,000	-7,000
National Capital Planning Commission					
Salaries and expenses	2,948,000	2,962,000	2,962,000	+14,000	---
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	28,000	28,000	28,000	---	---
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,516,000	2,353,000	2,343,000	-173,000	-10,000
Public development	3,000,000	3,095,000	3,175,000	+175,000	+80,000
Total, Pennsylvania Avenue Development Corporation	5,516,000	5,448,000	5,518,000	+2,000	+70,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	2,171,000	2,209,000	2,594,000	+423,000	+385,000
Total, title II, Related Agencies:					
New budget (obligational) authority	4,946,925,000	4,892,070,000	5,212,065,000	+265,140,000	+319,995,000
Appropriations	(5,021,925,000)	(4,892,070,000)	(5,212,065,000)	(+190,140,000)	(+319,995,000)
Definite	(5,017,330,000)	(4,887,860,000)	(5,207,855,000)	(+190,525,000)	(+319,995,000)
Indefinite	(4,595,000)	(4,210,000)	(4,210,000)	(-385,000)	---
(Timber receipt transfer to general fund)	-78,635,000	-79,100,000	-79,100,000	-465,000	---
(By transfer)	20,894,000	---	---	-20,894,000	---
RECAPITULATION					
Total, Department of the Interior and Related Agencies Appropriations:					
New budget (obligational) authority	9,342,660,000	8,864,974,000	9,696,048,000	+353,388,000	+831,074,000
Appropriations	(9,449,560,000)	(8,864,974,000)	(9,726,048,000)	(+276,488,000)	(+861,074,000)
Definite	(9,429,759,000)	(8,846,158,000)	(9,707,232,000)	(+277,473,000)	(+861,074,000)
Indefinite	(19,801,000)	(18,816,000)	(18,816,000)	(-985,000)	---
Rescission	(-106,900,000)	---	(-30,000,000)	(+76,900,000)	(-30,000,000)
(Liquidation of contract authority)	(31,000,000)	(31,000,000)	(52,333,000)	(+21,333,000)	(+21,333,000)
(Timber receipt transfer to general fund)	(-78,635,000)	(-79,100,000)	(-79,100,000)	(-465,000)	---
(By transfer)	(20,894,000)	---	---	(-20,894,000)	---
TITLE I -DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	689,979,000	642,965,000	699,081,000	+9,102,000	+56,116,000
United States Fish and Wildlife Service	426,055,000	346,959,000	430,461,000	+4,406,000	+83,502,000
National Park Service	899,004,000	779,947,000	960,485,000	+61,481,000	+180,538,000
Geological Survey	447,747,000	425,003,000	448,056,000	+309,000	+23,053,000
Minerals Management Service	168,717,000	171,917,000	170,009,000	+1,292,000	-1,908,000
Bureau of Mines	146,398,000	126,605,000	146,254,000	-144,000	+19,649,000
Office of Surface Mining Reclamation and Enforcement	301,505,000	260,160,000	295,240,000	-6,265,000	+35,080,000
Bureau of Indian Affairs	1,072,406,000	1,012,534,000	1,092,482,000	+20,076,000	+79,948,000
Territorial and International Affairs	153,795,000	109,192,000	146,991,000	-6,804,000	+37,799,000
Secretarial Offices	90,129,000	97,622,000	94,924,000	+4,795,000	-2,698,000
Total, Title I - Department of the Interior	4,395,735,000	3,972,904,000	4,483,983,000	+88,248,000	+511,079,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1988 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1989—Continued

Agency and item	New budget (obligational) authority, fiscal year 1988	Budget estimates of new (obligational) authority, fiscal year 1989	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1988	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1989
TITLE II - RELATED AGENCIES					
Forest Service	1,686,175,000	1,609,354,000	1,816,509,000	+130,334,000	+207,155,000
Department of Energy	1,538,196,000	1,563,180,000	1,565,566,000	+27,370,000	+2,386,000
Indian Health	1,011,992,000	986,772,000	1,080,717,000	+68,725,000	+93,945,000
Indian Education	66,326,000	67,653,000	68,153,000	+1,827,000	+500,000
Navajo and Hopi Indian Relocation Commission	25,270,000	22,973,000	27,723,000	+2,453,000	+4,750,000
Institute of American Indian and Alaska Native Culture and Arts Development	---	2,467,000	3,094,000	+3,094,000	+627,000
Smithsonian	230,151,000	252,504,000	243,561,000	+13,410,000	-8,943,000
National Gallery of Art	37,352,000	39,543,000	38,331,000	+979,000	-1,212,000
Woodrow Wilson International Center for Scholars	4,028,000	4,635,000	4,240,000	+212,000	-395,000
National Endowment for the Arts	167,731,000	167,731,000	169,000,000	+1,269,000	+1,269,000
National Endowment for the Humanities	140,435,000	140,435,000	153,700,000	+13,265,000	+13,265,000
Institute of Museum Services	21,944,000	21,944,000	22,620,000	+676,000	+676,000
Commission on Film Colorization	---	---	500,000	+500,000	+500,000
Commission of Fine Arts	443,000	451,000	475,000	+32,000	+24,000
National Capital Arts and Cultural Affairs	4,500,000	---	5,000,000	+500,000	+5,000,000
Advisory Council on Historic Preservation	1,719,000	1,781,000	1,774,000	+55,000	-7,000
National Capital Planning Commission	2,948,000	2,962,000	2,962,000	+14,000	---
Franklin Delano Roosevelt Memorial Commission	28,000	28,000	28,000	---	---
Pennsylvania Avenue Development Corporation	5,516,000	5,448,000	5,518,000	+2,000	+70,000
Holocaust Memorial Council	2,171,000	2,209,000	2,594,000	+423,000	+385,000
Total, Title II - Related Agencies	4,946,925,000	4,892,070,000	5,212,065,000	+265,140,000	+319,995,000
Grand total	9,342,660,000	8,864,974,000	9,696,048,000	+353,388,000	+831,074,000

Mr. Chairman, I recommend that the bill be adopted.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Mr. Chairman, I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Interior appropriations bill for fiscal year 1989, and I commend the members of the committee for approving this bill, as with the other appropriations bills we have considered this year, within the targets set by the budget resolution and last year's budget summit agreement.

In particular, I would like to speak in favor of language approved by the committee which directs the National Park Service, within available funds, to conduct an origin and destination transportation survey within the boundaries of the Delaware Water Gap National Recreation Area, which is partially located within my district. Let me assure my colleagues that this is indeed an important provision of this legislation.

Last year, the National Park Service unveiled a comprehensive management plan for the Delaware Water Gap National Recreation Area. This document will guide the management of the park over the next 10 years, of course, subject to congressional appropriations. The House will consider initial funding for the general management plan next year at this time; that is, if the plan remains on present schedule.

What disturbs me is that the development of recreation facilities, as proposed in the plan, would, by the National Park Service's own estimates, increase visitation to the park by over 300 percent in the next decade. Mr. Chairman, rapid growth in this area of the country is already well-documented. Roads are presently burdened with excessive traffic congestion and gridlock. As a consequence, the region's businesses, emergency services, and residents have been adversely affected.

Therefore, it is important for the National Park Service to conduct this transportation survey. The study, to be conducted in cooperation with the New Jersey Department of Transportation, will help prepare the surrounding communities for the impact associated with implementation of the general management plan. Certainly, the National Park Service should take on this responsibility, as it is this Federal agency which will be imposing the general management plan on the communities of northwest New Jersey.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I want to apologize to the House for not having in my remarks acknowledged the magnificent contribution that has been made to the drafting and crafting of this bill by the gentleman from Ohio [Mr. REGULA], the ranking Republican member of our subcommittee. He is in my mind one of the very, very able Members of the House, and he brought all of his wisdom and all of his talents to bear on formulating this bill. It is a pleasure and a joy to have had the opportunity of working with him in committee and outside of committee, and I want the gentleman to know how much I admire, and respect and am devoted to the work he has done and to the friendship that we have.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES], the chairman. Certainly, it has been a great satisfaction to work with the chairman. I describe our relationship as partners rather than Republican/Democrat. We are partners in working together, and it is an enriching experience to work with a chairman who cares about this Nation as much as the gentleman from Illinois. I would say to all of the Members that his patience in hearing testimony, his diligence in putting together the facts, is something that we can all be proud of as a colleague of ours in the Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, may I say further that we are very pleased to see that Barbara Wainman is back.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Illinois, and I am sure Barbara is pleased to be back, too. The collegiality of the committee is evidenced by the fact that the chairman quoted a Republican speaker to make his case, and I think it is very evident that he is very bipartisan in all of this.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think I was referring to the last of the great Republican speakers.

Mr. REGULA. Well, Mr. Chairman, we accept that under today's circumstances, but this bill truly does not have a label, Republican or Democrat, because of the chairman's leadership. I call it a people's bill. We deal in this bill with one of the great assets of America, and that is our public lands.

Mr. Chairman, most people do not realize that one-third of the United States, about 750 million acres, is owned by the people through the Federal Government. This includes parks. It includes the Bureau of Land Management areas. It includes the national forests. It includes assets in this city such as the White House, the land that this building is on, and all collectively it constitutes one-third of the land in America.

Mr. Chairman, I think it is a great responsibility that we in the Congress have for managing these lands well, not only for today, but future generations, and because of the leadership of the gentleman from Illinois [Mr. YATES], the chairman, we have done it well. We have had to do this within budget constraints.

As was pointed out in earlier testimony, we had over 300 requests from Members, good requests, good projects, and again evidence to the fact that the Members care about the quality of the way we use the land in their respective districts. It is difficult to not respond to all of them, but we try to balance the needs. Today we bring a bill that I think represents a balance between conservation, preservation, as well as the development responsibilities of the Government.

I have some differences with the bill on the issue of moratoria. My colleagues have heard the chairman speak about this.

Since 1981 this bill has been used as a vehicle for derailing what should be an important component of our Nation's energy policy—the exploration for and development of our domestic offshore energy resources.

One point on which the administration and opponents of offshore leasing seem to agree is the need for a balanced energy program. But neither the administration, nor offshore leasing opponents practice what they preach. Both would seem to advocate either a policy tilted toward development or one tilted toward conservation.

Our energy policy must be a balanced one and a balanced energy program should include both development and conservation. This bill achieves this in some ways including filling the strategic petroleum reserve, developing technologies to burn our abundant domestic coal resources cleanly, and pursuing promising fossil and conservation research.

These are important weapons in our arsenal as we fight for energy security, but another, equally important one is our countries offshore oil and gas reserves. These important reserves have repeatedly been put off limits by the actions of this committee, actions I strongly oppose.

The repeated inclusion, since 1981 of "one year" bans on the exploration and development of our Outer Continental Shelf oil and gas reserves potentially threatens the long-term energy security of the United States. The bill before you today would unnecessarily lock up some of the most promising portions of the OCS from leasing, including areas offshore California, Florida, and the North Atlantic.

In fact, not only has the committee continued its past trend of moratoria, it has enlarged on previous moratoria in the North Atlantic and even prevented valid, existing leases from being drilled offshore Florida. These actions represent a dangerous policy for the future energy security of this Nation.

In 1978 we adopted a policy for developing the Outer Continental Shelf because of the energy crisis, and the essence of that policy is that we should develop these resources. I do not think anything has happened to change that today. As a matter of fact, we are more dependent on imported oil today than we were in 1973 at the time the first oil embargo was put in place by OPEC.

Mr. Chairman, it seems to me that we do need to have an orderly development of our resources if we are to prosper and grow economically as a nation, to provide the jobs and opportunities that people expect. We recognize that conservation is part of the answer, but not all of the answer.

It would be irresponsible for us to assume that there will be viable alternative fuels to oil in the foreseeable future or that conservation measures alone will solve our energy problems. Energy conservation and alternate energy sources hold the prospect for merely affecting the growth of petroleum imports—not replacing them.

Past successes in reducing oil demand through conservation and other means are being outpaced by declining domestic production. It is estimated that domestic oil production will decline by 28 percent by the year 2000. Given that fact, it is critical to continue to assess the resources of the OCS in an orderly fashion, particularly since in some areas it can take as long as 15 years to bring those resources into production.

This is a nation that is heavily dependent on petroleum resources. We are dependent on them for transportation, for heating, to operate our factories, for many of the economic uses that we have for petroleum that improve the quality of life. We have tried to address that in our committee in several ways. We do provide funds for conservation programs. We do provide funds to fill the strategic petroleum reserve. I might say that with the carryover plus the lower price of oil we can probably look forward to about 63,000 barrels of oil going into the strategic petroleum reserve each day, and that is a safety valve in the case of a shortage in the future.

In essence, the resources we are leasing currently are the resources we will need in the early part of the 21st century. Given that fact, developing the OCS is an investment in this Nation's energy future—not a "drain America first" policy as some have suggested.

The saving grace on the moratoria on the Outer Continental Shelf is that the oil that is there will not go away, however, the Congress prospectively will have to think about developing this resource in an environmentally safe manner.

The experience in drilling on the Outer Continental Shelf has been excellent. The spills have been very limited. We have drilled 8,100 wells without a blowout over the course of about the last 15 years. The total spillage over this period was approximately 210 barrels. Far more is spilled from tankers. Far more oil is put into the oceans by powerboats in flushing their tanks and so on, and so that is not the question.

We have demonstrated not only in the United States, but in the North Sea and many other areas, that we can drill safely and environmentally protect the areas that are used for development on the Outer Continental Shelf. It really becomes a question of esthetics.

In addition to blinding the Nation to its energy resource potential, OCS moratoria also have important economic implications. Imported petroleum accounted for over $40 billion of this Nation's overall trade deficit of $171 billion in 1987—a staggering 24 percent of the total deficit incurred for that year.

In addition, a moratorium which denies the U.S. Treasury the benefit of the substantial bonus revenues which are generated from leasing is also shortsighted. For example, the committee's recent action would reduce expected revenues by over $155 million for the upcoming fiscal year.

Finally, a moratorium on drilling existing leases, which is also included in this bill, could cause further substantial revenue loss. Expenditures to date on the 73 existing leases south of 26 degrees north latitude offshore the western coast of Florida have totaled over $220 million.

If companies decide to sue the Department rather than having their investment tied up for yet another year, the Government could find itself in the unenviable position of returning that investment and losing the revenues from any oil and gas which might be found.

We need to look forward to developing this resource. I do not agree with the moratoria that is in the bill, but that is one of the things that the majority in the committee felt that should be maintained. In our system we respect this approach to legislating.

I would point out, Mr. Chairman, that even now we are dependent on OCS for 12 percent of our oil consumption and 24 percent of our gas. This is mostly from the Gulf of Mexico, plus some offshore California and other areas. I think this illustrates the fact that this is a very important resource and one that needs to be developed.

This bill only addresses the 1-year moratorium on these areas. Since 1981 we have been doing it a year at a time, and it seems to me that the authorizing committee ought to address this as a long-term issue. If we are not going to develop the OCS nationally, let us make it the policy because since 1978 theoretically our policy has been to develop the OCS. We are dependent today on imports for 40 percent of our oil consumption in the United States; 64 percent is used for transportation. Certainly this illustrates our dependency on petroleum.

We have military forces in the Persian Gulf. American fighting men and women are over there protecting Middle East oil supplies, and I do not believe that in the long term this should be a way of life. We should develop our own resources as much as possible. Conservation helps, but it is not adequate to address the problem entirely.

I believe each of us in this body cares deeply about the quality of the environment and the condition in which we leave it for future generations. It is my love of this country's rich national heritage—its majestic national parks, rustic wilderness areas, rich historic sites—that make my work on the Interior Subcommittee a labor of love. But a secure, dependable supply of energy, particularly oil, is as much a part of our quality of life as a visit to the national parks. Luckily, we do not have to make a choice between energy security and environmental quality—we can have both, but not if we continue to promote an unbalanced energy policy.

□ 1330

Fortunately, I think the bill does address to some extent the energy needs of the United States in the form of clean coal technology demonstrations. The greatest resource we have in terms of energy in these United States is coal. We have the equivalent in Btu's of about 1½ trillion barrels of oil that are proven in the form of coal. The challenge, of course, is to burn this coal to generate electricity, to generate steam power and the many other needs that we have in the energy field, in an environmentally safe and clean way.

Clean coal technology offers that kind of hope for us so that we can use this resource.

This bill provides funding for the continued development of clean coal technology. In the clean coal technology programs the private sector has matched the Federal money, greater than 50 percent as required by law, and in fact the first seven projects were funded 65 percent private and 35 percent Federal, this says very clearly that the private sector is confident that clean coal technologies will be very successful, that it will allow us to use this enormous energy resource that is a great asset of this Nation in an environmentally safe way. It is certainly something that should be of concern to all of us.

In the United States because of the grid system that is set up among the utility companies, electricity produced in Ohio and other Midwestern States, may well be lighting a home in New Hampshire or Massachusetts or even in California, because the utility industry is totally interlocked.

I say this to point out the fact that we are all dependent on the use of coal to produce power that we all use and use very freely. Therefore, it becomes very important to every person in this Nation that we develop clean coal technologies that will allow the use of this asset.

The chairman has very clearly outlined the other features of the bill. It provides money for housing, for people who work in our national parks. It provides for the development of the recreational potential of our national forests. Most people do not realize also that the total visitor days in the national forests are twice as great as in the national parks. We think only of our national parks as a source of recreation, when in reality the national forests provide an enormous recreational opportunity for the people of this Nation. As much as possible, we provide the funding they need to enhance the experience of citizens of our Nation as they take advantage of these opportunities.

We provide funds for the Smithsonian, one of the very popular visitation areas in the Capital, again funded through this bill.

We provide for the trust territories in the Pacific, a responsibility that is very vital to our future in the Pacific areas.

We provide for the Bureau of Indian Affairs, and the chairman has been a giant in making sure that the Indian programs are fair, that we meet the responsibilities of this Nation to the 1.4 million Indians who depend on the U.S. Government to insure that our treaty obligations are carried out. He works diligently to make it absolutely certain that they have health facilities, educational facilities, and that their needs are very adequately met.

The challenges are enormous. We could probably add 50 percent to the amount that we are going to spend in this bill and still spend it wisely, but we recognize the constraints of the Federal deficit. We recognize that there are limitations, and what we have tried to do with the leadership of the chairman, the gentleman from Illinois [Mr. YATES], and the other members of the subcommittee on both sides of the aisle, is to use the money available as wisely as possible to provide good stewardship for the taxpayers of this Nation in taking care of a resource that is so valuable to us and will be valuable even more so for generations to come.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am proud to be a member of this committee, the committee which brings this bill to the floor, and I rise today in strong support of the product of the weeks and months of our effort.

At this point I want to express my appreciation to the chairman, the gentleman from Illinois, Mr. SID YATES, who has done an outstanding job again this year, as well as to the ranking Republican, the gentleman from Ohio, Mr. REGULA, both of whom are a joy to work with.

I might say that I also extend my congratulations to the membership of this committee on both sides of the aisle, as well as to the ever-patient staff who works with us, for bringing to the floor a good bill, an excellent bill, and by doing so as a result of a consensus, rather than the introduction of acrimony on the issues, so

many issues, that are potentially very controversial, This we have done.

For my State of Oregon, more than one-half of which is owned and managed by the Federal Government, this is a make-or-break piece of legislation, not only for this fiscal year, but for every fiscal year to come.

This is an annual bill, and at its best when it is brought before us each year this bill can create opportunities for economic growth and for a better quality of life, or at its worst it can slam shut the doors of opportunity and put the brakes on the economic comeback of Oregon and States like it across the country.

I am pleased to stand before my colleagues today, Mr. Chairman, and tell them as well as my constituents that this bill takes the brakes off and puts into forward motion not only sensitive environmental considerations, but also into forward motion projects that will sustain Oregon's economic comeback, as well as the economic comeback of other resource dependent States.

To promote tourism and recreation, this bill begins commitments to overhaul the lodge and other facilities at Crater Lake National Park; to plan desperately needed expansion of the visitor's center at Fort Clatsop National Memorial in Astoria, OR; to realign and pave the access road to the scenic Yaquina Head Lighthouse on the Oregon coast; to restore the historic old Columbia River Highway; to develop a visitor's center near Baker, OR, to give the historic Oregon Trail long overdue national historical recognition.

To help stabilize Oregon's No. 1 industrial employer, this bill provides a balanced forest service budget for timber sales, while protecting wildlife, wilderness, watersheds, and other critical forest resources as well.

It gives the Bureau of Land Management the wherewithal to keep up its intensive management of the O&C county grant lands.

To protect critical areas with scenic, recreational, and wildlife values, this bill provides $11 million in land and water conservation funds for acquisitions in the Columbia River Gorge alone. That is to name only one of several features like this in the bill.

It also includes for Oregon the Warner Basin potholes, the Klamath Forest Refuge, and the Searose Beach on the Oregon coast, each of which are high priority issues in the conservation community.

And to diversify Oregon's manufacturing economy and to enhance the Nation's economic efficiency, the bill provides research initiatives on pulping technology through the Oregon Graduate Center, as well as modular housing construction research through the University of Oregon.

Finally, Mr. Chairman, I want to tell my colleagues that this bill provides similar opportunities for other States, not just the State of Oregon, but for other States throughout the country, whether it is protecting important lands, researching new energy conservation technologies, or promoting balanced stewardship of our public lands and natural resources. This bill achieves those important objectives. It deserves our backing. It is bipartisanly produced. We bring it to you, having worked extremely hard on it, and I think it should enjoy the backing of Members on both sides of the aisle with resounding support.

Mr. REGULA. Mr. Chairman, I yield 6 minutes to the gentleman from Massachusetts [Mr. CONTE], the ranking minority member on the full committee and a member who has participated, I think, very effectively in our subcommittee because of his high degree of interest in the preservation of our natural resources.

Mr. CONTE. Mr. Chairman, I rise in strong support of this Interior appropriations bill for fiscal year 1989.

At the outset, I want to commend SID YATES and RALPH REGULA for their leadership in presenting to the House a well balanced recommendation. SID YATES is a tough, but fair chairman. He is a man who stands on his principles and who bases his judgments on the facts, and I admire him for that.

During the course of this appropriations cycle, I sat through several hearings, the subcommittee and full committee markups, and I can say without hesitation that no agency or program funded in this bill escapes the careful scrutiny of Chairman YATES or is left high and dry if there is a legitimate need.

It is a real pleasure for me to work with SID and RALPH on this subcommittee. They deserve a lot of credit for a job well done on this bill.

Now let me make a few brief observations about this recommendation.

First, as mentioned before, the bill is within the 302(b) allocations for outlays and budget authority, and it's approximately $353 million more than the amount provided in fiscal year 1988. That's about a 4-percent increase.

The increase is primarily due to the committee's attempt to meet pressing needs identified by the affected agencies and departments, outside groups, and, of course, the 300 or so Members of the House who made requests to the subcommittee. Practically all of these requests are legitimate and important, yet many, many needs went unfunded even with this increase.

The bill provides additional funds for the preservation and conservation of our natural resources.

The Park Service, the BLM, and Forest Service and the Fish and Wildlife Service are custodians of irreplaceable national treasures which must be adequately maintained, preserved, and protected.

And yet, even with this increase, endangered species will vanish from existence and hundreds of thousands of wetlands will be destroyed. In fact, the drought and overdevelopment have caused a virtual crisis for migratory waterfowl in this country.

In 1985, for example, duck breeding populations fell to the lowest level since surveys began in the 1950's, and the numbers have not improved since then. The committee was generous in providing land acquisition and management funds to meet this crisis, but it falls far short of the amount that could be effectively spent.

This is a barebones bill, with no frills or extravagant spending. And you can be sure that the temptation was there to spend more.

I am particularly pleased that no effort was made to provide the President's request for $1.7 billion in clean coal funding. If we don't manage this program carefully, spending reasonable amounts, we're going to have another Synfuels Corporation on our hands, I can't understand my own administration in this regard. We're facing a fiscal crisis and they're requesting another $1.7 billion in corporate subsidies when the Department of Energy has not even spent the funds we gave them in 1985. Two-thirds of the money provided for the first round has not even been spent, and they still have $575 million for Round Two.

I also support the committee's recommendation to stretch out the funding for clean coal too. Although OMB has expressed opposition to this provision, the Secretary of Energy has clearly said that the subcommittee's recommendation "will have little, if any, effect on the execution of the current round of competition." These funds cannot be spent in 1 fiscal year.

The administration has objections to several other language provisions of the bill, including the Buy American language for offshore oil rigs and the OSC leasing moratoria. The OMB position can be best summarized by this excerpt from the statement of administration policy: "Based on a number of objectionable funding and language provisions included in the present version of the bill, the Director of OMB would recommend that the President veto the bill." I will include the entire statement in the RECORD.

Despite this veto threat, I strongly recommend that all Members vote for this bill. Sure we are spending more, but we have an obligation to preserve our natural and cultural resources for the millions and millions of Americans who now enjoy them, and we have an obligation to pass these resources on to the next generation, intact or even improved.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4867—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1989 (SPONSORS: MR. WHITTEN, AND MR. YATES)

Based on a number of objectionable funding and language provisions included in the present version of the bill, the Director of the Office of Management and Budget would recommend that the President veto the bill.

The Committee bill undercuts efforts begun in FY 1988 to demonstrate the Nation's ongoing commitment to implement the recommendations of the joint U.S.-Canadian Special Envoys on Acid Rain. It fails to provide the requested funding for the Clean coal technology program for future rounds of project solicitations from FY 1990 through FY 1992, thereby jeopardizing the Federal commitment for acid rain control technologies. It also changes the availability of the $525 million previously appropriated for FY 1989, appropriating only $100 million in FY 1989 and $425 million for FY 1990 and FY 1991. These actions result in a shortfall of $1.775 billion from the total of $2.3 billion requested for the program.

The bill includes $157 million for energy conservation grants that should be financed by States from receipts resulting from petroleum overcharge violation cases, $145 million for land acquisition that should be postponed, if it cannot be foregone, $156 million for discretionary non-critical construction, and $64 million for Indian health facilities despite a 50 percent occupancy rate at these facilities. The enclosure explains why these and other low priority and unnecessary programs should not be funded.

Language has been included that would require that structures on the Outer Continental Shelf (OCS) contain at least 50 percent U.S. labor and materials. The Administration is strongly opposed to this provision. It would seriously delay and increase the cost of oil production from the OCS; it conflicts with the Administration objective of encouraging reliance on indigenous energy sources; it is contrary to U.S. obligations under the General Agreement on Tariffs and Trade—inviting retaliation from countries such as the United Kingdom, Norway, the Netherlands, and Denmark; and it would create a new trade barrier at a time when markets are particularly concerned about creeping protectionism.

The bill also includes language that excludes areas of the North Atlantic, California, and Florida from the offshore leasing program. This moratorium contradicts the statutory mandate of the OCS Lands Act designed to expedite exploration and production consistent with proper balancing of environmental and other concerns. It overrides the process of scientific studies and balancing analysis required by sections 18 and 19 of the OCS Lands Act. Finally, it would reduce anticipated FY 1989 receipts by $165 million—$125 million from California leases and another $40 million from Florida and the North Atlantic leases.

The Administration has serious concerns about the policy implications of language that prohibits the Bureau of Mines from proceeding with the sale of Federal helium operations. The Bureau is currently reviewing the results of an independent study analyzing the issues relating to the valuation and potential distribution operations. Generally, we have found nothing in the study to indicate that the privatization initiative should not proceed.

The Administration urges the House to support fiscally responsible efforts to upgrade our emergency preparedness asserts and to improve the Nation's ability to deal with potential turbulence in world oil markets through enactment of legislation to authorize the sale of the Naval Petroleum Reserve (NPR). The proceeds of this sale should be earmarked for the acquisition of oil for a 10 million barrrel Defense Petroleum Inventory (DPI) and for increasing the fill rate of the Strategic Petroleum Reserve (SPR) to an average rate of 100,000 barrels per day. As many members of Congress have pointed out, now is the time to increase the fill rate of the SPR since oil prices are relatively low. Now is also the time to build the DPI since the NRSs are becoming less adequate for this purpose.

The enclosed fact sheet discusses these and other funding and language provisions that are responsible to the Administration.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1989 OBJECTIONABLE PROVISIONS

I. FUNDING LEVELS

Clean Coal Technology Program. The bill undercuts efforts begun in FY 1988 to demonstrate the Nation's ongoing commitment to implement the recommendations of the joint U.S.-Canadian Special Envoys on Acid Rain. It fails to provide the requested funding for future rounds of project solicitations from FY 1990 through FY 1992, thereby jeopardizing the Federal commitment for acid rain control technologies. It also changes the availability of the $525 million previously appropriated for FY 1989 and appropriates $100 million in FY 1989 and $425 million for FY 1990 and FY 1991. These actions result in a shortfall of $1.775 billion from the total of $2.3 billion requested for the program.

Fossil Energy Research and Development. The bill would significantly increase spending for fossil energy research and development ($30 million or 9 percent over FY 1988 and $190 million or 114 percent over the request). It would maintain duplicate contractor research efforts that may result in additional future outlays. It includes numerous special-interest items that are inappropriate for Federal research.

Funds have again been earmarked for the magnetohydrodynamics (MHD) program. This year, however, the Committee has reversed its previously stated intention that the level of private cost sharing should increase by five percentage points each year. In FY 1987, the appropriations act set the cost sharing requirement at 20 percent; in FY 1988, it was set at 25 percent; in FY 1989, it should be set at 30 percent.

Energy Conservation. The bill includes increases of $202 million for conservation grants, offset by an expected $45 million in petroleum overcharge receipts. This additional amount is unnecessary because the States that would receive these funds have also received $2.9 billion from petroleum overcharge violation cases that they can use to fund conservation grant activities.

The bill includes significant increases in conservation research and development ($4 million and 3 percent over FY 1988 and $69 million and 77 percent over the request). It includes many special interest items that are inappropriate for Federal research. Particularly troublesome is the stipulation in the bill that the earmarked funds for Northwestern University can be used to expand the energy demonstration and research facility specified in the FY 1988 appropriations act to also include space for life sciences.

Federal Land Acquisition. Substantial funds ($145 million) are added to the President's Budget for land acquisition by the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, and the Forest Service. Given the 730 million acres already in Federal ownership (one-third of the Nation) and the serious budget situation, discretionary land acquisition should be postponed, if it cannot be foregone. Adding more land is a lower priority than providing quality operations and maintenance of existing lands.

Historic Preservation Fund. Funds ($30 million) are included for the Historic preservation fund whereas the President's Budget proposed no funding. The Federal Government already contributes hundreds of millions of dollars annually to the cause of historic preservation through tax code provisions. Financing State historic preservation offices and the National Trust for Historic Preservation is more properly a State and private responsibility.

Construction. Substantial funds ($156 million) are added to the President's Budget for construction by the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs. Only high priority construction projects, generally devoted to meeting health and safety needs, are proposed in the President's Budget. The additional construction projects are discretionary or non-critical and can be foregone or postponed. New construction is a lower priority than providing quality operations and maintenance of existing facilities.

Operations. A total of $132 million is added to the President's Budget to expand the operating budgets (exclusive of fire suppression) of various Interior bureaus, including the Bureau of Indian Affairs ($51 million), the U.S. Geological Survey ($23 million), the Bureau of Mines ($20 million), and the Fish and Wildlife Service ($18 million). These increases fund numerous lesser priority or special interest projects.

Fire Fighting. The bill adds a total of almost $36 million for fire suppression for the Department of the Interior. These funds are to be used to reimburse fire fighting costs that will be incurred by Interior bureaus in FY 1988. It is premature to add funds over the President's Budget until actual FY 1988 fire costs are known. The Budget represents a conservative estimate based on recent historical experience. If costs prove higher, the shortfall can be made up (with appropriate offsets) in an FY 1989 supplemental or the FY 1990 appropriation.

Forest Service. The bill adds $167 million in discretionary appropriations (excluding land acquisition and fire fighting) for low priority program operations and construction projects. Unwarranted increases include $11 million for research; $43 million for state and private forestry programs that are not a Federal responsibility; $18 million for facility and Mt. St. Helens road construction; $39 million for recreation, fish and wildlife programs; and $12 million for soil, water, and range management.

Reductions in timber harvest administration (−$10 million), road construction (−$30 million), the Tongass National Forest (−$15 million) and other programs (−$17 million) will unduly affect timber sales and forest management.

Indian Health Services. To support increased Indian self-determination, the Ad-

ministration urges the Congress to adopt the Administration's proposal to set aside funding in the bill for tribal operated hospitals and clinics. With such a distinction, the Federal government can demonstrate its long-term commitment to increasing tribal participation in the management and operation of health facilities. There is widespread support for separate funding among Indians and Alaska Natives. Without separate funding, Indian tribes have no way of knowing whether Federal support for self-determination contracting is waning, increasing, or remaining the same.

Indian Health Facilities. The bill includes $64 million for Indian health facilities. This amount is but the tip of an iceberg since the bill includes only partial funding for several inpatient and outpatient projects estimated to cost an additional $135 million. In addition, the need for these facilities is dubious. Funding for these facilities has continued to increase in recent years despite a 50 percent occupancy rate at IHS hospitals.

National Foundation on the Arts and the Humanities. The bill includes an increase of $15 million (5 percent) that would make no material difference in the quality of American cultural life and cannot be objectively justified. The amounts requested reflect sufficient support for the Federal role in the arts.

National Capital Arts and Cultural Affairs. The bill includes $5 million for general operating support on a non-competitive grant basis to Washington, D.C. arts and cultural organizations—a duplication of existing Federal nationwide competitive grants.

Restoring Hetch Hetchy Valley. The Administration urges support for funds requested to study the idea of restoring the Hetch Hetchy Valley in the Yosemite National Park (CA). (These funds were denied in non-binding report language.) Carrying out such a study is the only way to find out if it is economically and environmentally feasible to restore this valley to its original state of outstanding natural beauty.

Onshore Production Accounting. The Administration opposes the $850 thousand reduction in the Mineral Management Service (MMS) for the Onshore Production Initiative. (These funds were denied in non-binding report language.) The proposed funding level would probably delay the Secretary's compliance with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), which mandates the establishment of a comprehensive production accounting system for all Federal and Indian oil and gas leases.

Abandoned Mine Land (AML) Fund. The Administration objects to adding $32 million to the Abandoned Mine Land Reclamation Fund. Such an add-on is unnecessary because it will only increase the projected AML unobligated balance, which is expected to exceed $350 million by the end of FY 1988.

II. LANGUAGE PROVISIONS

Buy America. Language has been included (section 113) that would require that structures on the Outer Continental Shelf (OCS) contain at least 50 percent U.S. labor and materials. The Administration is strongly opposed to this provision. It would seriously delay and increase the cost of oil production from the OCS; it conflicts with the Administration objective of encouraging reliance on indigenous energy sources; it is contrary to U.S. obligations under the General Agreement on Tariffs and Trade—inviting retaliation from countries such as the United Kingdom, Norway, the Netherlands, and Denmark; and it would create a new trade barrier at a time when markets are particularly concerned about creeping protectionism.

Moratorium on Outer Continental Shelf (OCS) Leasing. The Administration objects to language excluding areas of the North Atlantic (section 112), California (section 111), and Florida (section 110) from the offshore leasing program. This moratorium contradicts the statutory mandate of the OCS Lands Act designed to expedite exploration and production consistent with proper balancing of environmental and other concerns. It overrides the process of scientific studies and balancing analysis required by sections 18 and 19 of the OCS Lands Act. Finally, the Interior Department current estimate is that it would reduce anticipated FY 1989 receipts by $155 million—$125 million from California leases and another $30 million from Florida and the North Atlantic leases.

Privatization of Helium Operations. The Administration has serious concerns about the policy implications of language that prohibits the Bureau of Mines from proceeding with the sale of Federal helium operations. The Bureau is currently reviewing the results of an independent study analyzing the issues relating to the valuation and potential disposition of the helium processing and distribution operations. Generally, we have found nothing in the study to indicate that the privatization initiative should not proceed. However, the study raises certain issues concerning transition and specialized needs of Federal agencies that need to be addressed. The Bureau is continuing its review and has formally solicited public comment on the consultant's report and other relevant issues. Where feasible, and consistent with the President's privatization initiative, the production of such goods and services should be shifted to the private sector in order to reduce Federal expenditures and take advantage of the efficiencies that normally result when services are provided through the competitive marketplace.

SPR Petroleum Account/Naval Petroleum Reserve. The Administration urges the Congress to support fiscally responsible efforts to upgrade our emergency preparedness assets and to improve the Nation's ability to deal with potential turbulence in world oil markets through enactment of legislation to authorize the sale of the Naval Petroleum Reserve (NPR). The proceeds of this sale should be earmarked for the acquisition of oil for a 10 million barrel Defense Petroleum Inventory (DPI) and for increasing the fill rate of the Strategic Petroleum Reserve (SPR) to an average rate of 100,000 barrels per day. As many members of Congress have pointed out, now is the time to increase the fill rate of the SPR since oil prices are relatively low. Now is also the time to build the DPI since the NPRs are becoming less adequate for this purpose.

Federal Tort Claims. By continuing Federal tort claims coverage to tribal contractors, the bill continues the unacceptable practice of maintaining a special class of government contractors effectively immune from responsibility for their tortiously liable conduct. The administration's position on this proposal is stated in a Justice Department letter to Senate Appropriations Committee Chairman Stennis dated September 21, 1987.

Spouse Travel. The Administration requests that the Committee approve substitute language on reimbursement of travel expenses for spouses who accompany prospective Indian Health Service physicians for pre-employment interviews. Under current law, payment of spouse travel for pre-employment interviews of prospective Federal employees is not authorized for any agency except IHS. However, because of the unique conditions of employment faced by PHS physicians employed at remote Indian reservations or traditional Indian lands, a narrowly drawn exception to current law can be accepted. The substitute language would permit spouse travel reimbursement, as determined by the Department of Health and Human Services, only where the pre-employment interview concerns possible employment at remote Indian sites that are not within reasonable commuting distance of a town or city. Thus, spouse travel would not be reimbursed if the pre-employment interview concerns employment near large and medium sized communities.

Legislative Vetoes. The Administration objects strongly to language in the bill prohibiting the Executive Branch from taking certain actions without prior approval of the Appropriations Committees. Such restrictions overstep the constitutional separation of powers principle as enunciated by the Supreme Court in *INS v. Chada*. Most objectionable is an administrative provision that would prevent the National Park Service from reprogramming funds (unless *approved* in advance by the Appropriations Committees) "to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System." This provision is contrary to legal requirements to enforce the law and to preserve life and property.

Impediments to Proper Management. Several provisions in the bill impede the ability of the Executive Branch to manage programs properly and effectively. Examples of such intrusions into Executive Branch responsibilities include prohibitions on changing regional boundaries and office locations of the Forest Service as well as the closing or consolidating of Bureau of Mines research facilities (even though there are no current plans to do so), and implementing proposed eligibility regulations of the Indian Health Service.

The Administration objects to new language concerning Federal management of Federally owned wildlife refuges. State management of Federally owned lands is authorized and is being practiced in accordance with the Fish and Wildlife Act of 1956 and the National Wildlife Refuge System Act of 1966. To constrain this practice is potentially inefficient and inconsistent with our experience in managing under these Acts. Any management by States must conform to Federal standards, and we ask that the language be deleted.

The Administration objects to language for the National Endowment for the Arts that would intrude into the agency's grantmaking process. The language would limit the Endowment's ability to assure an orderly and accountable grantmaking process and intervene in an issue that has long since been settled in a context that fully involved artistic peers, the National Council on the Arts and the Chairman.

Bureau of Indian Affairs. The bill does not include requested language to implement the tribal self-government demonstration project. Although Congress is working on separate authorizing legislation to implement the demonstration project, there is no assurance that such legislation will be en-

acted before FY 1989. Language is included prohibiting the publishing of higher education regulations required to implement needed program reforms and update provisions included in current law.

The Administration objects to language that would prohibit the closure of Phoenix Indian School until passage of authorizing legislation. It is costly and inefficient to operate a huge 500-student boarding facility with only about 75 students. Furthermore, once legislation passes, it would be highly unfair to these students to move them in the middle of a school year rather than to place them before the 1988-89 school year starts.

Bikini Resettlement Trust Fund. The Administration objects to the inclusion of language providing $5 million to the Bikini resettlement trust fund with the balance of $85 million provided over the next four years. It is inappropriate to provide funds for the resolution of the Bikini resettlement until appropriate documentation and analysis of costs and legal obligations associated with the resettlement have been determined.

Bureau of Land Management (BLM) Recordation and Filing Fees. The Administration objects to the earmarking of BLM recordation and filing fees for claims processing, compliance, enforcement and reclamation involving mining of hard-rock minerals. While increased funding for these activities appears justified, this should be provided via the appropriations process and subject to the scrutiny provided other activities. Any fees (such as the increased fees currently under review) should be credited to the General Fund of the Treasury, as is the case under current law.

Seat Belts on National Park Service Roads. Language is included providing that five percent of the Office of the Secretary funds will become available only after the issuance of a rule requiring the use of seat belts on National Park Service roads. While the intent of the provision may be laudable, the Administration objects to this linkage potentially penalizing the Office of the Secretary. If the Congress believes seat belt use should be required in National parks, it should enact legislation via the authorizing committees.

Employment Ceilings. Section 310 of the bill appears to exempt programs funded by the bill from employment ceilings. The Administration opposes this provision because it prevents effective and efficient management of agency programs and promotes wasteful spending.

Required Supplementals. Sections 101 and 102 of the bill require that supplementals be requested to replenish funds transferred to cover emergencies. The President has constitutional and statutory authority to propose legislation (including supplementals). The President retains discretion on whether and when to request supplemental appropriations.

Employee Details. Section 109 of the bill is superfluous language included to prevent detailing of employees except by Office of Personnel Management regulations.

National Film Commission. The bill includes authorizing language for a new agency, the National Film Commission, and provides $500,000 for it to create a National Film Registry, label films as to their cultural and esthetic merit, and require certain disclosures in the event of alteration of a "registered" film. No hearings have been held on this agency, there is no known compelling need for it, and the resources are clearly only a small beginning for what could well become a massive and intrusive new Federal regulatory authority. Based on the information currently available, the Administration opposes enactment of this authority.

□ 1345

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I would like to commend the committee for their work on the budget for Department of Energy programs.

In particular, the committee has once again acted to restore the ill-conceived budget cuts and program eliminations in the administration's request for energy conservation. Each year the administration has sought to eliminate some of the most successful energy conservation research programs. Fortunately, through the work of Chairman YATES and others on the Appropriations Committee these programs have been protected.

While the committee has protected these programs at about current levels, the overall spending for conservation programs has declined by about two-thirds since 1981, and this does not account for inflation.

The strategic petroleum reserve would continue to be filled at 50,000 barrels per day, as requested by the administration. Few energy programs have as broad bipartisan support as the filling on the strategic petroleum reserve, and there is a consensus that we can do better than 50,000 barrels per day. I recognize that there are serious budget restraints, but I note with some irony that the administration is currently proposing to buy 750 million dollars' worth of uranium over the next 6 years—the equivalent of about 3 years' worth of current production—while we continue to buy oil for the SPR at a rate of about 2 days of current production per year.

I commend the committee for their comments concerning their opposition to the sale of the naval petroleum reserves at this time. While I do not oppose the ultimate sale of the naval petroleum reserves, it is important that the sale make good economic sense. It is by no means clear that a sale of the reserves when oil prices are at their lowest point would provide the taxpayer with a fair value on their investment.

Although the committee has stretched out the appropriation for clean coal, it does not appear that outlays for this important program will be affected in fiscal year 1989. I understand the budgetary pressures on the commitee that forced them to make this action. I look forward to working with the committee in future years to ensure that this program goes forward as contemplated.

I would like to discuss one last aspect of the Interior and related agencies appropriations bill—the moratoria it contains on oil leasing in the Outer Continental Shelf off New England, northern California, and southern Florida. While I am personally very concerned about the energy security of this Nation, I understand and share the frustrations which led to these temporary bans on oil exploration contained in this legislation.

This frustration has resulted from the Department of the Interior's leasing policy which has been overly ambitious and insufficiently sensitive to local and environmental concerns.

Theirs has been a "drill everywhere" policy which has resulted in a "drill nowhere" reality.

If the Department had greater concern for environmental and local concerns about OCS leasing, they could have identified the areas with high oil potential and low environmental impact and targeted them for leasing. This would maximize our oil potential and minimize our environmental risk.

This was precisely the strategy used in a negotiated agreement reached on leasing in the Bering Sea.

The Institute for Resource Management, founded by Robert Redford, convened a group of oil companies, environmental groups, Alaskan native groups, and fishermen to see if a mutually beneficial agreement could be reached.

The oil companies identified the best leasing areas while the other groups identified the most environmentally sensitive areas. They then negotiated back and forth on the areas which held both high oil potential and high environmental risk. Both sides acted in good faith and arrived at an agreement that would have protected the most sensitive environmental areas and still allowed 48.2 million acres to be leased.

In effect, the negotiation did much of the work for the Department of the Interior and offered them a golden opportunity to lease without the conflicts and litigation which have accompanied OCS leasing elsewhere. The Department, however, rejected the settlement and decided to double the amount of acreage available for leasing.

If the Department of the Interior was unwilling to seize the opportunity provided by the settlement in the Bering Sea, why should we believe that local and environmental concerns have been taken into account in any of the other proposed lease sales?

I believe that we should give the affected States the benefit of the doubt until a more open and responsive process has been set up by the Department of the Interior.

It is important for the next administration, whoever is President, to make the OCS leasing process credible so that we can proceed to explore for oil

where exploration is most likely to succeed, with the least environmental risk.

A credible, selective leasing program that fairly balances both energy and environmental needs is in the best interest of the Nation, the oil industry and the environment.

The Nation needs the oil to improve our energy security and to hold down world prices. The oil industry needs to maintain domestic production and jobs. And, the environment will be better off under a careful, phased leasing program than with a crash drilling program during the next oil shock.

A balanced OCS leasing program will not solve all our energy problems. We also need a balanced energy policy with greater emphasis on energy conservation, renewable energy development and alternative motor fuels, to name a few options which have suffered under the present administration.

In closing, I would like to commend my colleague from Illinois, Mr. YATES, and the other members of the Appropriations Committee for an excellent bill. I urge support for the bill and for the temporary bans on oil leasing in the Outer Continental Shelf.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN], a member of the full committee.

Mr. GREEN. Mr. Chairman, I should like to pursue further with the chairman of the Interior Appropriations Subcommittee his various numbers about the New York Public Library.

Mr. YATES. If the gentleman will yield, I am happy to engage in a colloquy with the gentleman from New York, a member of committee.

Mr. GREEN. As the chairman knows, the National Endowment for the Humanities has, for the last 16 years, supported the research libraries of the New York Public Library with a specific dollar commitment, recognizing the importance of the library's national activities.

In return for that dedicated assistance, the library did not apply for certain other grants from the Endowment for which it might have been eligible.

Now, however, that support is being drastically reduced by the National Endowment of the Humanities because the library is in their words, no longer in perilous financial condition. That has happened, I understand, despite the view of the peer review panel that this dedicated aid continue.

Mr. YATES. I know the grant to the library has been cut back. I do not know the reasons. As the gentleman knows, we do not tell NEH which grants it should or should not make.

Mr. GREEN. I think the gentleman is correct in that policy, and I commend him for it. But, is it not the chairman's understanding that the New York Public Library is now eligible to pursue other grants within the National Endowment for the Humanities, and particularly grants under the book preservation program, for which it may be eligible? As the gentleman from Illinois [Mr. YATES] pointed out, the New York Public Library has a preeminent position nationally in research and the implementation of research regarding book preservation.

Mr. YATES. The gentleman is correct. The New York Public Library can now apply for any grants for which it may be eligible. I do know the library has been a leader in the fight against brittling of books and protecting our civilization as contained in books that are threatened with destruction.

Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the bill, and to express my appreciation for the work of the Appropriations Committee and especially the Subcommittee on Interior and Related Agencies ably chaired by the distinguished gentleman from Illinois [Mr. YATES] and the members of the Interior Appropriations Subcommittee.

I am especially pleased to see that the committee has provided for substantial and needed increases in funding over the amounts requested by the President for important programs that are broadly supported by the American people. To a very large extent these increases are in areas which the Interior Authorizing Committee identified as priorities and in fact areas in which the administration proposals would have badly undermined the ability of the land management agencies to properly manage our Nation's resources.

In particular, the bill before us deserves support because of its increases for BLM's riparian area management; wildlife habitat management; soil, water, and air management; cultural resources management; and recreation management. The additional funding to enable BLM to start the process of automating the land records of the Nation, which are in the custody of the BLM's Eastern States Office, is also a sound investment that will protect a vital historical resource and increase its utility at the same time.

The increased funding for BLM land acquisition is also commendable and along the lines recommended by the Interior Committee. The funding for acquisitions in the Carrizo Plain Area of California is especially welcome.

Also, Mr. Chairman, I want to express my support for some of the policy guidance provided in the Appropriations Committee's report accompanying this bill. In particular, the suggestion that BLM should establish a formal mechanism for involving a broad spectrum of the interested public in oversight of the Wild Horse and Burro Program is a sound one that the agency should follow. I would add that such an advisory body should certainly include knowledgeable representatives of the horse industry as well as those with expertise in humane animal management.

Chairman YATES and the Subcommittee on Interior Appropriations have once again withstood administration attempts to undercut National Park Service operations and programs that are vital to our conservation, recreation, and historic preservation efforts. The administration has been disingenuous in its use of the National Park Service budget, as they have attempted to play one program off another and present us with an either/or choice.

The legislation before us today properly rejects the administration's funding approach and instead provides much in the way of the fiscal resources carrying out the long standing bipartisan supported programs of the National Park Service. I applaud the committee's support for the rivers and trails program and welcome the recognition of the importance of science and research in our parks.

The National Park System is a complex array of significant elements of our national heritage. The National Park Service, caretakers of that legacy carry a strong tradition of public support and professionalism in their management of the National Park System. They deserve the support provided in H.R. 4867 of the fiscal resources necessary to maintain and enhance our park and conservation legacy.

This appropriations bill is also a positive step toward bringing more balance to the budget of the Forest Service. In the past, the timber program has been fully financed, with inadequate funding going to programs such as wildlife, recreation, trails and wilderness. These noncommodity programs are vital to the Nation. Although America's 191 million acres of national forests comprise only 8 percent of the land area of the United States, they include 50 percent of the Nations big game animals, 50 percent of the cold water fisheries, 50 percent of anadromous fish spawning grounds, 50 percent of the wild and scenic rivers, 80 percent of the wilderness in the lower 48 States and 43 percent of the outdoor recreation of Federal lands. Furthermore, 153 threatened and endangered plant and animal species are making their last stand on the national forests.

The bill we are considering today would give these programs small but significant increases over their 1988 appropriation levels. National forest recreation would receive a $20-million boost and wildlife and fish an $11 mil-

lion increase. Funding for recreation and trail construction which was zeroed out in the administration's proposed budget would be restored and given a $2-million increase. It's obvious that Chairmen YATES and WHITTEN and the committee care about these programs and are doing their best to strengthen them.

I am disappointed, however, that this bill increases funding for Forest Service wilderness management by only $2 million for a total budget of only $16 million. The number of national forest wilderness areas has doubled since 1984. Today one out of every six national forest acres is wilderness totaling 32 million acres. Nevertheless, even with this bill, less than 1 percent of the Forest Service's total budget would be spent on wilderness. The Forest Service would spend only 43 cents per acre on wilderness as opposed to over $6 per acre on its nonwilderness lands.

As a result of this consistently low funding for wilderness, the National Wilderness Preservation System is not receiving the protection it needs. Many wilderness areas have too few wilderness rangers, if any at all, to enforce regulations, to maintain proper sanitation to maintain trails and most of all to educate the public on wilderness practices. It is not surprising that studies show that since designation, resource damage has disappointingly occurred in many wilderness areas.

I also feel compelled, Mr Chairman, to note with regret that the appropriations committee has again included in this bill language (in section 314) that deals with possible challenges to existing plans of the Forest Service and Bureau of Land Management. I understand the rationale behind this language, which is aimed essentially at plans involving timber harvests, and I do note that the bill language importantly would not impair ultimate judicial review of a land-managing agency's decisions. These are important limitations on the scope of the language. Nonetheless, it would be better and more appropriate if such language had been omitted entirely.

In conclusion, Mr. Chairman, this is a good bill that is in the best interest of the American people, the owners of the lands and resources whose management is provided for by the bill. I again express my appreciation for the hard work and leadership of the appropriations committee, and especially the gentleman from Illinois [Mr. YATES], and the gentleman from Ohio [Mr. REGULA], and I urge approval of the bill.

Mr. REGULA. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. MILLER], a member of the full committee.

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to commend the chairman of the committee, the gentleman from Illinois [Mr. YATES], and the ranking minority member, the gentleman from Ohio [Mr. REGULA], as well as all of the members of the committee for their good work. We have had in full committee the opportunity to look at the bill, and we know it to be the product of many, many hours of hearings and markup.

Mr. Chairman, I do, however, have one problem with the bill. I had intended to offer a block of amendments that would have increased funding for the strategic petroleum reserve by reallocating funds from several land acquisition provisions. Knowing that discretion is the better part of valor, I will not do so.

I would, however, like to take this time to comment on the strategic petroleum research [SPR] and the adverse impact that this bill could have on our Nation's energy independence. The chairman of the committee has stated in full committee that the dollars are not there, but I still want to at least attract attention as to what we are doing at the present time, and what I feel we should be doing.

As we all remember, the strategic petroleum reserve was created in 1975 in response to the economic crisis caused by the 1973-74 Arab oil embargo, and since August 1977, more than 500 million barrels of oil have been pumped into caverns located in Texas and Louisiana. By the end of this year, the reserve will contain close to 550 million barrels. The goal for the reserve is 750 million barrels, enough oil to replace imports for 90 days.

At the time the Energy Policy and Conservation Act was approved, it was believed that the mere existence of a large, operational reserve of crude oil would deter future oil cutoffs and would discourage the use of oil as a weapon. Today, as we approach our goal of filling the reserve, the world is awash in oil. The Arab oil cartel no longer has us by the throat, and the industrialized world is back on its feet.

But, we have a problem. We have become complacent. Slowing the fill rate for the reserve is not perceived as a danger. It is my contention, however, that this is precisely the time to worry about our increasing dependency on foreign oil.

Currently about 40 percent of our petroleum needs are being met by imports. In 1973, the year of the embargo, we imported a little more than 36 percent of the oil our economy demanded. Surely we do not want to allow the present glut of oil to lull us into a false sense of security. It hasn't been that long ago that our country and the rest of the world were thrown into turmoil by the oil shortage.

To permit a relapse simply because we did not have the foresight and the fortitude to take preventative action would be most irresponsible. While the supply of oil is plentiful, we should increase the fill rate and take advantage of the bargain prices.

Presently, the fill rate is set at 50,000 barrels per day. The legislation before us today maintains that pace. The fill rate, however, has been as high as 300,000 barrels per day. I'm not advocating a 300,000-barrel-per-day rate, but I think it's clear that the current level is too low. With a fill rate of 50,000 barrels per day, it will take almost 11 years to fill the reserve and attain our goal of 750 million barrels of oil. By comparison, a fill rate of 75,000 barrels per day gets us to our goal in 7.3 years. One-hundred thousand barrels per day would fill the reserve in 5½ years.

I am reminded that by the end of 1978, the SPR was supposed to have contained 250 million barrels, but actually contained only 69 million barrels. It was not until 1980, and the passage of the Energy Security Act (P.L. 96-294), that a minimum fill rate of 100,000 barrels per day was established. To give you some idea of the amount of oil we purchased in the past, Members should note that the fill rate in fiscal year 1981 was 292,000 barrels per day, 215,300 barrels per day in 1982, 228,000 in fiscal year 1983, 192,000 in fiscal year 1984, and 159,000 barrels per day in fiscal year 1985. Then in fiscal year 1986 a dramatic cut was made in the amount of oil purchased for the reserve. Suddenly, the fill rate was down to 49,600 barrels per day. In fiscal year 1987, the rate was 75,000 barrels per day; less that half the fill rate of fiscal year 1985.

In 1987, this country imported roughly 7 million barrels of oil per day. From domestic sources, we produced 10 million barrels per day. By the year 2000, it is estimated that we will be importing 10 million barrels per day and producing only 8 million barrels per day. In other words, our dependency on foreign oil is projected to increase to about 57 percent in the next 12 years. By the year 2000, even if the SPR contained 750 million barrels, it would not be adequate to provide a 90-day cushion against the type of crisis we experienced in the mid-1970's.

Again, I know the chairman and his subcommittee have labored long and hard on this bill, and I congratulate them for their work. Nevertheless, I felt compelled to raise these concerns before the House. Our growing sense of complacency on this matter is making us vulnerable to a disruption. Should this occur, we'll find people lining up at the pumps again. More importantly, our national security and our way of life would be jeopardized. If there ever was a case when an ounce of prevention is worth a pound of cure, this is it.

I hope my colleagues will give due consideration to this high priority and find a way, if not this year certainly next year, to increase funding for the SPR. I think it is self-evident that prudent actions taken today can protect our Nation's future.

I thank the gentleman again for yielding.

□ 1400

Mr. YATES. Mr. Chairman, I yield myself 30 seconds to tell the gentleman from Ohio [Mr. MILLER] that we agree completely with the views of the gentleman. The only reason we do not have a higher fill rate is that we did not have enough money to increase the fill rate, and the prediction of 50,000 barrels per day is based upon a barrel cost of $20.75. If the current price of $17.95 continues, we should be able to increase the fill rate to 63,500 barrels.

Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, it is a tribute to the sacred cow lobby that once again, the House of Representatives will not be able to vote to stop a multimillion-dollar drain on the Treasury. Currently, the grazing fee charged by the Forest Service and the Bureau of Land Management is $1.54 per animal unit month [a.u.m.] for land appraised at between $4.05 to $8.55 per a.u.m.

The appropriations bill does nothing to increase the fee. That's too bad. If the House ever has the chance to vote, I think we would increase the fee. It is impossible to defend a public vote to subsidize 2 percent of the American livestock industry at a cost of more than $30 million a year, especially since the public's land is often damaged by overgrazing.

But, last week when I tried to stop an even bigger drain on the Treasury—the pesticide indemnification program—I learned a valuable lesson: it is hard to buck the committee system. That case was a high visibility issue involving human health and taxpayers paying millions of dollars each year to indemnify manufacturers for banned hazardous pesticides. Even under those circumstances, without the support of key committee members, I was unable to get a rule allowing such an amendment to be offered.

And frankly, right now, a few cows chewing up and trampling the land in the West doesn't excite very many Members of Congress. Whether you care about cows or not, I think we should be excited by the fact that more than $30 million of taxpayers' money is being spent each year to support a program whose beneficiaries include Union Oil, Getty Oil, Texaco, and lawyers and doctors engaged in a little weekend ranching. And, this is a program that could being in revenue to the Treasury. But, right now, not enough people care.

So, until people start thinking seriously about other things that could be done with the money, I just want to explain to the American public how we got to the point where, once again, the House will not vote on this issue.

Last year during floor debate on the Interior appropriations bill, I asked Chairman YATES what had happened to a committee provision increasing the grazing fee. He said that it has been taken out in order to give the Interior Committee an opportunity to take legislative action on the subject.

Last September, the legislative subcommittee held hearings on three bills. Nothing has happened since.

Because there was no bill, I went back to the Appropriations Subcommittee this spring and asked them to include in this year's appropriation a provision increasing the fee. I honestly thought that they would do it because last year, during floor debate on this issue, Chairman YATES had said that "if action was not taken by the legislative committee, that I proposed next year to introduce the same provision into my appropriations bill." Furthermore, it would be a way to increase revenues to a cash poor Treasury. But, when the bill came out of subcommittee, there was no increase. When it came out of full committee, there was no increase.

So, I planned to go to the Rules Committee. In exploring the possibility, however, it became clear to me that key members of the authorizing committee would have problems with allowing a vote on the proposal. I realized that my timing was wrong, and going to the Rules Committee would be a little like Don Quixote tilting at windmills.

But, I will try again. Some day, enough people will start asking, why do we care about protecting this subsidy? Some day, enough Members will realize that much more important things could be done with those millions of dollars than feeding the cows owned by 2 percent of the American livestock industry, including the weekend variety. Then they will join me in demanding an up or down vote on this subsidy and we will eliminate it once and for all.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I would like to express my committee's concern about the brittle book program, and particularly about the preservation efforts of the New York Public Library.

Mr. Chairman, last March my subcommittee held hearings on the crisis our Nation face because our country's books and other records are deteriorating at a rapid rate. I was very concerned to learn that 76 million books in this country will disintegrate if handled. I am pleased to see that this bill includes additional funds to address this problem, and I compliment the chairman on his foresight.

One of the revelations to me during this hearing was the extent to which one institution, the New York Public Library, has assumed major national responsibilities among libraries involved in preservation. The New York Public Library is filming 14,000 deteriorating volumes annually; only the Library of Congress films more. By putting these volumes on film, the New York Public Library is ensuring, for all of us, that the knowledge contained in them will not disappear in a cloud of brittle paper. The NYPL is also making the knowledge more broadly accessible to all. Through the effort to film books, a fragile book that could not travel becomes a set of film that is easily duplicated and can be added to library collections through the Nation and the world.

I understand that the current pattern of Federal financial support for the New York Public Library has been dramatically changed. I am very concerned that the NYPL not be forced to cut back its important preservation program because of a loss of Federal support.

I listened with interest when the gentleman from New York asked the chairman with favorable peer review, if the New York Public Library, would be likely to receive from this expanded preservation program funding concomitant with its national services in preservation. And I appreciate knowing that the library may well receive additional support.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, at this time I would like to congratulate the distinguished gentleman from Illinois [Mr. YATES], chairman of the subcommittee and the gentleman from Ohio [Mr. REGULA], the ranking member, as well as the entire subcommittee for crafting I think a very responsive piece of legislation which I am happy to support. I also want to pay special thanks to my two colleagues from Pennsylvania, Mr. MURTHA and Mr. MCDADE for the efforts that they put into this bill.

Mr. Chairman, while I am actively supporting this legislation, I do have one concern I would like to discuss briefly at this point time, and that is in regard to a project that I proposed for funding in H.R. 4867.

Both you and I, Mr. Chairman, are aware of the deplorable conditions at the Tinicum National Environmental Center in Pennsylvania. The funding for a proposed education and maintenance facility at this center, which has been authorized in previous years, had the bipartisan support of the entire southeastern Pennsylvania delegation as well as the southern New Jersey delegation. Unfortunately, there was not enough funding available to pro-

vide the dollars for the construction of this facility this fiscal year.

However, what I am asking is that the subcommittee endorse the report language included by the Senate. That language recognizes the Fish and Wildlife Service's proposal for a $1 million, 6,600 square foot building at Tinicum to be used for maintenance, storage, and educational workshops. The language also supports the Fish and Wildlife Service's plan to expend $250,000 for site development, and it promises to give consideration to the project for the fiscal year 1990 budget.

Mr. Chairman, I would appreciate your consideration of this request.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WELDON. Certainly, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, certainly we know of the good work being done at Tinicum and the value of Tinicum. As the gentleman pointed out, we just ran out of money and we could not fund as many worthwhile projects as we would have liked.

Certainly we will go along with the language of the Senate and will review Tinicum at our next session.

Mr. WELDON. I thank the gentleman from Illinois and the ranking member for their support.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise in strong support of the Interior appropriations bill for 1989. I commend Chairman YATES and members on both sides of the aisle of the Interior Appropriations Subcommittee for their yeoman's work in crafting the bill before us today. For those of us from the West and for all Americans who treasure our natural resources, this bill is one of the most important items we consider every year.

The Department of the Interior manages 727 million acres of land or one-third of the United States. This bill funds our national parks, our forests, our public lands, many of our Nation's energy programs, arts and historic preservation, and programs for native Americans as well. This year's Interior appropriations bill is a modest bill, well under our 1989 budget resolution. It should be pointed out that the Department of the Interior lands funded by this bill actually generate billions of dollars of revenue—almost as much money as appropriated in this bill.

Recent reports, including one from the General Accounting Office, suggest that our Nation's parks are in disrepair. Since 1981, the administration has attempted to place a moratorium on our land acquisition programs, on historic preservation and on grants to States for parks and recreation. The National Park Service backlog for priority construction projects is now $1.5 billion, with employee housing for Park Service employees badly in need of repair and replacement. Despite these conditions, since 1981 the National Park Service budget after inflation has been cut by over $340 million.

Our national forests have suffered as well. For example, in the area of firefighting, over the last 8 years the number of full-time equivalent employees engaged in firefighting activities has declined by about 2,000. This year's budget request for both the Forest Service and the BLM for firefighting were completely inadequate and failed to even begin paying back the costs of last year's devastating fires.

This year's request from the administration also proposed to cut funds from the earthquake hazards program conducted by the U.S. Geological Survey, a matter of great concern to those of us who represent earthquake prone areas.

Mr. Chairman, this bill is very important for those of us from California. It contains money for a much needed visitors' center at Mono Lake, money for essential acquisitions in the Santa Monica Mountains in southern California. It prevents drilling off of our pristine coasts. It protects our redwoods and preserves the best of our streams from those who would desecrate them.

The are just a few examples of areas in which the Interior budget which has been submitted would have fallen short and which this bill begins to remedy. The programs funded in this appropriation bill represent both our heritage from the past and our legacy to the future. What we do here will have tangible and long-lasting impact.

I urge the House to support H.R. 4867 and stand up to our stewardship responsibilities.

I thank the gentleman from Illinois [Mr. YATES], for this bill.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise at this moment for the purpose of engaging my friend and colleague, the gentleman from Ohio [Mr. REGULA] in a colloquy.

I would say to the gentleman from Ohio that on page 20 of the report it reads:

> In light of the recent damage to the memorial panels of the Vietnam Veterans' Memorial, the committee recommends the National Park Service provide around-the-clock protection for the memorial.

I would remind my friend, the gentleman from Ohio, as he knows, legislation was sponsored earlier in the year by not only Members of the Veterans' Affairs Committee but many Members of Congress who were concerned about this damaging action to the Vietnam Memorial. This legislation would require around-the-clock coverage for the memorial. I know the gentleman has taken an interest in this and I trust in his judgment. My question is, does the gentleman feel that this language in the committee report is sufficient to cover the need we face for around-the-clock protection for the Vietnam Memorial in Washington, DC?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would tell the gentleman from Ohio that we put this language in the report at his request and at his initiative. I discussed this issue with the Director of the Park Service. Based on his statement that the Park Service would provide whatever protection was necessary, around-the-clock if need be, this language was included and I believe that it will meet the objectives as outlined by the gentleman from Ohio I compliment him for his concern and interest in ensuring that this problem has been addressed.

Mr. MCEWEN. Mr. Chairman, I rise to express my appreciation to the chairman of the Appropriations Committee, Mr. WHITTEN, the ranking member of the full committee, Mr. CONTE, and to the Interior Appropriations Subcommitee chairman, Mr. YATES, and to my colleague from Ohio, Mr. REGULA, for their strong support and assistance in providing for the protection of the Vietnam Veterans Memorial.

Mr. Chairman, as my colleagues know, the Vietnam Veterans Memorial was attacked by vandals last April when a swatstika-like symbol was scratched into the black granite monument.

Consequently, I introduced H.R. 4618, the Vietnam Memorial Protection Act.

Under the provisions of this legislation, the National Park Service would provide for the constant security at the memorial.

Mr. Chairman, the appropriations bill before the House of Representatives today achieves the same goal as H.R. 4618, and I commend the members of the Appropriations Committee for their actions to maintain around-the-clock protection at the Vietnam Veterans Memorial.

During the 1920's, vandals defaced the Tomb of the Unknowns at Arlington National Cemetery. The U.S. Government took action to ensure that vandalsm would not desecrate this venerable site again. I am pleased that the House of Representatives has taken the appropriate measures to protect the Vietnam Veterans Memorial as well.

Mr. Chairman, since its dedication in 1982, the Vietnam Veterans Memorial has become the most visited memorial in Washington. Last year, 3,800,000 people traveled to the Capital Mall to see this monument. We should not allow vandals to defame this tribute to those veterans who gave their lives in service to their country.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding me this time, and even more than that, I would like to express my personal appreciation, and that, I know, of many Members of my delegation, to the gentleman from Illinois [Mr. YATES], chairman of the subcommittee and to the gentleman from Ohio, [Mr. REGULA], the ranking member, for the tremendous amount of good that they do for California in this bill.

In that context, I would like to associate myself with the remarks of my colleague from California, Mr. LEHMAN, who spoke earlier. At Mono Lake, in the Santa Monica Mountains, at Lake Tahoe, in the wildlife refuges of the Sacramento and San Joaquin Rivers, and the San Francisco Bay, and protecting the giant sequoias, this bill does more for the environment and for California than any other that we pass in any given year in Congress.

I want to particularly point out that this year the committee has taken up an issue that I think has been neglected for far too long, and that is the impact on the lungs of firefighters who jump into forest fires, and there will be many this year in California, and endanger their health fighting the very expensive forest fires that cost the taxpayers of this country millions of dollars each year. This is particularly important, given the drought conditions we have and the greenhouse effect that is heating and drying the environment of the entire country.

Mr. Chairman, I rise in strong support of the Interior and related agencies appropriations bill for 1989.

All of us in California owe Chairman YATES, the ranking minority member, RALPH REGULA, and the members of the subcommittee, as well as Chairman WHITTEN, a great deal of gratitude for the tremendous support they have provided to our State. Their help each year has made immeasurable contributions to the State's environment, culture, and well-being for which Californians are deeply in debt and always in appreciation.

I am particularly supportive of several items in this bill which benefit my State.

Since fiscal year 1982, the subcommittee has funded the Santini-Burton land acquisition program in the Lake Tahoe Basin. By all accounts the program has been enormously successful, but the program must continue: Lake Tahoe is losing its clarity by 1½ feet each year. In its budget request, the administration did not propose any funding for the Burton-Santini program this year.

This year the subcommittee recommended, and the full committee approved, a total of $7.4 million in funding for the Santini-Burton program in fiscal year 1988: $6 million for acquisition of environmentally sensitive land and $1.4 million to provide grants to local government erosion control efforts.

It is safe to say that the Interior Subcommittee's support of the Santini-Burton program has been the single most important catalyst behind the increasing efforts to preserve the lake. For the friends of Lake Tahoe in California, Nevada, and around the country, the Interior Subcommittee's help has been irreplacable.

I am very pleased that this year the subcommittee recommended an appropriation of $4 million for the creation of a Sacramento River National Wildlife Refuge in northern California. Riparian woodlands along the Sacramento River have dwindled from over 800,000 acres a century and a half ago to only 12,000 acres today. The new refuge will help us preserve the scant habitat we have left and protect a precious environmental resource for future generations.

This bill also includes $4.1 million for construction of a visitor center in the Mono Basin National Forest Scenic Area. My colleague from California, Representative RICHARD LEHMAN, tells me a site for the center has been selected on a bluff overlooking Mono Lake, and the Forest Service is ready to begin construction of a 10,000 square foot facility that will serve 250,000 visitors in its first year. The visitor center will provide an important educational role in teaching travelers the natural history of this beautiful and fragile area.

In addition to the items I have already mentioned which are important to California, I am also very supportive of many other programs under the Interior Subcommittee's jurisdiction that are more national in scope. These include the land and water conservation fund, for which the subcommittee recommended a nearly $140 million increase from the President's request; and, the National Endowments for the Arts and Humanities, which the subcommittee funded above last year's levels.

Of course, all of these programs benefit Californians, but their impact extends nationwide. I am very pleased the subcommittee was able to recommend higher funding levels for them, especially in this extremely difficult year.

Mr. Chairman, I would also like to extend my appreciation to Chairman YATES and the subcommittee for continuing the moratorium on outer Continental Shelf oil and gas leasing in areas off California's coast.

Continuing to rush forward on lease sale 91 is in no one's best interest. Secretary Donald Hodel, Gov. Michael Dukakis, and Vice President BUSH have come to that conclusion come out in support of delaying lease sale 91 so that a new administration, whether Democratic or Republican, has an adequate amount of time to sort out the facts from the fiction and decide whether the sale should go forward.

Just recently a report by the Interior Department's Fish and Wildlife Service has generated new uncertainties about the validity of information generated in support of the lease sale. In the sharply critical report, Federal wildlife experts accused other officials at the Department of Interior of soft-pedaling the "potentially devastating impacts" of oil drilling off the northern California coast.

According to the Fish and Wildlife report;

"Minerals Management has inaccurately painted a picture of a routine operation with few potential impacts when, in fact, offshore development in northern California and the proposed tanker traffic is a high-risk operation in rough seas, in a geologically unstable area, with potentially devastating impacts on coastal resources."

These criticisms by the Fish and Wildlife Service are even stronger and more persuasive than the criticisms submitted in March by the Environmental Protection Agency.

There is one final matter that I would like to briefly address: the National Film Commission. The amendment offered by Mr. YATES is a compromise that has been worked out over the past several days. It significantly modifies a provision contained in the bill as reported out by the Appropriations Committee. The original provision setup a new permanent government agency for the purpose of establishing a national registry. And, in doing so, it would have had the effect of overturning established copyright law as it relates to the ownership of films, and thereby potentially violating fundamental first and fifth amendment principals. It would have, for the very first time, allowed the Government to determine "what is art"; it would have protected selected artistic rights while ignoring other creative contributions; and, it would have required title changes, editing limitations and other restrictions on all films designated as national treasures.

But the true purpose of the original language was to severely restrict, if not to prohibit, colorization. Further, by placing this language in an appropriations bill the authors were bypassing the authorizing committees which not only have jurisdiction over this complex and multifacited matter, but the committees were in the process of holding hearings and had commissioned an indepth study by the copyright office.

A compromise has now been worked out by the authors of the amendment, members of the Judiciary Committee and those in the private sector who were affected. I commend Chairman YATES and all of those involved for their efforts to reach a satisfactory agreement. Under the compromise, a film commission is established to select no more than 25 films per year to be designated as historically, culturally or aesthetically significant for inclusion in a National Film Registry. Any material alteration of such films would require labels to specify how the film has been altered. Further, this compromise, unlike the original language, does not amend existing copyright law.

Again, I greatly appreciate Chairman YATES' willingness to work with us on this matter. I also thank Chairman YATES and the subcommittee for their dedication and hard work. I urge a yes vote on the bill.

Mr. YATES. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of the bill and with particular appreciation for the significant support given in this legislation for the Santa Monica Mountains National Recreation Area.

Mr. Chairman, I would like to engage in a colloquy with the gentle-

man from Illinois [Mr. YATES], chairman of the subcommittee.

Mr. YATES. If the gentleman will yield, I am happy to engage in a colloquy with him.

Mr. BERMAN. Mr. Chairman, section 8 of the National Film Preservation Act creates a National Film Preservation Board which is made up of the leaders of the many facets of the film industry. Perhaps by oversight, the drafters of the legislation did not include the chairman of the Caucus of Producers, Writers and Directors which is an important group in the film industry in my State of California and elsewhere. The caucus is a membership organization consisting of writers, producers, and directors who are proven successes in their respective fields.

Would you be willing to add the chairman of the caucus to the list of Board members if such an addition were put forth by a Member of the Senate in the House-Senate conference committee on this legislation?

Mr. YATES. It is my understanding that the Caucus of Producers, Writers and Directors serves a very important function in the American television industry.

Needless to say, we cannot anticipate what action the Senate might take if and when it considers this legislation in the future. However, we are well aware that there is every possibility the Senate may have additional recommendations when it comes to who should serve on this prestigious panel, including substitutions of organizations chosen by the House of Representatives. Certainly, the conferences should give every consideration to the Caucus of Producers, Writers and Directors.

Mr. BERMAN. I thank the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding time to me and want to compliment the gentleman from Illinois, Mr. YATES, and the gentleman from Ohio, Mr. RALPH REGULA, our ranking Republican, and our very good staff. I think this committee has one of the best staffs on the Hill.

This has been a bill, as my friend from Oregon has already described, which has enormous impact on many of our small timber owners and operators in the State of Washington.

□ 1415

There is an enormous timber supply problem out there. This bill addresses it. At the same time we have put in a historic study this year on old growth timber that has been something of concern to the environmentalists.

Mr. Chairman, I deeply appreciate the committee's support for language dealing with the issue of offshore drilling off the coasts of Washington and Oregon. We have not put moratorium language in this bill but we have worked out a way to try to get cooperation between the Department and the States of Washington and Oregon.

Again I appreciate the chairman's support in preserving the Youth Conservation Corps.

I hope that next year with the new Democratic administration we can recreate the Youth Conservation Corps that we once knew.

I also appreciate the support from the gentleman for the Washington State projects.

I would also say to my chairman and my friends here that this year we had a number of initiatives for the State of Washington dealing with important Bowerman Basin projects, the Henry M. Jackson Visitors Center in the North Cascades, the Preservation of Old Growth in Noisy Creek and an important new Spokane River Centennial Trail.

I would say that my friend from California said it quite well: This is a bill that deals with our parks, deals with our history, deals with our heritage, and also deals with our future.

Mr. Chairman, I again want to commend our chairman. I think he has done an outstanding job with this bill. He has also been a great friend of the American Indian. He does yeoman work in making certain that the tribes have adequate resources and that we live up to our trust responsibilities in that area.

So I hope that the committee will support this legislation. I think it has been worked out in a bipartisan way in the very best traditions and I think it is a bill that deserves the support of the House.

Mr. GORDON. Mr. Chairman, Mr. QUILLEN intended to offer an amendment addressing a proposed permit fee rule change by the Office of Surface Mining. Fortunately, we were able to work out a compromise with the authorizing committee and it was not necessary to offer the amendment. Had this amendment been offered, I would have made the following statement: I rise in strong support of the Quillen amendment. This amendment is needed to protect an already overly burdened industry that is struggling to survive.

The coal industry in Tennessee is depressed. Production has dropped almost 40 percent over the past few years.

Mr. Chairman, I want to start out by making clear what this amendment does not do.

First of all, if does not change any environmental laws or requirements set forth by the Clean Air Act or the Surface Mining Act.

Second, the amendment does not change any occupational mine safety laws or requirements. In fact, the amendment does not change any substantive regulatory or environmental laws.

Finally, this amendment does not give Tennessee coal producers favorable treatment to other States. Tennessee is one of only nine States that the office of surface mining has sole regulatory authority over.

As a practical matter only Tennessee and the State of Washington have any mines that would be affected by the proposed rule change.

Tennessee coal operators pay 35 cents for each ton of mined coal to the Abandoned Mined Land Reclamation Trust Fund. Operators also pay 55 cents for each ton of surface mined coal to the Black Lung Program. However, unlike all States with primacy, Tennessee does not automatically receive State grants of these reclamation funds. Tennessee is only eligible to receive emergency funding from this program.

Thus, the argument cannot be made that Tennessee receives preferential treatment by not having to pay permit fees. Tennessee pays special excise taxes, even though we do not receive automatic funding from the trust funds that these excise taxes support.

Mr. Chairman, what this amendment does do is prevent the Office of Surface Mining from imposing unnecessary permit fees on new applications, renewals, revisions, or permit transfers. This proposed rule change would unduly burden Tennessee and Washington coal operators and I strongly urge the House to support and pass the Quillen amendment.

Mr. RAHALL. I would like to first commend the Subcommittee on Interior for the excellent job they have done in formulating the legislation before us today, the Interior and related agencies appropriation for fiscal year 1989.

Chairman YATES in particular is to be commended for the diligence he shows in consistently bringing such a fine product to the House floor. The great contribution made to this measure by our colleagues RALPH REGULA, JOHN MURTHA, and JOE MCDADE among others is also deeply appreciated.

I am particularly pleased with the $150 million in State grants provided by this bill to continue those efforts aimed at eliminating the health and safety threat faced by coalfield residents from old abandoned coal mine lands under the Abandoned Mine Reclamation Program.

These Federal funds are essential in our ongoing efforts to quench burning refuse piles, seal old mine openings, address subsidence problems, reclaim impoundments and stabilize orphaned surface mined lands through regrading and revegetation.

This legislation also makes available $10 million for the Rural Abandoned Mine Program. Unlike the State grant program. RAMP funds are administered by the Soil Conservation Service and the agency is already planning $2.2 million worth of projects located in several counties within my congressional district for fiscal year 1989.

Also relating to abandoned mine lands, H.R. 4867 provides $1.2 million for the National Mine Land Reclamation Center. West Virginia University is the lead university in this newly established center and the funds will be used to devise more efficient and cost-effective reclamation techniques.

As in the past, this legislation also seeks to provide the necessary resources to the Bureau of Mines, above and beyond the ad-

ministration budget request, to provide the maximum amount of health and safety protection for the Nation's underground coal miners.

This is being accomplished through the development of mine health and safety technologies, such as those involving the mitigation of respirable dust generation, ground control, and methane prevention. Additional funding is also being provided for Bureau of Mines programs involving acid mine drainage and subsidence control research.

Mr. Chairman, I would also note that H.R. 4867 appropriates $16.7 million in State grants from the land and water conservaton fund and $24.8 million in State grants from the historic preservation fund. While these amounts may not be as high as some would like, they are certainly far above what the administration is seeking.

Mr. BOSCO. I rise in support of H.R. 4867, the Department of Interior appropriations bill, and I would like to commend the gentleman from Illinois [Mr. YATES] for his fine work in bringing this bill to the floor. I would also like to express my appreciation to Mr. YATES' subcommittee and to the full Committee on Appropriatons for ratifying another delay in the Interior Department's proposed lease sale 91 off the northern California coast.

To provide just a little background for my colleagues, lease sale 91 involves Outer Continental Shelf tracts located along two counties in my northern California district. This lease sale was announced early in the Reagan administration and Congress has, with cause, postponed it for each of the past 6 years.

Lease sale 91 is a fatally flawed proposal on environmental and scientific grounds. But we in the California delegation have not been playing a four corners stall offense on proposals for drilling off the California coast. Recognizing the need to expand our domestic sources of energy, our delegation has been willing to negotiate with the administration every step of the way, and under the capable leadership of Mr. PANETTA we have always taken the position that compromise is preferable to polarization and stalemate.

And yet today we face a stalemate. Due to the Interior Department's disregard for valid environmental concerns and its extreme political misjudgment, the debate over offshore oil drilling in California has become one of the most impassioned, polarized, heated, and nonproductive in the State's history. Thousands of citizens turn out at public hearings up and down the coast to voice their firm opposition to any offshore drilling, and both sides have become mistrustful of each other to a fault and firmly opposed to any form of compromise.

We did not have to arrive at this unfortunate state of affairs. Our delegation reached an agreement with the Secretary of the Interior in 1985 that would have provided protection for environmentally sensitive areas of our coast in exchange for limited drilling in other areas, and this agreement had the support of the major environmental groups and local communities and citizens. Yet under pressure from oil interests the Secretary unceremoniously backed out of the agreement, dooming to failure any subsequent negotiations between his Department and the Congress.

Mr. Chairman, if the Secretary had not unilaterally abrogated an agreement, our search for new domestic oil resources might be more productive today, and we could be busy reducing at least a fraction of our unhealthy reliance on imported oil. Instead, it will now be up to the next administration to navigate its way through this highly emotional issue and arrive at a solution that protects legitimate environmental interests while recognizing the need for national energy security.

Mr. SLATTERY. Mr. Chairman, I rise in support of this legislation, and want to commend the members of the Interior Appropriation Subcommittee for their continuing work on behalf of Haskell Indian Junior College in Lawrence, KS.

The increase of $295,000 above the administration's request for Haskell both restores the school's budget to the level provided in fiscal year 1988, and provides a sufficient balance to allow Haskell to improve its instructional programs for Indian students.

Further, the $1.5 million earmarked for remedial construction activities at Haskell will allow for a continued reduction in the backlog of facility repairs on the campus. To date, the backlog has been reduced to approximately $8 million. Earmarking these funds for Haskell will continue to reinforce the Bureau's commitment to resolving this problem, which was identified by the Interior Department's inspector general. I want to commend the Interior Appropriations Subcommittee for their concern and diligence in eliminating the life-threatening conditions on the campus, and for improving the living conditions of Haskell students.

Finally, I want to sincerely thank the subcommittee members, and especially Chairman YATES and his staff, for including in this legislation instruction to the Bureau of Indian Affairs to prepare budget estimates to eliminate employee furloughs at Haskell, and reinitiate a summer instructional program.

Since 1984, because of budgetary constraints, Haskell's administration has been forced not only to cancel summer classes for Indian students, but also furlough instructional personnel for 12 weeks, and some maintenance personnel for 2 weeks.

In visiting the campus, I am convinced that these annual furloughs severely affect employee morale, and unduly hamper the school's ability to attract and retain qualified personnel. This is a deplorable situation, and threatening to Haskell's long-term ability to provide continuing education for Indian students.

I look forward to receiving the Bureau's report, and working with the subcommittee next year to resolve the employee furloughs at Haskell, and to reinstitute summer instructional programs at Haskell, through the fiscal year 1990 appropriation.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 4867, the Interior and related agencies appropriations bill for fiscal year 1989. The bill provides funding to maintain a vigorous Department of Energy program in clean coal, and fossil and energy conservation research and development. The continuation of the programs at a healthy levels will ensure the maximum return on our longstanding Federal investment.

As chairman with responsibility for authorizing the research and development programs for fossil and energy conservation, I can appreciate the difficult budget tradeoffs involved in crafting a balanced funding proposal. The subcommittee chairman has one this and the recommendations mirror the policy directions of the research and development bill, H.R. 4505. I believe that these recommended levels contained in the bill reflect the commitment by the Congress to achieve a secure future, in spite of the lack of support for many of these programs in the administration's budget submission. I would remind my colleagues that energy security will remain a key element of national security.

I congratulate subcommittee chairman, Mr. YATES for bringing a responsible funding package to the floor which recognizes energy R&D priorities. I urge my colleagues to support the bill.

Mr. McDADE. Mr. Chairman, I rise today in support of H.R. 4867, the Interior appropriations bill for fiscal year 1989. This important legislation funds the Department of the Interior, the Forest Service, Indian education and health, and conservation programs of the Energy Department.

I would like to compliment the chairman and ranking Republican of the subcommittee, SID YATES and RALPH REGULA, for their outstanding leadership in putting together a bill that is both fiscally responsible and responsive to the needs of this Nation. Chairman YATES and Congressman REGULA showed great foresight in drafting a bill that responds to current needs and provides for future generations. They have shown a genuine concern about the wise use and preservation of our natural resources.

H.R. 4867 is the product of extensive public hearings and a thorough review of the programs of the Interior Department and related agencies. An exhaustive examination of the administration's budget request was made by the subcommittee. As in past years, there were a number of areas where priorities were reordered to better meet the Nation's needs.

The bill provides $9.696 billion in budget authority in fiscal year 1989 for Interior Department and related agencies programs. This compares with the administration's $8.864 billion request and the fiscal year 1988 $9.342 billion appropriation. I should point out that the Interior bill, unlike most other appropriations bills, largely pays for itself through revenues generated by the Interior Department and other agencies represented in the bill. Receipts to the Treasury are estimated to reach nearly $8.4 billion during the coming fiscal year.

The committee took the initiative in increasing the administration's recommendations in several areas involving public resources and energy. These include $128.6 million for Federal acquisition through the land and water conservation fund, $27.4 million for Part Service maintenance, $30 million for the historic preservation fund, $20.2 million for control technology and coal preparation, and $186.5 million for weatherization and schools and hospitals.

Much attention has been focused on the moratoria on Outer Continental Shelf oil and

gas leasing in areas off California, Massachusetts, and Florida. While I do not support such moratoria, I support the bill because I believe it does, in balance, look to future needs and the possibility of supply descriptions with funding for fossil fuels, energy conservation and the strategic petroleum reserve. The bill also spreads $525 million in budget authority for clean coal demonstration projects over the next 3 fiscal years, providing DOE with enough money to meet its expected obligations.

Our natural resources are protected with moderate funding increases over the 1988 appropriation for the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service and the U.S. Forest Service. The Federal Government will also be able to carry out its responsibilities through funding of the Geological Survey, the Minerals Management Service, the Bureau of Mines and the Office of Surface Mining Reclamation and Enforcement. Unfortunately, there are far greater needs than there are available dollars, but this bill makes a good faith effort to put the Nation's priorities in their proper order.

The bill also provides for cultural, intellectual and educational needs with adequate funding levels for the functions of the Smithsonian Institution, the National Gallery of Art, the Woodrow Wilson International Center for Schools, the National Foundation on the Arts and Humanities, the Commission of Fine Arts and the Advisory Council on Historic Preservation.

I am proud to be associated with this legislation. It provides for the stewardship of our public lands, addresses our energy needs, protects our natural resources and respects our Nation's environment. I urge House passage of H.R. 4867.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 4867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $500,959,000, of which not to exceed $1,000,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)), $70,000,000 for firefighting and repayment to other appropriations from which funds were transferred under the authority of section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1988, and $23,000,000 for the Automated Land and Mineral Record System Project shall remain available until expended: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors: *Provided further,* That in fiscal year 1989 all but $742,000 of receipts, and thereafter all receipts from fees established by the Secretary of the Interior for processing of actions relating to the administration of the General Mining Laws shall be available for program operations in Mining Law Administration by the Bureau of Land Management to supplement funds otherwise available, to remain available until expended.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $5,431,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, $11,640,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $61,445,000, to remain available until expended: *Provided,* That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $8,506,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of subsection 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to subsection 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further,* That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c),

title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for surveys of Federal lands of the United States and for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau: *Provided further,* That notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for each uniformed employee of the Bureau of Land Management shall not exceed $400 annually.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $350,251,000, of which $5,000,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which $6,523,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended: *Provided,* That none of the funds provided herein may be used for the planning, implementation, or financing of agreements or arrangements with entities for the management of United States Fish and Wildlife Service wildlife refuges, exclusive of waterfowl production areas, except for agreements or arrangements existing as of the date of enactment of this Act.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $23,756,000, to remain available until expended, of which $2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $50,809,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 160 passenger motor vehicles, of which 153 are for replacement only (including 46 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided,* That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further,* That hereafter the Columbian White Tail Deer Refuge shall be known as the Julia Butler Hansen Refuge for the Columbian White Tail Deer.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $424,000 for the Roosevelt Campobello International Park Commission and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $742,181,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $52,200,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided,* That of the funds appropriated from the General Fund of the Treasury, $56,733,000 shall be for interpretation and visitor services, $269,392,000 shall be for maintenance, and $77,726,000 shall be for resources management: *Provided further,* That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further,* That funds appropriated to the National Park Service may be used for the purchase or hire of personnel services without regard to personnel laws as contained in title V of the United States Code, only to provide for the orderly transition from regional finance offices to a central finance office: *Provided further,* That of the funds provided herein, $250,000 is available for the National Institute for the Conservation of Cultural Property.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $14,093,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $30,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1990: *Provided,* That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further,* That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $131,809,000, to remain available until expended, including $2,950,000 to carry out the provisions of sections 302, 303, and 304 of Public Law 95-290: *Provided,* That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $47,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1989 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $62,206,000 to be derived from the Land and Water Conservation Fund, to remain available until expend-

ed, including $3,300,000 to administer the State Assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $357,000 shall be available in 1989 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $5,181,000: *Provided*, That contracts awarded for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

For expenses necessary to pay awards resulting from claims by licensees against the American Revolution Bicentennial Administration and its successors, $4,765,000: *Provided*, That payment of awards shall occur no later than 30 days after enactment of this Act.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 360 passenger motor vehicles, of which 290 shall be for replacement only, including not to exceed 290 for police-type use and 26 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That no funds available to the National Park Service may be used, unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

No funds shall be available for the National Park Service to issue any construction permit for the Potomac Greens interchange on the George Washington Memorial Parkway unless an Environmental Impact Statement is conducted. The Environmental Impact Statement shall be commenced promptly and completed and filed within eighteen months of the date on which Public Law 100-202 was enacted. After completion and filing, the EIS shall be transmitted to the appropriate Congressional Committees for a period of 60 days, during which time the National Park Service shall not issue any construction permit for the Potomac Greens interchange on the George Washington Memorial Parkway.

The Environmental Impact Statement shall review the traffic impact of only the proposed 38-acre development opposite Daingerfield Island west of the George Washington Memorial Parkway: *Provided*, That the National Park Service shall review the impact of the planned development on the visual, recreational and historical integrity of the Parkway.

The Environmental Impact Statement shall also provide an evaluation of alternative acquisition strategies to include but not be limited to appraisal estimates for the access rights, the entire 38-acre parcel, that portion of the 38-acre parcel as defined approximately by the historic district boundary line, and any other recommendations by the National Park Service to mitigate the Parkway degradation effects of the proposed development so as to adequately protect and preserve the Parkway. Such appraisals shall be prepared and filed as soon as is reasonably possible. The National Park Service solely shall determine the legal and factual sufficiency of the Environmental Impact Statement and its compliance with the National Environmental Policy Act of 1969.

The Environmental Impact Statement shall be separate from, independent of, and in no way intended to affect or modify any pending litigation. Notwithstanding any other provision of law, no court shall have jurisdiction to consider questions respecting the factual and legal sufficiency of the Environmental Impact Statement under the National Environmental Policy Act of 1969.

None of the funds in this Act may be used to issue a permit for seismic exploration of Big Cypress National Preserve, Florida, until an environmental impact statement has been completed.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $448,056,000, of which $58,800,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigation carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 19 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $170,009,000, of which not less than $51,567,000 shall be available for royalty management activities including general administration: *Provided*, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine clean-up activities: *Provided further*, That of the above enacted amounts, $250,000 proposed for data gathering to help determine the boundary between State and Federal lands offshore of Alaska shall be available only if an equal amount is provided by the State of Alaska from State revenues to match the Federal support for this project.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage pri-

vate enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $146,254,000, of which $84,435,000 shall remain available until expended: *Provided,* That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; $104,086,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1989: *Provided,* That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1989 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in NWR v. Miller, C.A. No. 86-99 (E.D. Ky.), and not take any actions inconsistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, $191,154,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further,* That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further,* That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further,* That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87: *Provided further,* That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $996,024,000, of which not to exceed $71,004,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1990, and of which $25,000,000 for firefighting and repayment to other appropriations from which funds were transferred under the authority of section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1988, shall remain available until expended, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1990: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), $1,997,000, to remain available until expended: *Provided further,* That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further,* That $300,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress: *Provided further,* That the Secretary shall take no action to close the school or dispose of the property of the Phoenix Indian School until the Congress has specifically approved the school closure or provided for disposition of the property in legislation: *Provided further,* That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds, and the appropriate committees of the Congress and the tribes have been consulted with as to the terms of the proposed contract or agreement: *Provided further,* That none of the funds in this Act shall be used to implement any regulations, or amendments to or revisions of regulations, relating to the Bureau of Indian Affairs' higher education grant program that were not in effect on March 1, 1987: *Provided further,* That $120,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further,* That if the actual amounts required in this account for costs of the Federal Employee Retirement System in fiscal year 1989 are less than amounts estimated in budget documents, such excess funds may be transferred to "Construction" and "Miscellaneous Payments to Indians" to cover the costs of the retirement system in those accounts: *Provided further,* That notwithstanding any other provision of law, concurrent with the opening of the Western Cheyenne River Consolidated School the following schools shall be permanently closed: Bridger Day School (Howes, SD); Cherry Creek Day School (Cherry Creek, SD); and the Red Scaffold School (Faith, SD).

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, $79,136,000, to remain available until expended: *Provided,* That $1,449,000 of the funds appropriated for use by the Secretary to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-14(d)(3)), may be used for counseling, archeological clearances, and administration related to the relocation of Navajo families: *Provided further,* That $1,100,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

ROAD CONSTRUCTION

Not to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, and 99-503, including funds for necessary administrative expenses, $13,952,000, to remain available until expended, of which not to exceed $11,300,000 is made available to the Tohono O'Odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503.

REVOLVING FUND FOR LOANS

During fiscal year 1989, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), $3,370,000, to remain available until expended: *Provided,* That during fiscal year 1989, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 150 passenger carrying motor vehicles, of which not to exceed 115 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, $82,397,000, of which (1) $79,371,000 shall be available until expended for technical assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $3,026,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided,* That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further,* That $540,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $28,434,000 including $10,304,000 for payment of claims pursuant to the Micronesian Claims Act of 1971, to remain available until expended: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further,* That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further,* That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1989, shall be credited as an offset against fiscal year 1989 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1989.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $36,160,000, including $2,500,000 for the Enjebi Community Trust Fund, to remain available until expended, as authorized by Public Law 99-239: *Provided,* That notwithstanding the provisions of Public Laws 99-500 and 99-591, the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101(d) of Public Law 99-658: *Provided further,* That if the action entitled Juda, et al. v. The United States, No. 88-1206 (Fed. Cir.) is voluntarily dismissed with prejudice and provided that the People of Bikini accept that the following deposit fully meets the obligation of the United States to assist in the rehabilitation and resettlement of Bikini Atoll, to which the full faith and credit of the United States is pledged pursuant to section 103(1)(1) of Public Law 99-239, such obligation shall be satisfied by the deposit of $90,000,000 into the Resettlement Trust Fund for the People of Bikini established pursuant to Public Law 97-257, and governed pursuant to the terms of such trust instrument, such deposit to be in installments of $5,000,000 on October 1, 1988; $22,000,000 on October 1, 1989; $21,000,000 on October 1, 1990; $21,000,000 on October 1, 1991; and $21,000,000 on October 1, 1992: *Provided further,* That the terms of such Resettlement Trust Fund are hereby modified to provide that corpus and income may be expended for rehabilitation and resettlement of Bikini Atoll, except that the Secretary may approve expenditures not to exceed $2,000,000 in any year from income for construction projects on Kili or Ejit: *Provided further,* That one year prior to completion of the rehabilitation and resettlement program, the Secretary of the Interior shall report to Congress on future funding needs on Bikini Atoll. Unless otherwise determined by Congress, following completion of the rehabilitation and resettlement program, funds remaining in the Resettlement Trust Fund in excess of the amount identified by the Secretary as required for future funding needs shall be deposited in the Treasury of the United States as miscellaneous receipts. Upon completion of those needs, the Resettlement Trust Fund shall be extinguished and all remaining funds shall be deposited in the Treasury of the United States as miscellaneous receipts.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $49,580,000, of which not to exceed $10,000 may be for official reception and representation expenses: *Provided,* That 5 per centum of the sum provided under this head shall not be available until on or after the date that final rules are issued by the National Park Serv-

ice that require use of seatbelts while traveling on National Park Service roads.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $24,686,000.

OFFICE OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $18,858,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $1,800,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members: *Provided*, That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 108. Notwithstanding any other provisions of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 109. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the Eastern Gulf of Mexico planning area of the Department of the Interior which lie south of 26 degrees North latitude and east of 86 degrees West longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity within the area identified by the Department of the Interior in the Draft Environmental Impact Statement (MMS 87-0032) for Lease Sale 91 in the Northern California planning area issued December, 1987.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, preleasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands described in, and under the same terms and conditions set forth in section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190; or of lands within the 400 meter isobath surrounding Georges Bank, identified by the Department of the Interior as consisting of the following blocks: in protraction diagram NJ 19-2, blocks numbered 12-16, 54-55 and 57-58; in protraction diagram NK 19-5, blocks numbered 744, 788, 831-832, and 1005-1008; in protraction diagram NK 19-6, blocks numbered 489-491, 532-537, 574-576, 578-581, 618-627, 661-662, 664-671, 705-716, 749-761, 793-805, and 969-971; in protraction diagram NK 19-8, blocks numbered 37-40, 80-84, 124-127, and 168-169; in protraction diagram NK 19-9, blocks numbered 13-18, 58-63, 102-105, 107-108, 146-149, 151-152, 191-193, 195-197, 235-237, 240-242, 280-282, 284-286, 324-331, 368-376, 412-420, 456-465, 500-510, 543-554, 587-594, 596-599, 631-637, 640-644, 675-688, 718-733, 762-778, 805-821, 846-865, 887-891, 894-908, 930-950, and 972-994; in protraction diagram NK 19-10, blocks numbered 474-478, 516-524, 560-568, 604-612, 647-660, 692-704, 737-748, 787-792, 830-836, 873-880, 967-968, and 1011-1012; in protraction diagram NK 19-11, blocks numbered 621-632, 665-676, 700, 709-720, 744, 753-764, 785, 797-808, 825-827, 841-852, 856-860, 869, 890-905, 907-909, 929-931, 941-945, 947-949, 973-975, and 985-989; and in protraction diagram NK 19-12, blocks numbered 452-456, 495-499, 536-537, 539-541, 575-577, 579-582, 617-621, 623-624, 661-662, 664-665, and 705-706.

SEC. 113. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following section:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

"(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 per centum of total person hours expended in the United States; and

"(B) from articles, materials, or supplies at least 50 per centum of which by cost, shall have been mined, produced, or manufactured, as the case may be, in the United States.

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, or for which a building contract has been executed, on or before October 1, 1988, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1992.

"(3) The Secretary may waive—

"(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 per centum of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or

manufactured, as the case may be, in the United States; and

"(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 per centum of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by title, that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

If not, are there any amendments to title I?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment made in order by the rule.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 15, after 13, insert the following:

NATIONAL FILM PRESERVATION BOARD SALARIES AND EXPENSES

For necessary expenses of the National Film Preservation Board, $100,000: *Provided*, That the following may be cited as the "National Film Preservation Act of 1988":

SECTION 1. FINDINGS.

The Congress finds that—

(1) motion pictures are an indigenous American art form that has been emulated tharoughout the world;

(2) certain motion pictures represent an enduring part of our nation's historical and cultural heritage;

(3) it is appropriate and necessary for the Federal Government to recognize motion pictures as a significant American art form deserving of protection.

SEC. 2. NATIONAL FILM PRESERVATION BOARD.

The Secretary of the Interior shall establish a National Film Registry for the purpose of registering films that are culturally, historically or esthetically significant.

SEC. 3. DUTIES OF SECRETARY OF THE INTERIOR.

(a)(1) The Secretary as empowered by the Board shall by rulemaking in accordance with the requirements of the Administrative Procedures Act (5 U.S.C.)—

(A) establish criteria for guidelines pursuant to which such films may be included in the National Film Registry;

(B) establish criteria pursuant to which films may be removed from the National Film Registry;

(C) establish criteria and procedures to determine whether a version of a film registered on the National Film Registry has been materially altered (including colorization).

In addition, the Secretary shall—

(A) determine, from time to time, in consultation with the Board, which films satisfy the criteria developed pursuant to subparagraph (a)(1)(A) and qualify to be included in the National Film Registry. The Secretary shall not select more than 25 films per year for inclusion in the Registry.

(B) determine, from time to time, in consultation with the Board and in accordance with criteria established under subparagraph (a)(1)(B), which films, if any, should be removed from the National Film Registry;

(C) convene, from time to time, a panel of experts solely to advise the Board on a definition of "material alteration" for purposes of subparagraph (a)(1)(C). Such panel shall be comprised of four persons, one representative each from the Motion Picture Association of America and the National Association of Broadcasters, and two representatives of the film guilds representing directors, writers, cinematographers, editors and set designers;

(D) provide a seal to indicate that the film has been included in the National Film Registry as an enduring part of our national cultural heritage which seal may be used in the promotion of any version of such film that has not been materially altered; and

(E) have published in the Federal Register the name of each film whenever it is included in or removed from the National Film Registry.

(b) APPEALS TO THE SECRETARY.—The exhibitor or distributor of a film may appeal to the Secretary—

(1) objecting to a nomination of such film for inclusion in the National Film Registry;

(2) the failure or refusal of the Secretary to nominate such film for inclusion in the National Film Registry;

(3) the removal of such film from the National Film Registry; or

(4) the determination that a version of a film which is included in the National Film Registry has been materially altered.

The Secretary shall refer such appeals to the Board for decision.

(c) REGISTRY COLLECTION.—The Secretary shall endeavor to obtain by gift from the owner, a copy of an original version of each film included in the National Film Registry for scholarly research. Such films shall be stored in an appropriate place to be determined by the Secretary in consultation with the Administrator of General Services.

SEC. 4. LABELING REQUIREMENTS.

(a) No person shall knowingly distribute or exhibit to the public a materially altered version of a film included in the National Film Registery unless the version is labeled as required by subsection (b).

(b)(1) A label for a materially altered version of a film, other than a colorized version, shall consist of a panel card immediately preceding the commencement of the film which bears the following statement: Materially edited version of original work; certain creative contributors did not participate in this version of the film."

Such a label shall appear in a conspicuous and legible type.

(2) A label for a colorized version of a film shall consist of a panel card immediately preceding the commencement of the film which bears the following statement: "Colorized version of original work; certain creative contributors did not participate."

Such a label shall appear in a conspicuous and legible type.

(3) A label for a film package of a materially altered film, other than a colorized version, shall consist of —

(A) an area of a rectangle on the front of the package which bears the following statement: "Materially edited version of original work; certain creative contributors did not participate in this version of the film."

Such a label shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package and;

(B) an area of a rectangle on the side of the package which bears the following statement: "Materially edited version of original work; certain creative contributors did not participate in this version of the film."

Such a label shall appear in a conspicuous and legible type in contrast by typography, layout or color with other printed matter on the package.

(4) A label for a film package of a colorized version of a film shall consist of—

(A) an area of a rectangle on the front of the package which bears the following statement: "Colorized version of original work; certain creative contributors did not participate."

Such a label shall appear in a conspicuous and legible type in contrast by typography, layout, or color, with other printed matter on the package; and

(B) an area of a rectangle on the side of the package which bears the following statement: "Colorized version of original work; See front panel."

Such a label shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

SEC. 5. MISUSE OF SEAL.

No person shall knowingly distribute or exhibit to the public a version of a film which bears a seal as described by subparagraph 3(a)(2)(D) of this Act if such film—

(a) is not included in the National Film Registry; or

(b) is included in the National Film Registry where such version has been materially altered.

SEC. 6. REMEDIES.

The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of Sections 4 and 5 of this Act upon the application of the Commissioner of Patents and Trademarks to the Attorney General of the United States acting through the several United States Attorneys in their several districts. The scope of the relief shall be limited to the prospective application of a label or removal of a seal as appropriate except in cases in which the Commissioner finds a pattern or practice of willful disregard of this Act. In such cases, the United States District Courts are vested with jurisdiction to order civil fines of not more than $10,000 and appropriate injunctive relief.

SEC. 7. LIMITATIONS OF REMEDIES.

The remedies under Section 6 shall be the exclusive remedies under this Act or any other federal or state law, regarding the use of a seal as described by subparagraph 3(a)(2)(D) or labeling of materially altered films.

SEC. 8. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—The Secretary shall establish a National Film Preservation Board to be made up of the following members:

(1) The President of the Academy of Motion Picture Arts and Sciences;

(2) The President of the Directors Guild of America;

(3) The President of the Writers Guild of America;

(4) The President of the National Society of Film Critics;

(5) The President of the Society for Cinema Studies;

(6) The President of the American Film Institute;

(7) The Chairman of the Department of Theatre, Film and Television, College of Fine Arts at the University of California, Los Angeles;

(8) The Chairman of the Department of Cinema Studies in the Graduate School of Arts and Science at New York University;

(9) The President of the University Film and Video Association;

(10) The President of the Motion Picture Association of America;

(11) The President of the National Association of Broadcasters;

(12) The President of the Association of Motion Picture and Television Producers; and

(13) The President of the Screen Actors Guild.

The Secretary shall appoint a member to serve as Chairperson.

(b) TERM OF OFFICE.—The term of each member of the Board shall be four years from the expiration of his predecessor's term; except that the members first appointed shall serve for terms of one to four years, as designated by the Secretary at the time of appointment, in such manner as to insure that the terms of no more than two of them will expire in any one year. A member whose term has expired shall serve until that member's successor has been appointed.

A vacancy in the Board shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Any member appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) QUORUM.—Seven members of the Board shall constitute a quorum but a lesser number may hold hearings.

(d) BASIC PAY.—Members of the Board shall serve without pay, except that members of the Board are each authorized to be paid the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day, including travel time, during which they are engaged in the actual performance of duties of the Board. While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e) MEETINGS.—The Board shall meet at least twice each calendar year and the first such meeting shall be within 120 days after the effective date of this section. Meetings shall be at the call of the Chairperson or a majority of its members.

SEC. 9. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Chairperson of the Board may appoint and fix the pay of such personnel as the Chairperson considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Board may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of Chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-16 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule.

SEC. 10. POWERS OF BOARD.

(a) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate, to review nominations of films submitted to the Board for inclusion in the National Film Registry and to consult with the Secretary with respect to the inclusion of such films in the Registry and the removal of any films from the Registry, and those powers defined in Section 3. From time to time, the Board may alter the labeling by two-thirds vote of those present.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, producers, and film critics, film preservation organizations and representatives of academic institutions with film study programs. The Board shall not nominate more than twenty-five films a year for inclusion in the Registry.

SEC. 11. DEFINITIONS.

As used in sections 1 through 6:

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

(2) The term "films" means a feature-length, theatrical motion picture after its first theatrical release.

(3) The term "film package" means the original box, carton or container of any kind in which a videotape or disc is offered for sale or rental.

(4) The term "Board" means the National Film Preservation Board.

(5) Material alteration shall include fundamental changes in the film such as colorization, substitution of characters' bodies and faces, significant changes in theme, plot and character.

Excluded from the definition of material alteration are practices such as the insertion of commercials and public service announcements for television broadcast.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of the Interior for fiscal year 1989 not to exceed $100,000 and for any subsequent fiscal year such sums as may be necessary.

SEC. 13. EFFECTIVE DATE.

The effective date is date of enactment of this Act. The provisions of this Act shall not apply to any films materially altered prior to said effective date.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the amendment is not subject to amendment.

The gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, this is an amendment which proposes to establish within the Department of the Interior a board which would be authorized to select up to 25 films per year and designate them as worthy for inclusion in a National Film Preservation Registry within the Department of the Interior.

The board will be made up of various individuals who are not members of the Government but are made up of various aspects of the film industry, the motion picture industry, and they are to meet at least twice a year for the purpose of determining which films are historic or esthetically deserving of designation within the registry.

This is in keeping with the work of this committee. We deal with the appropriations for the National Endowment for the Arts, for the National Endowment for the Humanities, for the National Art Gallery, for the Smithsonian Institution.

The motion picture is America's indigenous art. It is America's own art. It is well that we should offer this amendment to preserve this kind of art form.

We are now preserving all kinds of historic objects and places. We are preserving landmarks, battlefields, buildings like the Old State House, and Faneuil Hall in Boston; we are preserving brittle books in this bill. Last year we bought the collection of Duke Ellington's compositions for preservation in the Smithsonian.

Motion pictures as well should be preserved and that is the purpose of my amendment; that is what we are about to do in this bill.

They are valuable and I hope that my amendment is accepted by the House.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my deep appreciation, admiration and respect for Chairman SIDNEY YATES who has been involved in a whole host of preservation issues.

I can recall not too long ago coming into a committee room in which he had been conducting hearings all day

on the question of brittle books; very important works, some of them a couple of hundred years old that are in the Library of Congress, and how we go about saving them from the acidification that the paper is being destroyed from. Now, he has taken on a very controversial issue with this amendment, an issue that has resulted in an amendment that declares for the first time that the U.S. Congress is committed to the belief that certain films of the thousands of motion pictures made in American history, are works of art, that some of them are an enduring part of our national cultural heritage. A film preservation board made up of prestigious American citizens involved in various aspects of film production, film study, film appreciation and film criticism—will have an opportunity for the first time to determine that certain films are works of art, they are national treasures, that this indigenous American art form, an art form that was created in the United States of America, deserves some labeling protection.

This bill will make it clear that anyone who wants to alter these works of art in the future, is going to have to appropriately label them so that future generations will know that they do not represent the original creative vision of directors like John Ford, John Huston, Fred Zinneman, and others who made these works of art. It was a pleasure working with Chairman YATES.

I would also like to extend my appreciation to JACK BROOKS, chairman of the Committee on Government Operations and someone who was able to bring various sides of this contentious issue together in arriving at an important compromise that does create a commission that will provide recognition for the first time of some of the greatest works of art ever produced in the United States of America.

I am proud to have worked with them.

The CHAIRMAN. Is any Member opposed to the amendment?

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

EN BLOC AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer en bloc amendments.

The Clerk read as follows:

En bloc amendments offered by Mr. JONES of North Carolina:

Amend title I of H.R. 4867 by:

On page 10, line 3, deleting "$50,809,000" and substituting in its place "$46,809,000"; and

On page 10, line 8, deleting "$5,645,000" and substituting in its place "$9,645,000".

□ 1430

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to amendment or subject to a demand for a division of the question.

The gentleman from North Carolina [Mr. JONES] will be recognized for 30 minutes and a Member opposed to the amendments will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am offering a revenue neutral amendment to H.R. 4867 in order to increase the payments owed to counties and local governments under the National Wildlife Refuge Revenue Sharing Act. I am reluctantly taking this step because the Federal Government has not fulfilled a promise it made to counties in which acquired national wildlife refuge lands are located.

Under the Refuge Revenue Sharing Act, the U.S. Fish and Wildlife Service makes payments to counties primarily to compensate them for tax revenues lost when private lands are acquired for the national wildlife refuge system.

Unfortunately, since 1980 there has been a growing shortfall in the refuge revenue sharing fund and a dramatic decline in the percent of entitlement actually paid to counties. The proposed appropriation in H.R. 4867 for the refuge revenue sharing fund would result in the affected counties receiving only 54 percent of what they are owed.

In fact, the last year that the affected counties received full payment of their entitlement was in 1980. The reason for this decline is that while net revenues and supplemental appropriations have remained fairly steady over the years, the value and amount of acquired wildlife refuge land has increased substantially. With the addition of new wildlife refuges each year, the shortfall will continue to grow and the percent of entitlement will continue to get smaller.

The resulting shortfall is disturbing for several reasons. First, counties in which wildlife refuges are located are losing substantial amounts of revenue. In the case of the First District of North Carolina, my own counties will be denied $259,000 otherwise owed to them from the refuge revenue sharing fund. A deficit of this size has an especially serious impact on localities where the amount and value of refuge lands are significant.

Second, I am concerned that the growing deficit will harm the national wildlife refuge system as a whole. It is damaging to the relationship between the Federal and local county governments where refuges are located or proposed to be located. The Fish and Wildlife Service depends on county and State cooperation to implement many of its existing programs, and to support the acquisition of new wildlife refuges.

My amendment is revenue neutral. It does not adversely affect any viable ongoing Fish and Wildlife Service Program. My amendment would shift $4 million out of the Fish and Wildlife Service's land and water conservation fund account which had been allocated for the Hawaii forest birds refuge acquisition project. The Fish and Wildlife Service has confirmed that its land acquisition program for this project has recently stalled and run into problems.

The Service has a large amount of unobligated funds left over for this project from fiscal year 1988 and is likely to obligate little if any of the funds allocated in H.R. 4867. Without any prejudice to Hawaii or the merits of the Hawaiian forest bird project—which is a worthy one—I believe that this money can be redirected without affecting any viable land acquisition efforts in fiscal year 1989.

In summary, I ask your support for my amendment to provide an additional $4 million for refuge revenue sharing—an amount which would enable the Service to pay about 78 percent of the entitlement due to these counties. This modest sum will help ensure the continued strength and growth of wildlife refuge system, and ease the burden on hard-hit local governments.

Mr. FROST. Mr. Chairman, I would like to take this opportunity during the debate on the amendment proposed by my good friend, the Chairman of the Interior Appropriations Subcommittee, to note that I have grave reservations about the creation of a governmental entity to advise or pass judgment on whether or not privately produced films are of classical, artistic or historical value. I understand that many of my colleagues are concerned that the artistic value of many film classics, originally shot in black and white, will be destroyed through the colorization process. My purpose is not to take sides on the issue of colorization, but to express my concern about the first amendment implications of the creation of a governmental entity which will have the ability to affix a stamp of value on a movie.

I should also like to observe that many of the opponents of colorization, both in the Congress and in the artistic community, have expressed their concerns about the colorization activities of Turner Broadcasting, Inc., which owns the MGM-United Artistic film library. However, during the course of the debate on this amendment in the Committee on Rules, the company did make a good faith effort to resolve some of these concerns by outlining its commitment, as a matter of private corporate policy, to the following principles: First, labeling of colorized movies to indi-

cate they are changed from their original theatrical version; second, assuring that the black and white version of a colorized movie will remain available for theatrical, television and videocassette distribution; and third and very importantly, assuring the careful preservation of black and white originals and a commitment to deposit black and white copies of colorized films with the Library of Congress. Mr. Chairman, this commitment actually goes further toward protecting film classics than the amendment in question today. The principle embodied in this commitment applies to all 3,600 films in the Turner film library, not just to the 25 films to be selected annually by the proposed National Film Preservation Board.

Mr. Chairman, the commitment of this private enterprise to preserve black and white film classics and to voluntarily identify to a viewing audience that films have been altered is far preferable to a governmental agency mandating that films with a Government seal of approval as classic or of historical value be so identified. While I am convinced that the proponents of this amendment have only the best intentions in mind, and that is the preservation of a distinct American art form, I must express my grave reservation about the creation of a board to pass judgment on artistic works, and for that reason I oppose the amendment.

MODIFICATION OF EN BLOC AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent to change my amendment, and my modification is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of en bloc amendments offered by Mr. JONES of North Carolina: "Strike the first part of the amendment, referring to line 3, page 10; and

"On page 10, line 8, strike '$5,645,000' and insert '$7,645,000'."

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina to modify his amendment?

Mr. YATES. Mr. Chairman, reserving the right to object in connection with this request, as I understand the modification and the amendment as modified, it proposes to increase the amount available in the fund by $2 million, and that portion of the gentleman's original amendment which was to take the money out of the fund for the purchase of the property in Hawaii has been deleted; is that correct?

Mr. JONES of North Carolina. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. YATES. Mr. Chairman, I have no objection, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina to modify his amendment?

Mr. WALKER. Mr. Chairman, reserving the right to object, if this is simply, then, an addition amendment, does this present any problems with regard to the 302 allocation available to the committee?

Mr. YATES. Mr. Chairman, if the gentleman will yield, we would still be $1 million under, I say to the gentleman.

Mr. WALKER. So the amendment does not in any way breach the 302 allocation?

Mr. YATES. It does not cause the bill to exceed the discretionary outlay level.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Mr. JONES of North Carolina. Mr. Chairman, if the gentleman will yield, I think by way of explanation to the Members, I should say that what this amendment does is this: It originally called for $4 million to be added to this fund. we have agreed to reduce that to $2 million, and that is where we are.

Mr. WALKER. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina to modify his amendments?

There was no objection.

The CHAIRMAN. The en bloc amendments are modified.

EN BLOC AMENDMENTS, AS MODIFIED, OFFERED BY MR. JONES OF NORTH CAROLINA

(The text of the en bloc amendments, as modified, offered by Mr. JONES of North Carolina is as follows): Amend title I of H.R. 4867 by:

On page 10, line 8, deleting "$5,645,000" and inserting "$7,645,000".

The CHAIRMAN. Does the gentleman from North Carolina wish to yield further time?

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, this amendment involves a small amount of money when compared to the budget as a whole.

But for those communities which are being shortchanged under the National Wildlife Refuge Revenue Sharing Act, the losses are very substantial. Five counties in my own Eighth District of Georgia are collectively experiencing shortfalls of nearly $200,000. This is the amount of money the Federal Government is taking out of the tax base of these counties every year.

The shortfalls have to be replaced. And there are only two ways to do this—by cutting back on funding for schools and other vital community services or by increasing property taxes for other landowners.

Mr. Chairman, I can assure you this is a very significant issue to the citizens of these counties. It is also important from the standpoint of fairness.

Payments to the counties under the Refuge Revenue Sharing Act are compensation for lost tax revenues resulting from the acquisition of private land for the national wildlife refuge system. Passage of the Refuge Revenue Sharing Act amounted to a promise by the Federal Government to provide full compensation for the losses in revenue.

Since 1980, the Federal Government has been reneging on this promise. The decline in the percentage of entitlements paid to the counties has continued throughout this decade.

This is an opportunity for the House to right a wrong by restoring part of what has been promised to the people who live closest to our wildlife refuges.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I do not rise in opposition, but may I ask the Chair, is it possible to move to strike the last word?

The CHAIRMAN. The Chair will advise the gentleman from Illinois that under the rule the time is controlled, 30 minutes for the gentleman from North Carolina [Mr. JONES] and 30 minutes for a gentleman opposed to the amendment.

Is the gentleman opposed?

Mr. YATES. I was opposed to the original amendment, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the distinguished gentleman from North Carolina for yielding time to me, and I will not take much time.

Mr. Chairman, I have in my own district more than nine national wildlife refuges, and, of course, I am very interested in this amendment, even though it has been amended to a very small amount, to $2 million.

Obviously, what has occurred here is that there has been a promise made by the Federal Government for in lieu taxes of lands within counties that are in national wildlife refuges. Of this tax, only about 54 percent of the money promised has been delivered to these counties.

I live in a county with 75 percent Federal ownership. The Members can understand why I am very concerned about the Bureau of Land Management, Forest Service, and national wildlife refuge fees, because in my case it comes directly, as the gentleman from Georgia indicated, out of the remaining property taxpayers to pony up the difference.

So that means the Federal Government is not a good citizen. They are paying 54 percent of all they promised. Here is a chance at least to begin

to remedy that. It ought to be remedied by 100 percent, simply because those counties that house the national wildlife refuges in America house them for all the people in America, not just the West or the East or the South or the North. If that is true, then they ought to be compensated at least for the in lieu property taxes, as was promised in the original act.

So the gentleman's amendment is right on target. It is a very small amount. I think this brings it up to something like 60 percent from 54 percent. It is a meager amount. But the point is made that we ought to begin remedying this situation, and we can take it easy. We do not want it all this year, but we ought to get back to 100 percent funding because it is unfair to the other property taxpayers in America who happen to be surrounded by or who surround a national wildlife refuge.

Mr. Chairman, I encourage the gentleman from North Carolina [Mr. JONES]. I thank him for his amendment, and I stand in full support of it.

Mr. JONES of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I would like to express my strong support for the amendment offered by the distinguished chairman of the Merchant Marine and Fisheries Committee regarding the National Wildlife Refuge Program.

This revenue neutral amendment will correct a serious financial problem for counties which are home to national wildlife refuges.

Counties containing land that is included in the national wildlife refuge system must forfeit potential tax revenues in order to participate in the system.

Under current operation of the system, reimbursement for counties barely exceeds 50 percent of lost potential tax revenues.

Counties in my congressional district, home of the beautiful and fascinating Lower Rio Grande Valley Wildlife Refuge, lost approximately $91,000 during 1987.

This amendment will reverse the decline in entitlement reimbursement for counties under this program. It will bring reimbursement levels up and ensure that counties receive approximately 75 percent of lost tax revenues.

I believe this is the minimal level of reimbursement required to ensure that counties continue to participate in this program.

I urge my colleagues to support this important amendment.

Mr. JONES of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong support of the amendment being offered by my colleague from North Carolina, the chairman of the full committee, Mr. JONES. We in Congress must make sure that counties are properly compensated for the revenue that is lost by acquisition of private land to be included in the national wildlife refuge system.

In my State of Nevada, 87 percent of the land is public. The counties of my State need the revenue derived from private land to sustain their tax base. If the Federal Government decides to acquire private land, and therefore take it out of the local government's tax jurisdiction, it should be responsible for making the appropriate payments provided for by law. The fiscal year 1987 shortfall for Nevada is approximately $64,000. I think this is unacceptable.

□ 1445

Mr. Chairman, I thank the gentleman from North Carolina [Mr. JONES], the chairman, for introducing this amendment, and I urge my colleagues to support it.

Mr. VENTO. Mr. Chairman, it is my understanding this amendment deals with a specific case. I hope that we do not look at it as any kind of precedent. This is appropriations bill for a 1-year period. I understand that the gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries, has made a special effort to try and deal with this specific problem, but, if we would be on a very slippery slope trying to pay wherever we have public lands money to local governments. The cost would be overwhelming and not well understood, much less justified. I would think that we would need all the money in this bill and much more to deal with that sort of policy.

The fact is that the National Government must be a good steward of the public land and in fact does invest significant resources to help State and local governments benefit from such public lands. I take this amendment as a specific instance, where a specific problem exists that this proposal is trying to address, and I well understand that there has been agreement on this compromise amendment today, however I want to add my voice to this debate especially because of some of the statements that have been made this afternoon concerning the meaning of this amendment. I thank Chairman JONES for yielding this time to me and his willingness to compromise and work with the Committee on Appropriations on this matter.

Mr. MAVROULES. Mr. Chairman, I rise in support of the amendment being offered by our colleague, WALTER JONES, to increase the refuge revenue sharing fund by $4 million.

As we all know, under the Refuge Revenue Sharing Act the Fish and Wildlife Service makes payments to counties to compensate them for lost tax revenues that have resulted from the acquisition of private lands for additions to the national wildlife refuge system.

Proposals by the administration for fiscal year 1988 would have allowed counties with wildlife refuges to receive only 52 cents on the dollar owed to them under this act. Just 8 years ago, these same counties would have received full payment. This makes the amendment by Mr. JONES all the more critical—it would allow for 78-percent payment to the counties.

And in these times of fiscal responsibility, Mr. JONES has taken steps to ensure that his amendment calling for a $4 million increase in the refuge revenue sharing fund is revenue neutral.

As one of the Members whose district ranks in the top 15 for refuge revenue sharing deficits, this amendment is particularly important. It is unfair that districts in which refuges are located are losing substantial amounts of revenue. My district alone suffered an over $114,000 shortfall in fiscal year 1987.

This figure sounds insignificant to those of us who daily deal in sums of millions and billions.

But to local communities that rely heavily on property taxes to fund schools, social services and the local infrastructure, it can mean the difference between having or not having updated textbooks for our schoolchildren or a meal program for our elderly poor. As a former mayor, I understand and appreciate the local impact. It means that districts with refuges are being penalized for their participation in this valuable environmental program.

The deficit harms the entire refuge system. For example, the Fish and Wildlife Service depends on good relations with the State and county to implement many of its programs, and often relies on the assistance of local authorities to deal with emergency situations such as forest or brush fires. If counties do not feel they are getting their fair share under the program, resentment may build against the Federal Government and the local refuge itself.

Also, States and counties increasingly are reluctant to have refuge lands removed from their tax roles for conservation. The future growth of this system is at stake if localities become hesitant to participate.

As a staunch environmentalist, coming from a district that is well aware of the needs to protect our fragile ecosystem, I urge my colleagues to support Mr. JONES' amendment so that we may continue our commitment to our wildlife refuge system.

Mr. HUGHES. Mr. Chairman, I rise in support of the amendment offered by my colleague from North Carolina [Mr. JONES]. I am deeply concerned over the dramatic decline in

payments entitled to counties in which land has been acquired for the National Wildlife Refuge System.

The Federal Government has pledged to fully compensate counties for lost tax revenues in which acquired national wildlife refuge lands are located. However, only 54 percent of the entitlement is actually paid. The lost revenue places a significant hardship on counties that depend on property taxes to fund local school districts and other vital county services.

This growing shortfall is well illustrated in my own district, which has had a revenue loss of some $63,000 in fiscal year 1986, and approximately $67,000 in fiscal year 1987. The local communities cannot afford this substantial loss of resources.

As land values continue to increase, States and counties will surely become reluctant to have land included in the national wildlife refuge. Clearly, it is time for Congress to recognize the potential harm that may come from this reluctance, and to assure sufficient funding for future conservation.

This amendment shifts $4 million from the Fish and Wildlife Service's land and water conservation fund account to the refuge revenue sharing account. It will not jeopardize any viable land acquisition efforts in fiscal year 1989. Instead, the amendment addresses the growing shortfall in payment owed to the counties, and assures the counties' support for the continued acquisition and protection of wetlands and other valuable wildlife habitat.

I congratulate my colleague for offering this amendment. It not only revitalizes the refuge revenue fund—it also secures the future of our National Wildlife Refuge System. I urge your support.

Mr. DYSON. Mr. Chairman, I rise in support of the refuge revenue sharing amendment offered by Chairman JONES. Every year we create new wildlife refuges, and I believe that my colleagues will agree with the positive effects of such actions. Under existing Federal law, the U.S. Fish and Wildlife Service makes payments to counties to compensate them for lost tax revenues resulting from the aquisition of private lands for the National Wildlife Refuge System. Yet our refuge revenue sharing fund has not kept pace. In fact, under the existing appropriations counties will only receive some 54 percent of what they are owed. This means that every refuge we create will receive less money in matching funds for the counties. This is a problem that needs correcting.

Mr. Chairman, the statistics that I have seen show that 21 congressional districts have had shortfalls of over $100,000. My district has had a shortfall of some $46,000. As my district is a rural one, this shortfall has disasterous economic effects. One of these refuges, the Blackwater National Wildlife Refuge, is located in one of the poorer counties in my district. Dorchester County will be severely hurt by the lack of compensating money from the National Wildlife Refuge Revenue Sharing Fund. This should not be the case. The Blackwater National Wildlife Refuge is visited by tourists throughout the United States. It surrounds one of only three rivers in the continental United States that is still wild from beginning to end and still largely untouched by man. It is the most important tourist attraction in the county. Yet the refuge has taken 16,000 acres out of economic circulation in a county whose per capita GNP is $4,000 lower than the national average.

While I strongly support the existence of the Blackwater Refuge, Dorchester County must be compensated for the land taken out of circulation. We do not want the acquisition of national refuges to be hampered by concerns over economic loss. We must provide the funding levels to allow compensation for counties harboring national refuges. As Chairman JONES has indicated, this amendment is revenue neutral. It only transfers money from an unused account to the revenue sharing fund. Mr. Chairman, Chairman JONES has offered this amendment to preserve America's natural beauty, and I urge my colleagues to support his amendment.

Mr. JONES of North Carolina. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the en bloc amendments as modified, offered by the gentleman from North Carolina [Mr. JONES].

The en bloc amendments as modified, were agreed to.

The CHAIRMAN. Are there other amendments to title I?

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Georgetown-Silverplume area of Clear Creek County, CO, which is located in my district, contains a number of diverse historical resources. The National Park Service has completed the first phase of the historic district planning process, a reconnaissance-level survey of the area in 1980, and concluded that the Georgetown-Silverplume area does contain historically significant sites.

It is my understanding that the Senate Appropriations Subcommittee on the Interior has reported its desire to see that $83,000 is earmarked to complete the second phase of the planning process—to evaluate alternatives available to the National Park Service for management and protection of historical sites in Clear Creek County.

These funds would permit the National Park Service to examine the alternatives available for managing and preserving the cultural resources in this area.

I would ask the distinguished chairman if it is also the desire of his panel to see that the National Park Service use $83,000 to complete the second phase of the planning process?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Illinois.

Mr. YATES. The project sounds like a worthy one and deserving of support. However, I cannot now indicate the committee's intent but will assure the gentleman that we will give it every consideration at conference.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES], the distinguished chairman, very much, and I yield back the balance of my time.

The CHAIRMAN. Are there other amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $139,865,000, to remain available until September 30, 1990, of which $3,000,000 shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95-307.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $78,143,000, to remain available until expended, as authorized by law: *Provided*, That a grant of $2,800,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: *Provided further*, That notwithstanding any other provision of law, a grant of $3,600,000 shall be provided to the Washington State Parks and Recreation Commission for construction of the Spokane River Centennial Trail, a grant of $1,350,000 shall be provided to the County of Kootenai, Idaho, for construction of the Idaho Centennial Trail, and a grant of $600,000 shall be provided to the State of Oregon for the Old Columbia River Highway, as authorized by Public Law 99-663 (16 U.S.C. 544j).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for reimbursement to other appropriation accounts from which funds were transferred in the preceding fiscal years for forest firefighting and emergency rehabilitation of National Forest System lands, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", $1,309,244,000 to remain available for obligation until September 30, 1990, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a).

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $216,542,000, to remain available until expended, of which $35,038,000 is for construction and acquisition of buildings and other facilities; and $181,504,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1989 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed

$64,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further,* That notwithstanding any other provision of this Act or any other provision of law, there is authorized and appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $5,333,000 of contract authority to be transferred to the Forest Service for road construction to Forest Development Road Standards to serve the Mount St. Helens National Volcanic Monument, Washington: *Provided further,* That the funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of this project shall be 100 per centum, and such funds shall remain available until expended: *Provided further,* That $5,333,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) as authorized and appropriated above is hereby made available to liquidate the obligations incurred against the contract authority as provided for in this Act.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $41,645,000 to be derived from the Land and Water Conservation Fund, to remain available until expended and $600,000 for acquisition of land and interests therein and near the White Salmon National Recreational River, Klickitat County, Washington, as depicted on a map entitled "White Salmon River Acquisitions—1988" on file with the Forest Service, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended.

TONGASS TIMBER SUPPLY FUND

For necessary expenses for the Tongass National Forest pursuant to section 705(a) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 539d(a)), as amended, $25,264,000, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $966,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $30,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 200 passenger motor vehicles of which ten will be used primarily for law enforcement purposes and of which 190 shall be for replacement only, of which acquisition of 165 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 59 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be transferred to the National Forest System appropriation for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest: *Provided,* That not less than $37,561,000 shall be made available to the Forest Service for obligation in fiscal year 1989 from the Timber Salvage Sales Fund appropriation.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds made available to the Forest Service in this Act shall be expended for the construction of the Gasquet-Orleans (G-O) road.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided,* That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

None of the funds made available to the Forest Service in this Act may be used to adopt or implement any modifications to the final policy for the Small Business Timber Set-Aside Program which was issued by the Forest Service on June 6, 1985, and published in the Federal Register of June 13, 1985, at pages 24788 to 24793, as corrected in the Federal Register of July 9, 1985, at page 27997.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 100-202 is amended by striking "and $525,000,000 are appropriated for the fiscal year beginning October 1, 1988" and inserting "$100,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended, $225,000,000 are appropriated for the fiscal year beginning October 1, 1989, and shall remain available until expended, and $200,000,000 are appropriated for the fiscal year beginning October 1, 1990": *Provided,* That this transfer is made pursuant to sec-

tion 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).

For the purposes of the sixth proviso under this head in Public Law 99-190, funds derived by the Tennessee Valley Authority from its power program are hereafter not to be precluded from qualifying as all or part of any cost-sharing requirement, except to the extent that such funds are provided by annual appropriations Acts: *Provided*, That unexpended balances of funds made available in the "Energy Security Reserve" account in the Treasury for The Clean Coal Technology Program by the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, shall be merged with this account.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $357,361,000, to remain available until expended, of which $249,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended, of the amount appropriated under this head, $3,500,000 shall be available for a grant for an energy center at the University of Oklahoma in Norman, Oklahoma: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, $35,000,000 is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further*, That 25 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1989, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $185,071,000, to remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $371,562,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1989 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That $200,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same amounts for each program as in fiscal year 1988, and of which $10,000,000 shall be available for a grant for the energy demonstration and research facility at Northwestern University designated under this head in Public Law 100-202 and as authorized by section 202 of Public Law 99-412 (42 U.S.C. 8281 note): *Provided further*, That the facility may be expanded to encompass space for life sciences in addition to that for material sciences.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $21,010,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,154,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $173,421,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), $333,555,000, to remain available until expended: *Provided*, That notwithstanding 42 U.S.C. 6240(d) the United States' share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the actitivities of the Energy Information Administration, $62,856,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles, hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding 31 U.S.C. 3302, funds derived from the sale of assets as a result of defaulted loans made under the Department of Energy Alcohol Fuels Loan Guarantee program, or any other funds received in connection with this program, shall be credited to the Biomass Energy Development account, and shall be available solely for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program for loans guaranteed prior to January 1, 1987.

Unobligated balances available in the "Alternative fuels production" account may be used for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program, subject to the determination by the Secretary of Energy that such unobligated funds are not needed for carrying out the purposes of the Alternative Fuels Production program: *Provided*, That the use of these unobligated funds for payment of defaulted loans and associated costs shall be available only for loans guaranteed prior to January 1, 1987: *Provided further*, That such funds shall be used only after the unobligated balance in the Department of Energy Alcohol Fuel Loan Guarantee reserve has been exhausted.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXIII and sections 208 and 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; $1,016,667,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300cc-2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding

any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further,* That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until expended: *Provided further,* That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund and contract medical care: *Provided further,* That of the funds provided, $2,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $25,000 per year of obligated service in return for full-time clinical service in the Indian Health Service. Each individual participating in this program must sign and submit to the Secretary a written contract to accept repayment of educational loans and to serve for the applicable period of service in the Indian Health Service: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further,* That of the funds provided, $2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1990.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $64,050,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further,* That non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, if such care can be extended without impairing the ability of the facility to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act and in the case of tribally administered facilities, shall be available to the tribal organization without fiscal year limitation: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That the Secretary of Health and Human Services may authorize special retention pay under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer for the period during which the officer is obligated under section 338B of the Public Health Service Act and assigned and providing direct health services or serving the officer's obligation as a specialist: *Provided further,* That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further,* That funds provided in this Act may be used to reimburse the Indian Health Service travel costs of spouses who accompany prospective Indian Health Service medical professional employees to the site of employment as part of the recruitment process: *Provided further,* That section 103(c) of the Indian Self-Determination Act (88 Stat. 2206), as amended by Public Law 100-202 (101 Stat. 1329-246), is amended by inserting after the word "claims" the words "by any person", and is further amended by inserting after the word "performance" the words "prior to, including, or after December 22, 1987," and is further amended by inserting after the word "investigations," the words "an Indian tribe,": *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, $68,153,000, of which $49,848,000 shall be for part A and $15,807,000 shall be for parts B and C: *Provided,* That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1990.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $27,723,000, to remain available until expended, for operating expenses of the Commission: *Provided,* That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Commission shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Institute of American Indian and Alaska Native Culture and Arts Development as authorized by Public Law 99-498, $3,094,000, of which not to exceed $250,000 for Federal matching contributions shall be paid to the Institute endowment fund.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $208,766,000, of which not to exceed $1,206,000 for the instrumentation program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of

American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $5,305,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $20,835,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $8,655,000, to remain available until expended: *Provided*, That notwithstanding any other provison of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $37,831,000, of which not to exceed $2,320,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $500,000 to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles, and services as authorized by 5 U.S.C. 3109, $4,240,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $141,800,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act: *Provided*, That none of the funds available to the National Endowment for the Arts may be used to implement a peer panel review process different from that in place as of December 31, 1987.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $27,200,000, to remain available until September 30, 1990, to the National Endowment for the Arts, of which $18,200,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,000,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $28,700,000, to remain available until September 30, 1990, of which $16,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $22,620,000, including not to exceed $250,000 as authorized by 20 U.S.C. 965(b): *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further*, That the Museum Services Board shall not meet more than three times during fiscal year 1989.

NATIONAL FILM COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Film Commission, $500,000: *Provided*, That the following may be cited as the "National Film Preservation Act of 1988":

SECTION 1. FINDINGS.

The Congress finds that—

(1) motion pictures are a significant part of our Nation's historical and cultural heritage and uniquely reflect the spirit of their times;

(2) motion pictures are an indigenous American art form that has been emulated throughout the world;

(3) certain motion pictures represent an enduring part of our national cultural heritage;

(4) these motion pictures are being defaced by technologies that directly threaten the integrity of motion pictures and fundamentally alter artistic vision of the artists who created these works; and

(5) it is appropriate and necessary for the Federal Government to recognize motion pictures as a significant American art form deserving of protection.

SEC. 2. ESTABLISHMENT OF NATIONAL FILM COMMISSION.

There is established within the National Foundation on the Arts and the Humanities a commission to be known as the National Film Commission (hereinafter referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) establish criteria pursuant to which theatrical motion pictures (hereinafter in this chapter referred to as "films") that are culturally, historically, or esthetically significant may be designated part of a National Film Registry;

(2) determine, from time to time, which films satisfy such criteria and designate those films as part of the National Film Registry;

(3) establish criteria to determine whether a film has been materially altered and make such a determination respecting each film which is a part of the National Film Registry;

(4) determine the content and appropriate form of labeling to effectively disclose to viewers of any film which the Commission determines has been materially altered that such material alteration has occurred;

(5) determine the content and appropriate form of labeling to effectively disclose to viewers of any film which the Commission determines has been materially altered—

(A) that the principal director or principal screenwriter of the film desires to be disassociated from the materially altered version of the film; or

(B) if both the principal director and principal screenwriter of the film are deceased, that, in the opinion of the Commission,

they would have desired to be disassociated from the materially altered version of the film;

(6) have the authority to make determinations referred to in paragraph (5)(B);

(7) provide a seal for each film that is a part of the National Film Registry and that has not been materially altered, which may be used by the copyright owner in the promotion of such film, to indicate that the film has been selected by the Commission as an enduring part of our national cultural heritage; and

(8) notify the Copyright Office of the names of all films designated as a part of the National Film Registry and have such names published in the Federal Register.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of nine members as follows:

(1) four appointed by the Chairman of the National Endowment for the Arts (after consultation with head of the organization from which the members are to be appointed), of which two shall be members of the Directors Guild of America and two shall be members of the Writers Guild of America;

(2) four appointed by the Chairman of the National Endowment for the Humanities (after consultation with head of the organization from which the members are to be appointed), of which two shall be members of the National Society of Film Critics, and two shall be members of the Society for Cinema Studies; and

(3) one appointed by the President;

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of 3 years.

(2)(A) Of the members first appointed under subsection (a)(1)—

(i) 1 shall be appointed for a term of 1 year;

(ii) 2 shall be appointed for terms of 2 years; and

(iii) 1 shall be appointed for a term of 3 years; as designated at the time of appointment.

(B) Of the members first appointed under subsection (a)(2)—

(i) 2 shall be appointed for terms of 1 year;

(ii) 1 shall be appointed for a term of 2 years; and

(iii) 1 shall be appointed for a term of 3 years; as designated at the time of appointment.

(C) The member first appointed under subsection (a)(3) shall be appointed for a term of 3 years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) BASIC PAY.—Members of the Commission shall serve without pay.

(d) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by the members of the Commission. The term of office of the Chairperson and Vice Chairperson shall be 3 years.

(f) MEETINGS.—The Commission shall meet at least twice each calender year and the first such meeting shall be within 120 days after the effective date of this chapter. Meetings shall be at the call of the Chairperson or a majority of its members.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Chairperson and who shall be paid at the rate of basic pay payable for level V of the Executive Schedule.

(b) STAFF.—The Director may appoint and fix the pay of such additional personnel as the Director considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-18 of the General Schedule.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this chapter, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimburable basis such administrative support services as the Commission may request.

SEC. 7. REMEDIES.

The principal director or principal screenwriter of a theatrical motion picture which is a part of the National Film Registry, or their heirs, shall have, with respect to a violation of section 119 of title 17, United States Code, all of the remedies a copyright owner would have under sections 502 through 505 of title 17, United States Code, with respect to an infringement of copyright.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the National Film Commission for fiscal year 1989 not to exceed $500,000 and for any subsequent fiscal year such sums as may be necessary to carry out its duties.

SEC. 9. LIMITATION ON EXCLUSIVE RIGHTS: THEATRICAL MOTION PICTURES.

(a) MATERIAL ALTERATION OF CERTAIN FILMS.—Chapter 1 of title 17, United States Code, is amended by inserting at the end thereof the following new section:

"§119. Limitation on exclusive rights: theatrical motion pictures

"Whenever a theatrical motion picture is a part of the National Film Registry, it shall be unlawful to—

"(1) publicly perform, distribute, sell, or lease such motion picture which the National Film Commission determines has been materially altered without making all disclosures required to be made by the National Film Commission respecting such motion picture; or

"(2) publicly perform, distribute, sell, or lease such motion picture using its original title if such motion picture was originally released in black and white and has been subsequently colorized.".

(b) CONFORMING AMENDMENT.—The table of sections of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 118 the following new item:

"119. Limitation on exclusive rights: theatrical motion pictures.".

SEC. 10. NOTIFICATION BY COPYRIGHT OFFICE.

Section 705 of chapter 7 of title 17, United States Code, is amended by inserting at the end thereof the following new subsection:

"(d) Upon notification by the National Film Commission that a theatrical motion picture is a part of the National Film Registry, the Copyright Office shall promptly notify the copyright owner, the Directors Guild of America, and the Writers Guild of America that such motion picture is a part of such Registry.".

SEC. 11. EFFECTIVE DATE.

Sections 1 through 10 of this Act shall take effect on the 120th day beginning after the date of its enactment.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $475,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $5,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $1,774,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $2,962,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $28,000 to remain available until September 30, 1990.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,343,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $3,175,000, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 as amended, $2,594,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further,* That $350,000 of the funds appropriated shall be used by the Holocaust Council's Committee to Remember the Children to develop and implement a national educational outreach program with the cooperation of the Capital Children's Museum.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title II?

POINT OF ORDER

Mr. KASTENMEIER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KASTENMEIER. Mr. Chairman, I make a point of order against the paragraph beginning on page 73, line 15 through page 82, line 6 because it proposes to change existing law and constitutes legislation in an appropriation bill and because it contains an unauthorized appropriation thus violating clause 2, rule XXI.

The rule states in pertinent part:

No appropriation shall be reported in any general appropriation bill—for any expenditure not previously authorized by law—

And

No provision changing existing law shall be reported in any general appropriation bill—

The paragraph in question establishes a National Film Commission and provides an appropriation for it, therefore violating clause 2, rule XXI.

I ask for a ruling from the Chair.

Mr. YATES. Mr. Chairman, I concede the point of order.

Mr. KASTENMEIER. Mr. Chairman, I would ask the Chair for a ruling.

The CHAIRMAN (Mr. OBERSTAR). The Chair sustains the point of order.

Are there any other points of order against title II?

If not, are there amendments to title II?

AMENDMENTS OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. YATES: On page 68, line 8, strike "$208,766,000" and insert $209,266,000".

On page 84, line 4, strike "$2,594,000" and insert "$2,244,000"; and on page 84, beginning on line 6, strike the following:

": *Provided further,* That $350,000 of the funds appropriated shall be used by the Holocaust Council's Committee to Remember the Children to develop and implement a national educational outreach program with the cooperation of the Capital Children's Museum";

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, these amendments will reduce the appropriation of the Holocaust Memorial Council by $350,000, and remove a provision from that account, and provide instead $500,000 to the Smithsonian Institution. The funds will be used by the Smithsonian for a contract with the Capital Children's Museum, to develop and implement a national educational outreach program using the experience gained from the demonstration project and exhibition, "Remember the Children." Recommendations of professional organizations, such as the American Association of Youth Museums, Council of American Jewish Museums, and standing professional committees of the American Association of Museums, should be sought in developing the program.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are in agreement with the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mr. YATES].

The amendments were agreed to.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 307. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the National Forest System released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1)(A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil shale, phosphate, potassium, sulfur, gilsonite, or geothermal resources on Federal lands within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House

Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided,* That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further,* That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about the inventorying of energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as the Secretary deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land satellites; or any other methods the Secretary deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by the Secretary to be qualified to engage in such activities whenever the Secretary has determined that such contract would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provision of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. None of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1989 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

SEC. 314. The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service, and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing land and resource management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: *Provided, however,* That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated, or in the case of the Bureau of Land Management, solely on the basis that the plan does not incorporate information available subsequent to the completion of the existing plan: *Provided further,* That any and all particular activities to be carried out under existing plans may nevertheless be challenged.

SEC. 315. (a) From funds appropriated under this Act such sums as are necessary shall be made available to pay forest or wildland firefighters premium pay under the provision of subchapter V of chapter 55 of title 5, United States Code (notwithstanding the limitations of section 5547 of such title), for all premium pay that would have been paid to such forest or wildland firefighter employees, but for the provisions of section 5547 of such title, for all pay periods (and parts thereof) occurring during the fiscal year ending September 30, 1989.

(b) Notwithstanding the provisions of subsection (a), no forest or wildland firefighter employee may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the maximum rate for GS-15 as provided under the General Schedule pursuant to subchapter III of chapter 53 of title 5, United States Code.

(c) For purposes of this section, the term "wildland forest firefighter" means any employee of the Department of Agriculture or the Department of the Interior who is assigned to, or in support of, work on forest or wildland wildfire emergencies.

SEC. 316. Section 320 of Pubic Law 98-473 (98 Stat. 1874), is amended by deleting the colon and all that follows the words "quarters of that agency" and inserting a period (.) in place of the colon.

SEC. 317. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

If not, are there any amendments to title III?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 92, after line 16 insert the following new section:

SEC. 318. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances by its employees.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, the amendment I am offering is the drug-free workplace amendment that has been offered in a previous appropriation.

I have talked to the gentlemen on both sides of the aisle, and I think we

have an agreement worked out to accept this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, as the gentleman from Pennsylvania [Mr. WALKER] knows, I have opposed his amendment in the past in its original form, and I recognize the will of the House as evidenced by the acceptance of the amendment in all other appropriations bills, and I am, therefore, willing to accept this amendment.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES]. I know that he is not the biggest fan of the concept, but I appreciate his cooperation very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PASHAYAN

Mr. PASHAYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PASHAYAN: On page 92, line 16, strike the period at the end thereof and add the following: "until an environmental assessment has been completed and the Giant Sequoia Management Implementation Plan is approved. In any event, timber harvest within the identified groves only will be done to enhance and perpetuate Giant Sequoia. There will be no harvesting of Giant Sequoia specimen trees."

Mr. PASHAYAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PASHAYAN. Mr. Chairman, the distinguished chairman of the subcommittee has seen the language of the amendment. It simply improves the management procedures in respect to the giant redwoods in California.

Section 317 as offered by the Committee on Appropriations fails to recognize some of the dynamic events which has taken place and will take place due to the forest planning process. My amendment seeks only to perfect that which the committee seeks to do.

The Sequoia National Forest and nearly all its 38 giant redwood groves are in the 17th Congressional District, and the management of those redwoods is set forth in the Sequoia National Forest land and resource management plan dated March 1988. The plan is subject to a lawsuit pending in the Federal District Court in Fresno.

Basically my amendment will allow the Forest Service to deliver on a commitment made by regional forester Paul Barker who stated:

* * * A Forest-wide Giant Sequoia Grove Management Implementation Plan will be developed and incorporated into the Forest Plan as an amendment. Except for emergency rehabilitation due to catastrophic events, no new management activities affecting giant sequoia groves will be undertaken until the plan is completed. This plan will finalize grove boundaries and the allocation of acres to the management categories described in the Forest Plan for all groves. The allocations are: preservation, 3,900 acres; Non-intensive management, 9,300 acres; Intensive management, 0 acres. The Plan will be the result of an environmental analysis and will have full public involvement.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman from California [Mr. PASHAYAN] was kind enough to make the amendment available to us a few minutes ago, and we have discussed it with him. The committee inserted a provision in the bill providing for the prohibition on further cutting of giant sequoia trees. There is a slight ambiguity in connection with the association of the giant sequoias with other redwoods, and it is my understanding that the giant sequoias will not be cut, but that because for other reasons which require that the Forest Service be permitted to continue with the Sequoia Management Implementation Plan, the gentleman offers this amendment.

With that understanding between the gentleman from California [Mr. PASHAYAN] and ourselves, for the next 2 years, as I understand it, during which time the plan is supposed to be worked on and completed, there will be no harvesting of the giant sequoias. We await the recommendation after the plan comes out as to what to do further at that time.

Mr. Chairman, I have no objection to the gentleman's amendment.

Mr. PASHAYAN. Mr. Chairman, I associate myself with the remarks of the gentleman from Illinois [Mr. YATES], and I could not have done a better job in explaining the substance of the provision.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are in agreement with the amendment.

Mr. PASHAYAN. Mr. Chairman, I move to strike the last word.

Mr. PANETTA. Mr. Chairman, I simply want to commend both the chairman and the ranking member for a job well done on this bill.

Mr. Chairman, I rise in strong support of H.R. 4867, the Department of Interior appropriations bill.

As I have so many times in the past, I would again like to express my heartfelt thanks to Chairman YATES, BILL LOWERY, VIC FAZIO, and other members of the subcommittee and full committee for their hard work and, especially, their commitment to restoring some balance to our Nation's offshore leasing program. They have made this effort for some time now, and I can say without question that, literally, millions of Californians are deeply grateful for their work.

This year's bill is especially important because it will allow the next administration a fair opportunity to resolve the difficult issues which have surrounded proposals for offshore leasing in our Nation's most sensitive areas. The bill provides for a delay until the next fiscal year of any leasing in northern California, as well as delays for areas off the Florida and Massachusetts coasts. The report also reflects the committee's understanding that there will be no changes in the current leasing schedule for southern and central California, where the administration had previously deferred scheduled lease sales, and that certain conditions will be respected with respect to a possible supplemental sale in fiscal year 1989.

It is noteworthy that the northern California provisions were not contested in either subcommittee or full committee. This lack of controversy reflects a broad agreement that the sale ought to be deferred. This view is shared by both Vice President BUSH and Governor Dukakis, who both wish to have time to evaluate the impact of oil and gas development in this exceptionally sensitive area. The committee's action also reflects Interior Secretary Hodel's decision essentially to suspend lease sale 91—he has indicated that he will not release the final EIS on lease sale 91, thus indefinitely delaying the sale and allowing the next President the opportunity to review the FEIS and make a decision as to whether to proceed.

This caution with respect to lease sale 91 is well-founded. The area promises to provide only some 16 days' worth of oil, while seriously threatening a variety of critical natural resources. The seriousness of this threat has been documented by both the EPA and the Fish and Wildlife Service, as well as by the more than 5,000 public comments on the DEIS. The Environmental Protection Agency gave its next to lowest rating to the draft EIS on lease sale 91, and found that the DEIS failed to discuss some critical air quality and oil spill issues, and that essential data necessary to assess the impact of oil and gas development was missing. Moreover, the Fish and Wildlife Service, part of the Interior Department, recently issued a stinging criticism of the impacts of the sale. The service raised many of the same concerns as EPA, and concluded by noting that—

Minerals Management has inaccurately painted a picture of a routine operation with few potential impacts, when in fact offshore development in Northern California and the proposed tanker traffic is a high risk operation in rough seas, in a geologically unstable area, with potentially devastating impacts on coastal resources.

Despite pressure from MMS to weaken its comments, even a later, sanitized set of Fish and Wildlife Service comments contains harsh criticisms of both the environmental impacts of oil and gas development in northern California and deficiencies in the DEIS itself.

The committee bill ensures that there will be sufficient time for the new administration to consider these concerns and to balance the meager hydrocarbon resources in this area

against the serious environmental impacts which may occur as a result of oil and gas development.

The committee bill will also ensure that each of the California OCS planning areas will be similarly treated, thereby allowing a comprehensive and long-term approach to the entire California coast to be developed, in discussions with the new administration and the delegation. This approach, rather than a sale area by sale area method, offers the best hope of resolving the concerns of all sides on this issue. It also offers the best hope that the many efforts of the committee to ensure that the Department takes a balanced approach to offshore leasing will, at long last, bear fruit.

If I may, I would also like to thank the chairman for including report language calling upon the Forest Service to seek the balance of the funding needed to complete construction of the Big Sur multiagency facility in fiscal year 1990. Due to budget constraints this year, the Forest Service chose to spread the remaining funding out over fiscal years 1989 and 1990. The committee report language helps to ensure that the balance of the needed funds will, in fact, be requested.

In conclusion, I extend my sincere thanks to Chairman YATES and members of the subcommittee and full committee for their work this year, and I urge my colleagues to support passage of H.R. 4867.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this bill. The chairman, the ranking member, and the members of the subcommittee are doing a marvelous job here.

Mr. Chairman, today the House, in passing the Interior and related agencies appropriations bill for fiscal year 1989, will complete action on the final appropriations bill for fiscal year 1989.

As my colleagues know, we have Gramm-Rudman provisions which tell us what to do. We have the Committee on the Budget, through the budget resolution, telling us what we can do. And when our colleagues on the other side did not get together on a budget until 53 days after one was due, it left our committee and each subcommittee, and I am a member of each subcommittee, where we had to get together and agree on a preliminary 302(b) subdivision among all 13 subcommittees within the total set by the budget adoped by the House.

We did that, Mr. Chairman, then lo and behold, 53 days late, our colleagues on the other side convinced our colleagues that we should go through it all over again. The last time all the bills passed the House before June 30 was in 1960.

Mr. Chairman, this did not just happen. Our Appropriations Subcommittees proceeded with the development of their bills. There were approximately 250 days of hearings, over 4,500 witnesses, 92,000 pages of hearings and over 1,200 total requests from our colleagues for their areas. The committee members, the subcommittee chairmen, and the ranking minority members, worked hard to meet a schedule they set for themselves. Back in February I told the Speaker barring external factors beyond the control of the committee, the first bill would be on the floor the week of May 16 and the last bill would be on the floor the week of June 20. An external factor—adoption of a budget resolution 53 days after the statutory date of April 15—kept us from meeting our schedule by 1 week.

In order to meet the schedule, Mr. CONTE, the ranking minority members, cooperated every step of the way. There were many others who helped—the Rules Committee, when we requested rules, went out of the way to schedule hearings so we could proceed in an orderly manner.

Especially I do wish to thank the Speaker whose support has meant so much, all these efforts, coming together over the last 5 months, have gotten us to where we are today. I am proud of the efforts of the committee members, the leadership, and the House in this accomplishment.

I also want to compliment the staff who have done so much to help—not only the committee staff, but the floor staff, staff of the Rules Committee, and the leadership staff.

And, again, we have kept the total of appropriations bills below the President's requests, although we made rearrangements of priorities of the various bills to continue essential domestic programs.

□ 1500

Mr. Chairman, this is the first time we have been able to pass all these bills by this date since 1960. We bring you a bill that is within all the limits placed on us, and may I say again if I am going to criticize these limits, it is because they do not distinguish between investment spending, where it may last a hundred years, and spending for emptying wastebaskets where it may last 24 hours.

We have in this bill looked after our own country, and after all, it is our own country that stands behind our money, for money is paper based on what we do for our country.

Mr. Chairman, I congratulate my friend, the gentleman from Illinois, for the great job he has done, and my friend, the gentleman from Ohio, because they have done a great job here.

Mr. Chairman, this culminates a very successful year for our committee and I am proud to report it to my colleagues.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

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

Mr. WALKER. Mr. Chairman, I am very impressed with the material the gentleman gave and I think the committee is to be congratulated for moving the appropriation bills so swiftly.

I was fascinated by one of the figures the gentleman used. I think the gentleman said that he had 1,200 requests from Members of Congress for things from the Appropriations Committee, is that right?

Mr. WHITTEN. That is right. Some of them requested three or four things. You know how that is.

Mr. WALKER. That is an average of three per person.

Mr. WHITTEN. That is right.

Mr. WALKER. That is a pretty big average. Are all of those going to be made a matter of public record? Are those requests a matter of public record?

Mr. WHITTEN. Well, may I say that our colleagues represent territory, and we have got lots of territory.

I will say something else. This is one committee that is bipartisan. We look after every sector of the country.

Some years ago somebody raised a point about looking after districts. I said that everybody is from some district and if they do not look after it, they do not stay here.

Mr. WALKER. Well, Mr. Chairman, if the gentleman will yield further, my question to the gentleman was if we have 1,200 requests, that averages 3 per Member. I am just wondering whether or not each of those 1,200 requests is a matter of public record so that we know what the Members of Congress are requesting in terms of spending from the gentleman's committee. Is that something which, for instance, I could find out, or for instance the news media could find out?

Mr. WHITTEN. I am sorry, I cannot answer the gentleman. There were 92,000 pages of hearings. I will be glad to look it up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PASHAYAN].

The amendment was agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to join my good friend and chairman, the gentleman from Mississippi, Mr. JAMIE WHITTEN, in marking this auspicious occasion.

This Department of the Interior appropriations bill was the 13th and final general appropriations bill that we have brought to the House floor for fiscal 1989. The date is June 29. Hell has indeed frozen over.

No, Mr. Chairman, this is not a miracle. Whether my chairman likes it or not, the reason is the budget summit agreement.

For the first time last year, we junked the Budget Act, and held a budget summit. We wound up with real numbers, not the puff and smoke

that comes out of the Budget Committee.

This is what I have been advocating for years. Repeal the Budget Act. Get your key people together, lock them in a room for 25 days, and do not let them out until they have the numbers. And then stick to those numbers.

That is what we have done this year.

I want to point out to you that since the enactment of the Budget and Impoundment Control Act of 1974, we have never met all of the deadlines for approving a budget resolution. Over the past 12 years, Congress has been an average of 60 days late in passing a budget resolution.

Not surprisingly, since fiscal 1977 we have had a continuing resolution every year. In fact, there have been an average of three-fourths CR's each year. For fiscal years 1985, 1986, and 1988, there were five CR's. In fiscal 1987 we had six.

Well this year, we are not going to have even one continuing resolution—at least I hope not. We still have the Senate to worry about.

But the key to not having CR's is, of course, to pass the regular appropriations bills. And here we are, just 72 legislative days after we received the President's budget requests, acting on the last bill. The only thing quicker was the Tyson-Spinks fight.

I congratulate the chairman, the subcommittee chairman, the ranking members and all of the members of our committee for this record. I also commend the leadership for scheduling these bills in a timely and regular manner.

And finally, I commend all of the Members of this House for acting on these bills responsibly and without undue rancor or delay. If you do not want continuing resolutions, this is the way it has to be done.

We still have a lot of work to do to get these bills through conference and signed by the President. But as long as we keep our eyes on that budget summit agreement and continue to comply with it, we can do it.

All I can tell you is that it is really different to hear a chorus of "Yankee Doodle" rather than "Jingle Bells" as we finish House action on these bills.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

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

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

I wonder if the gentleman could answer a question I asked here a few minutes ago. Of these 1,200 requests, is that the gentleman's understanding, that that was about the number of requests that were made from Members of Congress?

Mr. CONTE. Oh, maybe 10 percent got through.

Mr. WALKER. About 10 percent of those actually got through, but of the 1,200 requests, is there a public record of those within the committee? Could, for instance, someone find out who made those requests and what they were?

Mr. CONTE. I am sure all you have to do is go through the 13 committee hearings. Most of the Members appeared, or they will write you a letter. If you come to my office, I will be glad to give the gentleman all the letters I got.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, insofar as requests made before our committee, here are the hearings of our committee in these volumes on the desk. Part 12 contains the testimony of Members of Congress requesting action by our subcommittee.

Mr. WALKER. Let me see if I understand how this works, if the gentleman will continue to yield.

In other words, some of these 1,200 requests could be a Member coming and asking for 2 or 3 things; that is a part of the 1,200?

Mr. YATES. If the gentleman will yield further, that may be. For example, I think with respect to an appropriation for historic preservation there were requests by more than 60 Members that the appropriation for historic preservation be approved.

They may have in the course of their requests not only asked for funds for historic preservation, but for the arts and for three or four other things in which they had a particular interest.

Mr. WALKER. Well, let me understand further. In other words, this 1,200 is not necessarily people who have requested special projects for their districts, it is also requests of the committee to do certain things?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(At the request of Mr. WALKER, and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, for national programs, like historic preservation, for the National Endowment for the Arts, for example, a number of Members came in, none of which could be described as being applicable only to their individual districts.

Mr. CONTE. Well, I will give the gentleman some real concrete examples. On Health and Human Services, Education, part (B) of impact aid, 60 Members requested that the funds not be cut there.

On LIHEAP, 201 Members signed a petition to the gentleman from Kentucky [Mr. NATCHER] and myself asking that we bring that program up to $1.8 billion.

Mr. WALKER. All that would be included in this 1,200 figure.

Mr. CONTE. Yes.

Mr. WALKER. And all that material would be a matter of public record?

Mr. CONTE. Oh, definitely.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PANETTA] having assumed the chair, Mr. OBERSTAR, Chairman of the Committee on the State of the Union, reported that that Committee, having had consideration the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 45, not voting 25, as follows:

[Roll No. 211]

YEAS—361

Ackerman	Bennett	Boucher
Akaka	Bentley	Boxer
Alexander	Bereuter	Brennan
Andrews	Berman	Brooks
Annunzio	Bevill	Broomfield
Anthony	Bilbray	Brown (CA)
Applegate	Bilirakis	Brown (CO)
Aspin	Bliley	Bruce
Atkins	Boehlert	Bryant
Baker	Boggs	Buechner
Ballenger	Boland	Bustamante
Barnard	Bonior	Byron
Bateman	Bonker	Callahan
Bates	Borski	Campbell
Beilenson	Bosco	Cardin

Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Staggers
Stallings
Stangeland
Stark
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—45

Archer
Armey
Bartlett
Barton
Boulter
Bunning
Burton
Combest
Crane
Dannemeyer
Davis (IL)
DeLay
Dornan (CA)
Dreier
Fields
Frenzel
Gekas
Hastert
Hefley
Herger
Hunter
Hyde
Konnyu
Lightfoot
Lukens, Donald
Lungren
Martin (IL)
McCandless
McCollum
Moorhead
Packard
Petri
Roberts
Schaefer
Sensenbrenner
Shays
Shumway
Shuster
Smith, Robert (NH)
Stenholm
Stump
Swindall
Tauke
Upton
Walker

NOT VOTING—25

Anderson
AuCoin
Badham
Biaggi
Cheney
de la Garza
Dixon
Hayes (IL)
Jones (TN)
Kemp
Mack
MacKay
Mica
Miller (CA)
Moody
Myers
Ray
Saiki
Spence
Spratt
St Germain
Stratton
Sweeney
Udall
Weiss

□ 1530

Mr. ROBERTS and Mr. BOULTER changed their vote from "yea" to "nay."

Mr. PURSELL and Mr. INHOFE changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AuCOIN. Mr. Speaker, on rollcall 211, the passage of the Interior appropriations bill, I was called off the floor and failed to cast a vote.

Mr. Speaker, I am a member of the committee, and, had I been present and voting, I would have voted for that bill on final passage.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4867, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1989

Mr. YATES. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4867, the Department of Interior and related agencies appropriation bill, 1989, the Clerk be authorized to make any necessary technical corrections.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Let the Chair observe for the benefit of Members who have not been in the Chamber during the last moments of the consideration of the bill just passed, the action of the House just completed constitutes a remarkable feat and is a historically significant occasion. Thanks to the leadership and splendid cooperation of all of the Members of the House, and particularly the leadership and cooperation of the gentleman from Mississippi [Mr. WHITTEN], chairman of the Appropriations Committee, and the gentleman from Massachusetts [Mr. CONTE], the distinguished ranking minority member, and the other members of that committee, the House has passed all 13 of the appropriation bills before the end of June.

That fact is the more remarkable when one considers that it has been 28 years or 1960 since that goal was achieved by the end of June, at that time in 1960, the new fiscal year began on July 1, so historically this is unique. We have completed in the House our initial actions on all 13 appropriations bills 3 months ahead of the beginning of the new fiscal year.

So we take our hats off to the distinguished chairman and the distinguished ranking minority member of that committee.

It is our purpose now to return to the fair housing bill.

FAIR HOUSING AMENDMENTS ACT OF 1988

The SPEAKER. Pursuant to House Resolution 477 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1158.

□ 1535

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes, with Mr. OLIN [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 23, 1988, pending was an amendment to section 6, offered by the gentleman from Florida [Mr. MCCOLLUM].

The gentleman from Florida is recognized for 5 minutes.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield briefly to me?

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

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Florida for yielding. I will take just a moment.

I would just like to point out to my colleagues and to the chairman that we are well along on this bill. We have one or two major amendments left. Just about all of the amendments offered today were carefully considered by the full Committee on the Judiciary.

We also have an agreement with the National Association of Realtors, with the National Association of Home Builders and with other organizations who used to be in opposition to the fair housing bill. We have a wonderful compromise that satisfies both sides, and I would expect that the bill should not take too long. This is where we are now, and we will take up now the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

MODIFICATION OFFERED BY MR. FISH TO THE AMENDMENT OFFERED BY MR. MC COLLUM

Mr. FISH. Mr. Chairman, the amendment offered by the gentleman from Florida speaks in terms of page 7, striking out lines 3 and all that follows through line 3 on page 8. That refers to the committee bill and not to the amendment in the nature of a substitute dated May 4, 1988.

Therefore, I ask unanimous consent that the beginning of the McCollum amendment read: "Page 5, strike out line 12 and all that follows through line 17 on page 6," inasmuch as it is the amendment in the nature of a substitute that is before this body.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from New York [Mr. FISH]?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment as modified, offered by Mr. McCOLLUM: Page 5, strike out line 12 and all that follows through line 17 on page 6 and insert in lieu thereof the following:

"(C) a failure to design and construct multifamily dwellings, constructed for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, in such a manner that—

"(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons; and

"(ii) at least 10 percent of such dwellings (but not less than one unit) are, or can be adapted to be, accessible to and usable by handicapped persons, as required by the Uniform Federal Accessibility Standards adopted pursuant to the Architectural Barriers Act of 1968.

Page 8, line 8, strike out "(3)(C)(iii)" and insert in lieu thereof "(3)(C)(ii)".

Mr. McCOLLUM. Mr. Chairman, the amendment I am offering today to the fair housing bill deals with the rehabilitation section of the bill, and it deals with the requirement that is in the bill right now that mandates that 100 percent, all, 100 percent of all new units constructed in multifamily housing, which means four or more units to an apartment or four or more units to a condominium, no matter whether that construction is private or public, 100 percent of all units to be constructed in the future in the United States be constructed in a certain way to supposedly help the handicapped.

I say supposedly because I am all for there being apartments and condominiums constructed to help the handicapped, without any question. The issue before us today though is twofold. One is whether or not the construction required in the bill is adequate to really help the handicapped, and I submit that it is not; and No. 2, whether we need or should we have the requirement that all apartments and condominium units be built in this way to help the handicapped.

For example, under the language of this act, as it is now drafted, there is no requirement that the national standard of Federal accessibility or the ANSI standard, which is an alternative, actually be followed. My amendment would require that in those apartments and those condominium units that are constructed and required under my amendment that the Federal standards be adhered to strictly. That means that under the present language in the bill a person who is wheelchair bound would not necessarily have an apartment constructed for him that he could even turn the wheelchair around in the kitchen or the bathroom.

Under my amendment, by using the Federal standards and the national standards that are strictly adhered to, those bathrooms and those kitchens would have to be constructed with enough space and enough room that one could turn a wheelchair around in it. Under the standards that the bill has in it now, there is no requirement that the refrigerators be built such that the freezer, the top part of an upright refrigerator, be instead down so that a wheelchair person can get hold of that freezer door. There is also no requirement that a stove in the kitchen have all of the handles and the knobs in front of it instead of the back of it where a wheelchair bound person cannot reach it. And there is no requirement in this bill as it is now drafted that a wheelchair bound person would have one of these apartments constructed so that the cabinetry and the light switches in the kitchen areas and so forth would all be adjustable so that he could reach them.

There is a noble intent in the bill to do this, but unfortunately it does not do it because it spells out in four different places in the bill specific ways to comply with this bill, but then it leaves an alternative that says if one could comply with the national standards that exist, the building code standards on handicapped, that will meet these, but one does not have to do that. And the report language in the bill makes it very clear that that is not the case and not the requirement.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. McCOLLUM] has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 5 additional minutes.)

Mr. McCOLLUM. Mr. Chairman, in the language of the committee report on page 27 it talks about the features in the kitchen, and so forth. The committee report says, and I quote:

The Committee intends that such space be usable by handicapped persons, but this does not necessarily require that a turning radius be provided in every situation. This provision also does not require that fixtures, cabinetry or plumbing be of such a design as to be adjustable.

What I am submitting to my colleagues today is that by the McCollum amendment we would be requiring that every apartment unit that must be constructed for the handicapped be actually usable by the handicapped and meet those Federal standards. That means that the stove that is installed has to be usable by the handicapped. That means that the refrigerator that is in the kitchen can be usable by a wheelchair bound, handicapped person, and that means that the space in the kitchen or the bathroom has to be big enough so that a handicapped, wheelchair bound person can turn around, and that the fixtures and the cabinetry and so forth are adjustable, not that they have to be built that way, but that they are adjustable for that use. In doing that, what we would do as well, and I think it is very significant, is to reduce from 100 percent on all of the apartments that have to be constructed in this country to meet whatever design we put in this legislation and that we put a minimum mandatory 10 percent on all those apartments and condominiums. That is the same 10 percent required currently in public housing, in 202 elderly housing under our law.

It seems to me that is a perfectly legitimate and logical percentage to have. We have about 6 million or 7 million maybe handicapped persons of one type or another in this country but only about 600,000 or 700,000 who are wheelchair bound. We build quite a sizable number of apartments and new condominiums every year. It does not seem to me, nor to anyone I think who really looks at this, that it is necessary that we have every single apartment or condominium built with this larger square footage that would be necessary, and if it were built that way

it would simply drive the price of the apartment up to the renter and to the condominium buyer, and in fact the bill as it is now written does that to some extent.

If it were to go to the full standards and to make this meaningful and truly helpful to all of the handicapped, including wheelchair bound, it would be considerably more expensive, which is why the bill did not go that far. So what I am doing is taking the best I can possibly do with this to make those apartments that are built to be suitable, be realistically usable by the handicapped, but reducing the number down from the 100-percent requirement to 10 percent, which is already in the law for public housing. I suggest to my colleagues that this is the best method to be fair, to have this bill protect the handicapped, to protect the apartment dweller, and the renter, and to protect the persons building in the construction of this particular type of unit.

I would urge my colleagues to look very carefully at the amendment.

□ 1545

It has been carefully crafted, carefully worked on, and I submit to you significantly better and an improvement to the existing language in the bill.

I urge its adoption.

Mr. FISH. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, if members of the committee will look at the part of the bill that this amendment is addressed to you will see that basically it leaves the provision in there that the public use and common use portion of dwellings be accessible and then, instead of 100 percent of the dwellings, it says 10 percent of the dwellings should be made accessible and then it strikes entirely the next language which refers to features of the adaptive design of which there are four listed, that would be required.

Now in lieu of that the gentleman would have us utilize this Uniform Federal Accessibility Standards volume which, Mr. Chairman, I submit is known fondly as the "Jungle Gym of Accessibility." It would add a tremendous burden that I am not so sure the gentleman is aware of in terms of costs, totally unnecessarily.

Let me give you an example: on Capitol Hill the Hart Building is an accessible structure and yet I wonder if many of us understood this or know this when we physically enter the Hart Building.

What we are talking about in the standards of adaptive design is the type of dwellings or apartments that most people would not recognize as accessible to the handicapped, whereas under the gentleman's amendment you would clearly have something that most people, including the handicapped, would neither find desirable nor necessary.

I point that out to my friend only because there are so many variations of handicapped status. It may be for example that your hearing or your eyesight is impaired; it may be that you are minus one limb or hand, it may be that you because of arthritis do need grab bars. But the grab bars would not necessarily be wanted in the bathroom or by everybody and there is no need to put them there.

Let me just finish because I think the gentleman talked for a while about kitchens. Of course one of the four adaptive designs does say "usable kitchens and bathrooms." But I am just going to point out that the four adaptive specific designs that are in the legislation that the gentleman's amendment strikes were the subject of intense discussion between members of the committee and interested parties and by the National Association of Homebuilders; that it is one of the factors that goes into making 100 percent accessibility, of course, the cost savings relating to economy, and that gone are some of these savings of standardization if you have the set-aside as proposed in the gentleman's amendment.

The standards that he proposes, Uniform Federal Accessibility Standards, were specifically rejected by the committee which preferred the term adapted to features specifically identified limited to low cost and highly recognizable features.

Mr. Chairman, I would like to read from a letter to me dated June 22 from the National Association of Homebuilders. It is signed by Dale Stuard, president:

DEAR MR. FISH: On behalf of the 155,000 member firms of the National Association of Home Builders—representing builders, owners and managers of multifamily and single family housing—we offer the following comments with respect to an amendment expected to be offered by Rep. McCollum (R-FL) to delete the Committee language from H.R. 1158 with respect to future multifamily housing construction requirements and establish a set-aside with increased requirements.

The set aside being the 10 percent, and the increase referring to these uniform accessibility standards.

The CHAIRMAN pro tempore (Mr. OLIN). The Chair interrupts the gentleman. The Chair understands that the gentleman intends to withdraw his unanimous-consent request made earlier, is that correct, with respect to modifying the amendment, because the gentleman from Florida's amendment contained, the correct reference that the gentleman was trying to achieve.

Mr. FISH. My unanimous-consent request made at the start of this proceeding? Yes; that is my intention.

The CHAIRMAN pro tempore. The gentleman withdraws that unanimous-consent request?

Mr. FISH. I thank the Chair.

The CHAIRMAN pro tempore. The gentleman withdraws his unamimous-consent request and without objection, the amendment shall be considered as submitted by the gentleman from Florida.

Mr. FISH. If I may proceed with the reading of the letter from the National Association of Homebuilders:

The proposed amendment would delete legislative language agreed upon after several months of negotiation between disability and civil rights organizations, architects, builders, and managers to achieve a reasonable balance between meeting the intent of the bill, to assure equal opportunity in housing for handicapped individuals, while minimizing both construction costs and potential issues of marketability. The bill as reported by the Committee clearly achieves this goal.

Current laws which establish a set aside of adaptable and accessible housing units result in a serious problem from all perspectives. Many handicapped individuals neither want nor need grab bars, adjustable or removable cabinetry nor other adaptive features. The result from a marketing perspective is clear: units with these features sit vacant with neither the handicapped nor the non-handicapped willing to live in them. In California, as well as other parts of the country, we have owners and managers with projects with waiting lists to occupy the non-handicapped units, while the set aside units sit vacant. Set asides are far more costly than the initial additional construction cost when the unit once built, remains vacant and generates no revenue.

The McCollum amendment which establishes a set aside with greater requirements than the Committee reported bill would result in a higher and more costly standard, thereby destroying the delicate balance between cost, accessibility, and aesthetics by H.R. 1158 as reported by the Committee.

For this reason, we must oppose the McCollum amendment which undermines the uniformity that the Fair Housing Amendments Act achieves.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. FISH was allowed to proceed for 3 additional minutes.)

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman from Florida.

Mr. McCOLLUM. I thank the gentleman for yielding.

I think unfortunately the Homebuilders, in writing that letter, have misread the Uniform Accessibility Standards. And I have done considerable research on that subject.

The grab bars and so forth that the gentleman refers to do not have to be required, do not have to be built. It is only that in the bathrooms and the kitchens and so forth, the cabinetry, the grab bar facilities have to be adaptable. That is, they have to be al-

ready put in or they have to be structured such that, at the expense of the tenant or the landlord or whoever under the contracts are involved, if they want to put those in, they can be fit in. In other words, there is space available for that. I am reading from the adaptability section of the actual book that the gentleman refers to on the Uniform Accessibility Standards where it says the units involved, "accessible dwelling units may be designed for either permanent accessibility or adaptability."

I would understand the gentleman's concern if these were actually required. But I think throughout a lot of this debate there has been some great misunderstanding about that. Unfortunately the real problem is the space for the wheelchair handicapped. We need to build that extra space or, for them, this requirement in this bill is meaningless.

Mr. FISH. Mr. Chairman, I must reclaim my time now. Other Members want to contribute to this debate. I will just say that the provision in this committee bill was approved by the member organizations of the 30-odd million handicapped individuals in the United States.

Second, the very provision that this gentleman's amendment struck says "reinforcements in bathroom walls to allow later installation of grab bars." So if that was the intention of the gentleman I am confused as to why one of our few adaptive design provisions was wiped out by the gentleman's amendment.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. FISH] has again expired.

(On request of Mr. MCCOLLUM and by unanimous consent, Mr. FISH was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I have great respect for the gentleman from New York. I understand his concern about this. But by striking these provisions in the bill I have substituted more liberal provisions in fact. I understand there is some misunderstanding but I have done a great deal of research on this and I can assure the gentleman from New York that the adaptability feature is in the code and it is not burdensome on the builder. And in fact what is missing in this really is not the adaptability feature but in the presently drafted bill without my amendment there is no ability for the handicapped wheelchair bound to have the space to turn around. That is really the biggest problem. Plus the fact I just do not see why we need to have 100 percent of the apartments and condominiums in this country adaptable to the handicapped when only 10 percent would do. It certainly would save a lot of money if only 10 percent were involved instead of 100 percent when you have to build the largest space that is involved in it, more square footage.

I thank the gentleman for yielding.

Mr. COELHO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Texas.

Mr. BRYANT. I thank the gentleman for yielding.

Mr. Chairman, I rise to support the Fair Housing Act Amendments of 1988, H.R. 1158. The House Committee on the Judiciary, on which I am privileged to serve, responsibly decided that this important legislation extends fair housing protection to all handicapped individuals, including those with such conditions as epilepsy, cancer, AIDS, or the human immunodeficiency virus [HIV] which causes AIDS, unless there is a direct threat to the health or safety of other persons.

The purpose of this legislation is to clarify the application of the Fair Housing Act with regard to housing discrimination. Sadly, there are those in our society who choose to discriminate against the handicapped, just as there are those who choose to discriminate against others because of the color of their skin or their religious beliefs—concepts that are anathema to most Americans.

That America and the world are in the midst of an AIDS crisis is simply further testimony to the need for this legislation. Although some would have our fellow citizens believe otherwise, AIDS can strike heterosexuals and homosexuals alike, hemophilic children and drug addicts alike. The experts all agree that this debilitating disease, for which there is not yet a cure, cannot be contracted from casual contact. What the opponents of this amendment suggest is that it should be the policy of the United States to condone the right of a landlord to deny decent housing opportunities to an innocent child who has contracted AIDS through a blood transfusion, as well as to any other tragic victim of HIV.

The experts all agree that education, counseling, and avoidance of unnecessary risks are the best ways of preventing the spread of this awful disease, not mindless discrimination that feeds the fears, which President Reagan's Commission on the HIV epidemic has indicated are the greatest barriers to prevention campaigns.

The Presidential Commission, the American Medical Association [AMA], the Association of State and Territorial Health Officials [ASTHO], the National Academy of Sciences [NAS] in its authoritative 1986 report on AIDS, and virtually all respected public health leaders have endorsed vigorous enforcement of section 504 of the Rehabilitation Act of 1973 and enhanced protection from housing and employment discrimination in the private sector.

In fact, the ASTHO's November 1987, "Guide to Public Health Practices: AIDS Confidentiality and Anti-Discrimination Principles Interim Report" concludes that "HIV-related discrimination, actual and perceived, is occurring and is a major obstacle to successfully implementing public health strategies to stop the AIDS epidemic" and that "in general, the presence of AIDS, ARC, or HIV seropositivity should not be grounds for denying or terminating employment or treating seropositive employees differently than other employees."

The board of trustees of the AMA in its 1987 "Prevention and Control of AIDS—An Interim Report" said:

> The AMA believes strongly that AIDS victims and those who test positively for the antibody to the AIDS virus should not be treated unfairly or suffer from arbitrary or irrational discrimination in their daily lives. * * * A sound anti-discrimination approach does not allow reflexive discrimination against AIDS victims based on fear or stereotypes or prejudice. Nor does it require that all employers or other federal fund recipients automatically accommodate a person afflicted with a communicable disease. Instead, based on an individualized analysis of the nature and duration of the handicap and the nature and duration of the communicability, a federal fund recipient must make a reasonable accommodation based on reasonable medical judgments, given the state of medical knowledge at the time. This [is a] sound framework for carefully balancing the two competing concerns—the right of the victim to be free from irrational acts of prejudice and the right of others to be protected against an unreasonable risk of disease. * * *

This legislation is not about AIDS. It is about whether we, as a society, are willing to condone discrimination against people with disabilities. Compassion and justice demand that all Americans be, as the AMA report observed, "free from irrational acts of prejudice."

How we vote on this legislation will reflect whether we believe ignorance and discrimination should prevail or whether we are committed to a public policy that values awareness and fairness as the best means of advancing the public health and our democratic principles.

Mr. COELHO. Mr. Chairman, I rise in opposition to the McCollum amendment that is being offered to this fair housing bill. Mr. FISH and Mr. EDWARDS are to be commended for their leadership in guiding this bipartisan bill to the floor. The McCollum amendment, however, would ruin the balance achieved by the authors of the bill and only further the incidence of discrimination in housing.

I believe that the goals of nondiscrimination that Congress sought to achieve in the Fair Housing Act of 1968 will finally be realized with the passage of this bill. Not only does this bill contain enforcement provisions which are sorely needed, it expands protections to two classes of Americans that experience housing discrimination daily—families with children and people with disabilities. Today, I wish to address the critical problem of housing discrimination which Americans with disabilities face.

Unfortunately, ignorance, stereotypes, and misperceptions have been used to exclude people with disabilities

from the mainstream of American life. I am familiar with such prejudice because, as my colleagues know, I have epilepsy and have experienced the ignorance and fears that others have about my disability.

Nowhere is such discrimination more blatant in America today than in the sale and rental of housing to people with disabilities. The prejudice and unfounded fears of landlords, owners, and communities at large have denied housing to many of America's 43 million citizens with disabilities—people who, like me, have epilepsy, or people who are blind or deaf, or people who have mobility impairments and use wheelchairs or veterans who have lost limbs defending our country in foreign wars. All of these individuals will now be covered under the protection of this act.

Twenty years ago Congress established a national policy that it was not acceptable to discriminate in housing practices against minorities. Our Nation's commitment to achieve fair housing for all Americans demands that we act now to eliminate housing discrimination against persons with disabilities, our largest minority.

At this point, Mr. Chairman, I would like to read into the RECORD a letter from the National Association of Home Builders explaining why they oppose the McCollum amendment.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, D.C., June 22, 1988.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN EDWARDS: On behalf of the 155,000 member firms of the National Association of Home Builders—representing builders, owners and managers of multifamily and single family housing—we offer the following comments with respect to an amendment expected to be offered by Rep. McCollum (R-FL) to delete the Committee language from H.R. 1158 with respect to future multifamily housing construction requirements and establish a set-aside with increased requirements.

The proposed amendment would delete the legislative language agreed upon after several months of negotiation between disability and civil rights organizations, architects, builders and managers to achieve a reasonable balance between meeting the intent of the bill, to assure equal opportunity in housing for handicapped individuals, while minimizing both construction costs and potential issues of marketability. The bill as reported by the Committee clearly achieves this goal.

Current laws which establish a set aside of adaptable and accessible housing units result in a serious problem from all perspectives. Many handicapped individuals neither want nor need grab bars, adjustable or removable cabinetry nor other adaptive features. The result from a marketing perspective is clear: units with these features sit vacant with neither the handicapped nor the non-handicapped willing to live in them. In California, as well as other parts of the country, we have owners and managers with projects with waiting lists to occupy the non-handicapped units, while the set aside units sit vacant. Set asides are far more costly than the initial additional construction cost when the unit once built, remains vacant and generates no revenue.

The McCollum amendment which establishes a set aside with greater requirements than the Committee reported bill would result in a higher and more costly standard, thereby destroying the delicate balance between cost, accessibility, and aesthetics achieved by H.R. 1158 as reported by the Committee.

For this reason, we must oppose the McCollum amendment which undermines the uniformity that the Fair Housing Amendments Act achieves.

Sincerely,

DALE STUARD,
President.

I urge my colleagues to join me in defeating the McCollum amendment to send a long overdue message to all disabled Americans. By enacting this legislation we will finally be telling Americans with disabilities that they have the right to live wherever they choose.

□ 1600

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the concerns of my colleague, the gentleman from Florida [Mr. MCCOLLUM]. I, too, was concerned about the costs associated with adapting 100 percent of the covered units for handicapped use. With a shortage of low-income housing, I did not want to enact a law that would create further disincentives to constructing such housing. Therefore, I too, explored the possibility of designating a percentage of units for handicapped use.

After working with the disability rights groups, the National Association of Home Builders, and the realtors in my district who are currently operating under a similar, but more stringent New York law, I am convinced that the bill's minimal requirements for accessibility are the only way to go. The four requirements in H.R. 1158 represent a carefully crafted compromise between the relevant groups, and are endorsed by the National Low Income Housing Coalition. This compromise strikes the correct balance between the needs of the handicapped and the costs to society of accommodating these individuals.

The set-asides proposed by the McCollum amendment are not favored by anyone—not the disabled community, not the builders. Such units are already required by many State and local building codes. They do not work.

First, they are expensive. The features are elaborate. With only a small percentage of units having to comply, the features will not become standardized, and therefore remain expensive.

Moreover, because these outfitted units resemble hospital rooms, they often remain vacant. There is simply no guarantee of a handicapped person to live in one of these units.

Second, not every handicapped person desires or requires such an outfitted unit. Handicaps differ. Handicaps are not always permanent. A physical disability could suddenly cripple an individual at any time of life.

Thus the bill requires that minimal features be put into place so that handicapped individuals can make further accommodations at their own reasonable expense.

And, under H.R. 1158, States and localities are free to impose more stringent standards than those required at the Federal level, if they so choose.

We are not legislating in a vacuum. We can draw upon the State and local experience. Building codes requiring the set-asides comtemplated by the McCollum amendment have been less than successful. Rigid requirements set out in the recent New York City law have proven very expensive.

The four features required by H.R. 1158 reflect that experience, and present a reasonable framework for tearing down longstanding barriers to discrimination at minimal cost.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman very much for yielding.

Mr. Chairman, this concerns me a great deal because I know a compromise of sorts was worked out with the builders involved. The concern I have is fairly simple. Nobody has addessed this concern. Nobody has refuted it, and nobody can. A person who is wheelchair-bound handicapped, the most severely handicapped person we have to deal with here, is not going to be benefitted by this legislation. That person cannot turn around in a kitchen or cannot turn around in a bathroom that is built under the standards that are existing in the bill as drafted. I think that is wrong.

Second, I think that the 10-percent requirement is eminently more fair than the 100 percent requirement, and it does exist in Federal law.

Third, while we are whaling around with letters here. I, too, have a letter. This is from the Department of Housing and Urban Development. It is jointly signed by the head of the department, the Honorable Sam Pierce, and our Attorney General, Ed Meese. The letter is dated with today's date, and it says in part:

We support your amendment as more reasonable alternative to the sweeping building

code provision in H.R. 1158. Of course, the administration continues to believe that this is a matter best left to states and localities.

I did not do that because it seems to me that that was not the trust of this bill.

The letter continues as follows:

Your amendment deletes the reasonable requirement that 100 percent of new covered multifamily construction meet the accessibility standards for mobility impaired persons. Fewer than 700,000 Americans require wheelchairs for mobility. Clearly, it is burdensome and unnecessary to require that all of the 400,000 or more new multifamily units constructed each year in this country be accessible under such standard to such a small portion of the handicapped population.

The requirements in the bill are also confusing and may fail to ensure true wheelchair accessibility.

And they would. The letter then goes on to support the concept I have described in great detail. I urge my colleagues to consider this. Yes, there is some compromise with builders in this legislation. I have a lot of respect for their concerns, and an effort was reached to come up with all kinds of details. But the bottom line is that we did not do it right.

Mr. Chairman, I urge my colleagues, when they vote on this, to vote their consciences. I ask my colleagues to vote for construction requirements that do require whatever units we have that have to be constructed for the handicapped to really be constructed for them, and to vote for a number that is responsible and reasonable—10 percent, as provided in my amendment, instead of the 100 percent.

Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

The CHAIRMAN pro tempore (Mr. OLIN). The question is on the amendment, as modified offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 78, noes 330, not voting 23, as follows:

[Roll No. 212]

AYES—78

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bliley
Boulter
Brown (CO)
Burton
Combest
Craig
Crane
Dannemeyer
Darden
DeLay
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Fields
Gallegly
Gekas
Goodling
Gregg
Hall (TX)
Hansen
Hastert
Herger
Huckaby
Hunter
Hyde
Ireland
Konnyu
Kyl
Lancaster
Latta
Lent
Lewis (FL)
Lipinski
Livingston
Lott
Lowery (CA)
Lukens, Donald
Lungren
Marlenee
McCandless
McCollum
McCrery
Miller (OH)
Moorhead
Nielson
Oxley
Packard
Petri
Quillen
Ravenel
Rhodes
Roberts
Sensenbrenner
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Stenholm
Stump
Swindall
Vander Jagt
Vucanovich
Walker
Whittaker
Wylie
Young (FL)

NOES—330

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Staggers
Stallings
Stangeland
Stark
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—23

Anderson
Aspin
Biaggi
Cheney
de la Garza
Dixon
Hayes (IL)
Jones (TN)
Kemp
Mack
MacKay
Mica
Moody
Myers
Ray
Saiki
Smith (FL)
Spence
Spratt
St Germain
Stratton
Sweeney
Weiss

□ 1626

Messrs. FORD of Michigan, BERMAN, PARRIS, and TAUKE changed their vote from "aye" to "no."

Mr. STUMP, Mrs. VUCANOVICH, Mr. PACKARD, and Mr. GALLEGLY changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 11, following line 8, add the following:

PROHIBITION OF PREFERENCES

SEC. 7. Title VIII of such Act is amended by adding the following section after section 804:

PROHIBITION OF PREFERENCES

"SEC. 804. a Nothing in this Act requires, permits, or authorizes any preference in the provision of any dwelling based on race, color, religion, gender or national origin."

Renumber subsequent sections accordingly.

Mr. HYDE. Mr. Chairman, my amendment simply says there really should not be any discrimination either way, for or against people.

I have for years marveled at the Civil Rights Act of 1964 and the commentary in support thereof by the late great Senator Hubert Humphrey, who said that the act says what it means, that you cannot discriminate against people because of their race, their color or their creed.

Now we are talking about fair housing. I have great difficulty after read-

ing the bill and listening to the debate and sitting in the Judiciary Committee trying to figure out what burdens, what responsibilities, are being imposed on real estate salesmen or brokers. Are they to provide access to housing regardless of race or color or creed, or are they to be mindful of the demographic condition of a certain community?

It seems to me under our practice in this country that we have a concept known as integrative housing, that is if you have a large housing complex, if you get over let us say 30 percent black, then the next black who applies for a unit is denied because he is beyond the quota, he is reaching the tipping point, and if too many blacks get in this building, then there will be white flight and you will not have that desirable utopian condition of perfect symmetrical integration.

Well, that is a fine concept, I suppose, if you like a little bit of discrimination for what you think is a beneficent purpose, but it is discrimination. You are preferring the white applicant over the black applicant, although the black applicant may have been on the waiting list for a long time because he does not fit into the demographic scheme of the quotas.

Now, if we are against discrimination, we should be against discrimination. We should be literally colorblind. That was how the Civil Rights Act was sold to Americans and bought by Americans. That is the idea; but if we are going to have a little bit of discrimination up to 30 percent and then we are going to have integrative housing, why do we not say so? Why do we masquerade as opposing discrimination, when we are really for some discrimination, depending on what the goals are or what the timetables are?

Now, I am certainly not a purist in all legislation. I live in the real world and I hope I continue to live in the real world; but the legislation is not real legislation when it says it is against discrimination. It is really against some discrimination. Why do we not say so? Why the hypocrisy?

Now, I know the realtors cut a deal. I know that. Everybody makes tradeoffs, but I am not a part of the deal. Nobody asked me, and I am glad they did not.

I am against discrimination and I am for what the good Senator Humphrey said in debating the original Civil Rights Act. He said, "If the Senator can find any language which provides that an employer will have to hire on the basis of percentage or quota related to color, race, religion, or national origin, I will start eating the pages one after another, because it isn't in there."

Well, when it comes to housing, I am afraid it is in there, not in the bill, it is in some court's mind.

Now, the courts are divided on integrative housing. Legislation is supposed to set policies. It is supposed to provide guidelines for the conduct of the citizens of this country. Instead, we talk in terms of fair housing. I do not know what it means. Does it mean nondiscrimination? How can you prefer somebody because of the color of their skin? That is discrimination, or I do not understand the English language.

Mr. Chairman, this is a simple amendment. It simply says that nothing in this act requires, permits or authorizes any preference in the provision of any dwelling based on race, color, religion, gender, or national origin.

Martin Luther King wrote a book, "Why We Can't Wait." Well, why should a black have to wait to get into a housing project or a housing development because he is above the 30-percent tipping quota? He should not have to wait if he is next in line.

So, Mr. Chairman, I submit this is a sensible amendment and I urge its support.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would point out to the gentleman from Illinois [Mr. HYDE] that I, too, knew Senator Humphrey very well. I would guarantee that he would also be against this amendment.

The amendment of the gentleman from Illinois [Mr. HYDE] attempts to deal with the issue of race conscious marketing methods to promote integration. That is called, Mr. Chairman, integration maintenance.

Now, we considered this in great depth in the committee, although we did not have any hearings on it, we did not examine the issue. We know how complicated it is. We did not know the scope, the operation or the effect of these programs. There are a few in the United States. It is a very controversial issue with strong feelings on both sides.

We agreed in the compromise orally that we will have a thorough review before the House attempts to address this issue.

We have agreed, I have agreed as the chairman, to hold hearings in either Cleveland or Chicago where there are some units that have programs of integration maintenance.

Again, both the civil rights community and the National Association of Realtors support the idea of holding hearings later this year and oppose the amendment offered by the gentleman from Illinois [Mr. HYDE].

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I just have one question. If in a housing area you reach the tipping point of 30 percent, as the gentleman from Illinois alluded to in his remarks, and a black family does want to get housing in that unit and they are first in line, is the white family picked over them?

Mr. EDWARDS of California. That is one of the issues that we will address in the hearings. There are strong proponents of each side of integration maintenance. It is an issue that we are not going to solve in this debate today, and I ask your patience. We are going to look into it. It is an issue of debate in the United States today.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield further, all I want to know, is that the case today? If it reaches that tipping point today and a black family is next in line for housing, are they discriminated against because the white family is preferred over them to keep that balance?

Mr. EDWARDS of California. This is currently the subject of a lawsuit in Federal Court. There is not any definite answer to that.

Mr. Chairman, I urge a "no" vote on the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment of the gentleman from Illinois is necessary to be added to this bill at this time. If I had any confidence that the Subcommittee on Civil and Constitutional Rights would affirmatively address this problem, I would not be rising in support of the amendment today; however, according to last year's report of the Committee on the Judiciary, the Subcommittee on Civil and Constitutional Rights had 71 bills referred to it and did not report out a single bill that was referred to the subcommittee. This subcommittee on which I serve as the ranking Republican member has a reputation of being a graveyard for proposals such as this one.

I think it is important enough to bring up to the floor of the House of Representatives to have a vote.

Now, contrary to what the gentleman from California said, we have never debated this subject at all in the Subcommittee on Civil and Constitutional Rights, much less at length.

The hearings in Chicago which were agreed upon by the gentleman from California [Mr. EDWARDS] came about only as the result of my threatening to object to granting the Judiciary Committee permission to sit several months ago; so these hearings are coming about only because the gentleman from California [Mr. EDWARDS] has been dragged into this kicking and screaming. I think given that kind of attitude, if we defer action on this amendment today we will never see it

again. We will never hear of it again and we ought to vote on it.

Now, on the merits of the Hyde amendment, the gentleman from Illinois has hit the nail on the head. In Chicago and in Cleveland, many in the housing business are caught in a catch-22 situation where they will be sued if they do and sued if they do not. That is not what the fair housing law is all about. The Fair Housing Law is designed to give guidance with penalties so that discrimination will not be the law of the land in the sale or rental of housing. That means that this law must be clear, and when there are situations that exist where a real estate firm or an individual real estate sales person will be sued by one group if they take one position on the question of integration maintenance or will be sued by another group, such as the Department of Housing and Urban Development, if they take the other position, then the law needs clarification.

Given the track record of the Subcommittee on Civil and Constitutional Rights, this is the only opportunity that the House will have to clarify this law. We should not blow that opportunity. We should vote in favor of the Hyde amendment.

Mr. FEIGHAN. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I think, first of all, we should explore what are the purposes and the foundations of the fair housing law, and indeed they are to prevent discrimination in housing, but they are also intended, that law is intended to expand options, to expand alternatives to those who have been the victims of discrimination and those who are now in the various protected classes. That has been the goal of various integration maintenance programs.

As I am sure the gentleman from Illinois will acknowledge, there are in fact very few communities in the entire country that have integration maintenance, or as they are alternatively called, affirmative marketing programs.

There is very much a conflict or a tension between these local programs and local and State laws and the Federal law. It is a tension that we have to resolve, but frankly, I would have to say cannot be resolved by the amendment that has been offered by the gentleman from Illinois.

Cleveland has had, as has Chicago and in New York and a handful of other communities, an experience over a period of time of very aggressive fair housing programs. That has led us to more complicated programs that fall under the ambit of integration maintenance or affirmative marketing programs.

These programs today, in response to the question of the gentleman from Indiana, would not necessarily say to a black family that if 30 percent of the housing project is now occupied by blacks that that next black family would be prohibited from moving in. That may be the result, and in fact if I recall the facts of the Starratt City decision, those were almost the similar facts in that case; but that is not necessarily the result that would follow.

The amendment that we have before us would not only decimate integration maintenance programs, or affirmative marketing programs of that nature, it also would eliminate other integration maintenance programs, or affirmative marketing programs, that are attempting to use local programs and local incentives to bring either white families into traditionally black communities, or black families into traditionally white communities.

□ 1645

I do not think that it is fair to characterize the chairman of the subcommittee as agreeing kicking and screaming to a series of hearings on this issue. In fact, he has been very cooperative with me and other Members who have raised concerns about the tension that exists between local programs and Federal law and recognizes that the fair housing law that we have before us is not adequate to deal with the complexity of this issue.

We have a great deal of debate, not only in the committee and the Congress over this issue, but civil rights organizations themselves have a great deal of debate.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. Mr. Chairman. I am happy to yield to the gentleman.

Mr. HYDE. Mr. Chairman, I appreciate everything the gentleman says. I know the gentleman lives with this problem somewhat in his district. I just have difficulty.

We are dealing with a fair housing bill, and so fair housing, especially discrimination in fair housing, is what this bill is all about. I would think we would be more honest, if we had a section in the bill, saying none of the above applies to bona fide integrated maintenance projects or something like that. Then we are admitting that a little discrimination is OK in certain areas. Of course, that runs into the Constitution, which says that no person shall be deprived of equal protection of the law.

All of these things trouble me. I am against discrimination. One has to be for discrimination if one opposed my amendment, even though it is for a good purpose in some communities where it can be abused in others.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, 25 years ago, I was a developer of the Capitol Park project in Washington, DC, SW. It was the first project that was ever built in this country in a southern city, which Washington was at the time, designed for integrated occupancy. We opened it up and announced it was going to be an integrated project. We did all right from 1959 to 1960. We had a good balance.

When President Kennedy got elected in 1960 and brought in all kinds of outstanding black professionals from all over the country, they found that they had no place to rent in Washington in a quality project but us, and they were referred by white rental agents all over Washington—"You would not be confortable here," wherever "here" was, "but go on down to the Capitol Park project. You would be very welcome there." So they did in droves.

The percentage of black occupants kept going up and up and up and up until it finally hit the 50-percent point. I sat down with my friend, Robert C. Weaver, who was a consultant to me before, on that project, before he became Secretary of HUD, and I said, "Bob, what do I do?" He said, "Let some of those applications fall behind a filing cabinet for a month or two."

At that time we called it enlightenment management practices. The goal was to create and maintain an integrated project. All of the blacks who had applied ultimately got in, but a few of them had to wait a few months while we tried our best to maintain the integrated balance.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman from Ohio [Mr. FEIGHAN] has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. FEIGHAN has allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I take it my good friend from New York is for quotas, and I know they probably worked out in his project, but it is still discrimination.

Mr. FEIGHAN. Mr. Chairman, reclaiming my time, the gentleman from Illinois has come to the conclusion that those who would support integration maintenance are then supporting a form of discrimination. We are waiting, I think, really, for the Supreme Court to tell us whether or not that is the case. In the Starratt City decision, the Supreme Court said yes, in fact, that is the case, that is in fact discrimination, that is the type of discrimination that the fair housing laws do not condone. That is not necessarily an appropriate description of all other

forms of integration maintenance or affirmative-marketing programs.

Cleveland was recently identified as the second most segregatged large city in the country. That is not a recognition that we are particularly proud of, but it is one that we are working to remedy. We are remedying it through affirmative marketing and through integration maintenance programs.

This amendment would devastate alternatives of that nature for communities like ours that are working hard at bringing about integrated communities.

Mr. Chairman, I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this demonstrates a couple of things. One is the wisdom in the committee in avoiding dealing with this question and instead wanting more information about the subject before legislating; and second, how confusing it is, and then the merits of this matter should be the result of field hearings and much more in-depth study.

Mr. Chairman, the reason for the amendment, we are told, is that it will go further to end discrimination, whereas, with the practice as it is, it allows some discrimination. You would think that the NAACP's national legislative director would be aware of this, or you would think that the executive director of the Leadership Conference on Civil Rights with no less than 185 component membership would be aware of this. Yet, both Althea T.L. Simmons, of the National Association for the Advancement of Colored People, and Ralph G. Neas, executive director, Leadership Conference on Civil Rights, have signed a letter dated today, and I will just read one paragraph:

> We believe that the issue of "integration maintenance" should be explored during hearings and thoroughly understood by the Congress before legislative action is taken. Thus, an amendment to be considered on the floor of the House of Representatives at this time is not the proper way to address this matter. For these reasons, we hope that the amendment will be withdrawn or not agreed to.

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

Mr. FISH. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for reading that letter, because we have here, after 20 years, the leadership conference, comprised of the NAACP and the Urban League, our labor unions, other civil rights organizations, our religious associations, joined with realtors and builders, and we absolutely, deliberately, in subcommittee left this provision of integrated maintenance out. Integration maintenance cannot be resolved here, and I accuse the maker of this amendment of creating mischief. This is a deliberate mischievous product in which he now associates with Dr. Martin Luther King and Senator HUMPHREY, and I would like to tell the Members that the chairman of this committee Mr. EDWARDS, has not put down integration maintenance. Nor has he picked it up.

The committee position in this bill is neutral on the subject, and as the gentleman from New York has pointed out, we are going to have hearings. We need not rush to judgment on this floor and deal with this matter.

I urge that it be soundly rejected.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman.

Mr. HYDE. Mr. Chairman, I want to say to my good friend from Michigan that it may be mischievous to him, but I just do not believe in reverse discrimination. I think if one discriminated against somebody, that is terrible; if one discriminated for somebody, that is terrible.

I am in love with the words of the Constitution that say equal protection of the law, and that is all I am interested in. If that is mischievous, I am sorry. It is not my intention to be mischievous. It is my intention to have fair housing mean fair housing both ways one looks at it.

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

Mr. FISH. I am happy to yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the problem with all of the gentleman's good intentions, which are as good as mine, and mine are as good as his, is that we are not here to dispose of this. I am not arguing against or for this proposal. What we are trying to say to the gentleman, sir, is that the subcommittee has not disposed of it. So the gentleman's good intentions on this floor at this time is not an appropriate way for a deliberative body to deal with this matter. That is all we are saying.

We are going to have hearings.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. FISH] has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FISH. Mr. Chairman, I am happy to yield to the gentleman.

Mr. HYDE. Mr. Chairman, I just want to say to my dear friend from Michigan that if he were in the political minority in this House, he would know how awfully tough it is to try to get a bill up in a subcommittee that the chairman does not care for, to try to get it out of the committee, to try to get it through the Committee on Rules, to try to get a vote on it, to try to get a discharge petition signed. It is impossible.

When a vehicle comes along where one gets a chance, however frustrating, to express oneself on, a Member takes that opportunity.

Mr. Chairman, I am sure the gentleman from California [Mr. EDWARDS] means to have hearings on this just like on so many other issues, but one must grab the train when it goes through the station.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, I just want to ask one question. I thank the gentleman for yielding. Is the gentleman aware of how many bills went through the subcommittee last year that were referred—to the gentleman who just spoke, from Michigan?

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

Mr. FISH. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Am I aware of the number of bills that went through the subcommittee?

Mr. BURTON of Indiana. That were referred to it.

Mr. CONYERS. I am not.

Mr. BURTON of Indiana. Mr. Chairman, one of the members of the committee just told me that out of 71 that were referred to it, none were reported out.

Mr. CONYERS. Mr. Chairman, I can tell that gentleman that that is probably a pretty big error. We have had a number of bills reported out. The chairman of this subcommittee has been out on the floor with measure after measure.

I would just ask that the integrity of the chairman of this committee should not be impugned. He has agreed to hold hearings. He is coming to Cleveland and/or Chicago. We want to look at integration maintenance. He has not spoken out either for it or against it. It would seem to me then that we ought to just leave it out.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. FISH] has again expired.

(At the request of Mr. SENSENBRENNER and by unanimous consent, Mr. FISH was allowed to proceed for 30 additional seconds.)

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman.

Mr. SENSENBRENNER. Mr. Chairman, the quote that I made about the Subcommittee on Civil and Constitutional Rights having 71 bills referred to it and none reported out came from the 1987 report of the Committee on the Judiciary to the House of Repre-

sentatives. Zero for 71 is not a very good batting average.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. FISH] has again expired.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise, first of all, because I am a little bit shocked. I happen to live at the Capitol Park Apartments. I have for about 12 years. I now live in a condominium in that area. I am somewhat shocked to find out that I may have been permitted to live there at the expense of someone who is black. I think that would be terribly wrong if that was the case.

I think that if we have come up with a euphemism called integration maintenance that really means quotas, and some of us, because our skin was white, benefited from that quota system, that is terribly wrong. I do not care whether it was for benign purposes or not. That is discrimination, and it should not be permitted.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I do not think the gentleman has to have anything weigh on his conscience. At the time we practiced what was then referred to as enlightened management practices was during the rent-up of that project, from approximately 1958 to 1963, especially during 1961 and 1962, those great first Kennedy years, when thousands of well-educated, talented black professionals came to Washington and found there was only one apartment that would take them. That was a very interim business that we did. No black who applied failed to get in. A few of them had to wait a few months, but what it did was establish the quality of that project as a successful, integrated project, which it has been for the ensuing 25 years, and I think there was a very clear, demonstrable, identifiable social good connected as a result of those so-called enlightened management practices.

Mr. WALKER. Mr. Chairman, reclaiming my time, I think the gentleman just explained to us why we needed to pass a Civil Rights Act in 1964, because what the gentleman just said is that during that startup period from 1958 to 1963, that project was practicing discrimination, pure and simple, and that is what we tried to wipe out when we passed the civil rights law in 1964, to end discrimination.

The gentleman from Illinois was absolutely right when he talked about that law and what was said about that law when it was passed by this Congress. It was said that we were eliminating discrimination, period, that we were not going to try to discriminate amongst people based upon race, color, religion, gender, or national origin, that is what the civil rights law was all about.

Let me make my point. We have now seen some of those things turned on their head, and today, I must admit I had never heard this term before, this new term of integration maintenance, which really means quotas.

I mean, I have been fascinated by this particular kind of debate on the floor. One of my colleagues described the gentleman from Illinois as offering a mischievous amendment, because he said the gentleman from Illinois now associates himself with Martin Luther King.

In 1964 many of us associated ourselves with Martin Luther King, because we thought it was right to end discrimination. Why have we now turned that on its head? What in the world, in the language of this amendment, bothers people here?

Let me read this amendment. This amendment says, "Nothing in this act requires, permits or authorizes any preference"—any preference—"in the provision of any dwelling based in race, color, religion, gender or national origin."

□ 1700

Please, someone, tell me what is wrong in that language. I thought that is precisely what we did in 1964 in the Civil Rights Act. Those are precisely the kinds of things we were trying to achieve then, it seems to me.

Mr. SCHEUER. Mr. Chairman, if the gentleman will yield, I will tell him what is wrong with the language.

Mr. WALKER. Sure, I am glad to yield to the gentleman from New York if he can tell me what I just read there is wrong. Will the gentleman tell me what in that language is wrong?

Mr. SCHEUER. The language, Mr. Chairman, is not constructive.

Mr. WALKER. No, the gentleman is not telling me what is wrong with the language. He is telling me his opinion of what is happening on the floor.

Mr. SCHEUER. The reason it is wrong, and the reason that not a single black leader in this country supports the amendment, and the reason that every civil rights leader black or white supports the so-called enlightened management practices is because they think establishing a project as an integrated project is good, is a social, moral and ethical good, and since every black who applies will get in, that that is a constructive result.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the vice of what the gentleman's enlightened management practices is, is that he, the landlord, decides whether someone gets in based on the color of their skin.

Mr. WALKER. Precisely.

Mr. HYDE. Whether it is 50 percent, or 33 percent, or 30 percent, not the law, not the Constitution, the gentleman from New York [Mr. SCHEUER] will decide whether you, sir, can rent in my project based on the color of your skin.

That is pernicious, not mischievous, pernicious, in my opinion, and I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman from Illinois.

Let me also make another point. The fact is that in 1964 when all these things were being argued, many people who opposed the Civil Rights Act of 1964 opposed it because they said look, we are better able to handle these problems without the Federal Government getting involved in these things, and all of the blacks in some of those Southern States where we have practiced discrimination, they are better off for it. We have given them good schools, we have got the separate but equal schools down there, and they were better off. That is exactly the argument, I tell the gentleman, that there was some kind of good to be achieved by discrimination in our society. I am amazed that 20 years later we would come back to this floor and have people arguing that there is a good to be derived from discriminating against people on the basis of their race. I think that is appalling. I do not care how many groups support that kind of idea, it is still a bad idea. It was bad in 1964, it was bad in 1984, and it is bad in 1988, and we ought to be adopting amendments like this, because the gentleman from New York, who tried to respond to this language, cannot tell me anything that is wrong in this language.

This is exactly what we have tried to do before. I think it is exactly right that we have developed language that says that we are not going to discriminate in this act or any other act.

We ought to put this kind of language in every bill that comes through here, because we ought not be a society that discriminates against anybody. And I think it is a terrible travesty to have this kind of language described as mischievous, to be described by other people as doing harm to the bill. The fact is we do not want to deal with it here today. We want to deal with the issue later.

We have been too late in dealing with these issues all the way along, and it is high time that we deal with them now. Let us say in this bill that we do not want any racial discrimination, we do not want any sexual discrimination, we do not want any dis-

crimination based upon national origin and all of the rest. That would be the right thing to do.

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

Mr. WALKER. I am very glad to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, if the gentleman wants to say that in this bill, he can introduce language to do that.

Mr. WALKER. That is what this language says.

Mr. CONYERS. We did not want to say what this language does.

Mr. WALKER. This language has been introduced, I would say to the gentleman, and that is what this language is.

Mr. CONYERS. What that language does is knock out integration maintenance without our giving it a hearing.

Mr. WALKER. Let me reclaim my time, Mr. Chairman. Let me read to the gentleman what the language says. It does not say anything about integration maintenance. It says nothing in this act requires, permits, or authorizes any preference in the provision of any dwelling based upon race, color, religion, gender, or national origin. That is what the amendment says and that is all it says. It says no discrimination period. We ought to pass it.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. FEIGHAN and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Sure, I am glad to yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, I thank the gentleman for giving me this opportunity. He raised the very valid question about what is wrong with this language, and let me give the gentleman the experience we have in Ohio and I think he will have to decide, as all Members will in their own minds, as to whether or not we are dealing with discrimination.

In Ohio if you are a first-time home purchaser you can receive a lower than market interest rate. Are those individuals being discriminated for or against because as a class they are able to receive a lower than market interest rate? That is an outstanding question.

Mr. WALKER. If the gentleman will allow me to reclaim my time, the gentleman is not giving me any kind of an answer based upon race. He is telling me about experiences, and I asked about the language. I asked about language that we are being asked to vote on, and I am asking what is wrong with this language. The gentleman is not answering my question.

Mr. FEIGHAN. If the gentleman will yield, I would like to continue.

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Similarly, in the Greater Cleveland community there are certain communities that have decided that it is in their best interest to offer lower than market interest rates to black families who will move into predominantly white communities. Is that discrimination? It is certainly an incentive. The question remains: Is it discrimination?

The U.S. Supreme Court has not decided on that type of integration maintenance or affirmative marketing plan as to whether or not discrimination is at play. They have made the decision in the Starrett City.

Mr. WALKER. Let me say to the gentleman from Ohio what he has just described to me, if it is in fact based upon race, it is in fact discrimination. It may be for the best purposes the gentleman can imagine, but it is in fact discrimination, and that is what I said I thought we said in 1964 was wrong, and now the gentleman is simply saying to me there are times when we define that it may be all right.

I do not think that we ought to have a society that steps outside the idea of the Constitution of equal protection under the laws. The gentleman is not describing to me something which is equal protection under the laws. He is describing to me pure and simple discrimination.

I think it is time that we have developed language like this that goes back to the original idea of 1974.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the good will by which the gentleman from Illinois has offered his amendment, and I agree with my colleague from Michigan that it is not a matter of necessarily saying one person has a bad will and another has a good will. I appreciate also this outpouring of compassion from my colleagues on the other side of the aisle as it relates to the denial of opportunity, particularly opportunity as it relates to housing in this particular area.

I am sort of interested at the number of associations that I have seen take place on this floor with the remarks of Dr. Martin Luther King, who I am sure certainly would have appreciated them in 1963 when he came to this great city to make the point that he had to make concerning housing discrimination and a lot of other things.

Let me say this, though, however, we are not here really to take a position simply because we have been asked as a matter of courtesy by the NAACP, by the Conference on Civil Rights, by major labor organizations, by major religious organizations not to take a position today. They are simply saying you may be right or you may be wrong, but let us have an opportunity nationally to just spend a little more time to reexamine the problem.

I may support the gentleman's amendment at a given time if in fact those sorts of hearings yield to me at least an understanding that it is the correct thing to do. I may in fact not do that. But I think that we certainly should take into consideration the request of these organizations that have toiled long and hard in this area, that we simply pause and not be reactive but proactive in such a way that we try to make sure we take advantage of every opportunity to in fact look at this problem for just a little longer.

I believe that if we are going to create opportunities in housing we create opportunity through construction so that people have a place to in fact live in. We are talking about opportunity. Let us create educational opportunities as well. If we are talking about opportunities, let us talk about the creation of job opportunities by job creation.

But let us at least defer, I would hope this one time, to the perfectly legitimate request of these organizations who have simply come to us and said we are not trying to say that the gentleman is right or that the gentleman is wrong, but that we would appreciate a little more study of the issue.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I am more than happy to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding and want to underscore what the gentleman said. The court case that is now on its way up to the Supreme Court involves Starrett City, a development in my district. Starrett City is the largest and the most successful integrated housing project in the entire country. If one walks through the streets of Starrett City, and sees in a city like New York with its racial problems and racial divisions the kind of harmony that has come about through such a program as all of my colleagues on this side of the aisle have mentioned, I would wager that the gentlemen on that side of the aisle would not offer their amendment, because Starrett City works. Starrett City is people of all creeds and all races working together, and it is a beautiful sight. It gives me hope about the future of race relations in America, and Starrett City has been brought about by a program that we are talking about here that the gentleman's amendment would cut out.

I would further add, to underscore the gentleman's point, that the organizations that have fought for racial harmony and racial equality, the NAACP in New York and the various other organizations, have supported

what Starrett City is doing. And we find it so ironic that in New York City, where one of the truly integrated neighborhoods that is working, the Justice Department brings a lawsuit against that neighborhood and, not against the areas where there is so much racial discrimination, where blacks and whites do not live together. But the one area where integration is working, where a dream has been realized, the Justice Department is waging a legal assault. I find that amazing. I find it appalling. I find it like taking something that we treasure and outlawing it for some kind of ideological reason.

If this amendment passes it will wipe out the dream of Starrett City, wipe out the dream of so many other places.

I thank the gentleman for yielding and urge my colleagues to think about the day-to-day consequences in urban America of passing this amendment, the day to day consequences of having integrated programs and integrated projects work.

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

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

Mr. GEKAS. Mr. Chairman, the gentleman from Maryland has wisely stated that at the very least this amendment offers some controversy enough to warrant further hearings and further consideration. I am wondering whether in the cause of trying to do what is right the gentleman would support a motion to have the Committee rise and then develop a proper, full response to this amendment?

The CHAIRMAN pro tempore. The time of the gentleman from Maryland [Mr. MFUME] has expired.

(On request of Mr. GEKAS and by unanimous consent, Mr. MFUME was allowed to proceed for 1 additional minute.)

Mr. GEKAS. Mr. Chairman, then without doing harm to the general purpose of the fair housing bill and the momentum which has been built on this project, to allow a full-fledged response and hearings or whatever is required to see whether or not this particular amendment would be suitable in the framework of the total legislation.

Would the gentleman from Maryland then vote in favor of a motion to have the Committee rise, then go into the proper mode for having a full hearing on it, and then come back on the floor fully supportive of either position?

Mr. MFUME. I certainly support the hearing aspect of it, and again I want to underscore and underline it because I think it is important. I think, however, getting this bill through the House is equally as important, and I would not be supportive of allowing the Committee to rise, pushing the issue aside and not moving on what we are here to do.

Mr. GEKAS. Will the gentleman yield further?

Mr. MFUME. Yes, go ahead, I yield to the gentleman from Pennsylvania.

Mr. GEKAS. What we are talking about here is fair housing.

The CHAIRMAN pro tempore. The time of the gentleman from Maryland [Mr. MFUME] has again expired.

(On request of Mr. GEKAS and by unanimous consent Mr. MFUME was allowed to proceed for 1 additional minute.)

Mr. GEKAS. Mr. Chairman, the fair housing bill is well greased now. It can be in a matter of moments voted on to final passage. Even though other Members will have amendments which will be defeated, it is going to pass, and it is going to pass fast, and it is going to become law very soon. We will not be doing damage to the movement, to the momentum that has been built up by allowing further consideration of this important amendment which the gentleman himself acknowledges has at least controversial merit about it, to allow for consideration of it and then come back to the floor, and like that, at the snap of your fingers, this would be passed and we will have fully debated one of the great issues evolving out of this fair housing bill.

Mr. MFUME. Let me say I am flattered that the gentleman thinks that my support of such a motion would in fact cause it to carry, and if for that purpose we could reach that agreement I would do that. However, I cannot guarantee that the gentleman's motion will carry. But I appreciate the flattery, and yes, if that is what the gentleman is saying, let us reach an agreement on this issue, I would be more than happy to support the gentleman in that instance.

The CHAIRMAN pro tempore. The time of the gentleman from Maryland [Mr. MFUME] has again expired.

(On request of Mr. FRANK and by unanimous consent, Mr. MFUME was allowed to proceed for 1 additional minute.)

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I would say to my friend I understand his feelings, but this bill requires passage here, and under the Constitution passage in the Senate. While it may be that we will within a few hours, after amendments which the gentleman has kindly announced in advance will be offered knowing they will be defeated, get out of here, none of us can control the course of debate in the other body, which means if we were to delay this for 3, 4, or 5 weeks, with the July 4 holiday coming up and the conventions, we would then get in the situation where extended debate could take place in the other body, and we could go for a year without passing the bill.

□ 1715

So the notion that by rising and having a lengthy process of hearing and consideration we would not be slowing the bill down, if it only required passage in the House that would be a different story. But there is, for better or for worse, the Senate and, delaying this by 3 or 4 weeks, given the occasional propensity of the Senate to take longer on the bill than we do, it would be fatal.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman from Maryland [Mr. MFUME] has again expired.

(By unanimous consent, Mr. MFUME was allowed to proceed for 30 additional seconds.)

Mr. MFUME. Let me just say again to the gentleman from Illinois who offered the amendment, as I said in the preface of my remarks, I appreciate the good will that he has offered it. I appreciate also the good will of the opposition, particularly as noted from my colleague from the State of Michigan.

Mr. Chairman, I would again urge consideration of the request of the NAACP, the Leadership Council on Civil Rights, major labor and religious organizations that in fact we conduct hearings nationwide before moving to a consensus one way or the other on what I consider to be a very important piece of legislation.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 265, not voting 27, as follows:

[Roll No. 213]

AYES—139

Archer	Combest	Gingrich
Armey	Coughlin	Gradison
Badham	Courter	Gregg
Baker	Craig	Hall (TX)
Ballenger	Crane	Hammerschmidt
Barnard	Dannemeyer	Hansen
Bateman	Daub	Hastert
Bereuter	Davis (IL)	Hefley
Bilirakis	DeLay	Herger
Bliley	DeWine	Hiler
Boulter	Dickinson	Holloway
Broomfield	Dornan (CA)	Hopkins
Brown (CO)	Dreier	Hughes
Buechner	Edwards (OK)	Hunter
Bunning	Emerson	Hutto
Burton	Fawell	Hyde
Byron	Fields	Inhofe
Callahan	Florio	Ireland
Coats	Gallegly	Jenkins
Coble	Gallo	Kasich
Coleman (MO)	Gekas	Konnyu

Kyl
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Nichols
Nielson
Oxley
Packard
Parris
Petri
Porter
Quillen
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roukema
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Swindall
Tauke
Taylor
Thomas (GA)
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—265

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bartlett
Barton
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Pursell
Rahall
Rangel
Ravenel
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—27

Anderson
Bentley
Biaggi
Cheney
de la Garza
Dixon
Gejdenson
Goodling
Hayes (IL)
Jones (TN)
Kemp
Lewis (CA)
Mack
MacKay
Markey
Mica
Moody
Myers
Nagle
Ray
Saiki
Spence
Spratt
St Germain
Sweeney
Weiss
Williams

□ 1736

Messrs. GRANDY, ASPIN, KOLBE, PASHAYAN, YOUNG of Alaska, FLIPPO, and ACKERMAN changed their vote from "aye" to "no."

Mr. LENT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. OLIN). Are there further amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. ENFORCEMENT CHANGES.

Title VIII is amended—

(1) by redesignating sections 815 through 819 as sections 816 through 820, respectively; and

(2) by striking out sections 810 through 813 and inserting in lieu thereof the following:

"ADMINISTRATIVE ENFORCEMENT; PRELIMINARY MATTERS

"SEC. 810. (a) COMPLAINTS AND ANSWERS.—(1)(A)(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

"(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

"(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

"(B) Upon the filing of such a complaint—

"(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this title;

"(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this title, together with a copy of the original complaint;

"(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

"(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

"(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

"(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

"(2)(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

"(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

"(b) INVESTIGATIVE REPORT AND CONCILIATION.—(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

"(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

"(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

"(4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this title.

"(5)(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing—

"(i) the names and dates of contacts with witnesses;

"(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

"(iii) a summary description of other pertinent records;

"(iv) a summary of witness statements; and

"(v) answers to interrogatories.

"(B) A final report under this paragraph may be amended if additional evidence is later discovered.

"(c) FAILURE TO COMPLY WITH CONCILIATION AGREEMENT.—Whenever the Secretary has

reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 814 for the enforcement of such agreement.

"(d) PROHIBITIONS AND REQUIREMENTS WITH RESPECT TO DISCLOSURE OF INFORMATION.—(1) Nothing said or done in the course of conciliation under this title may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned.

"(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

"(e) PROMPT JUDICIAL ACTION.—(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this title, the Secretary may commence and maintain a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. The Secretary shall promptly notify the Attorney General of the filing of any action pursuant to this subsection. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 812 of this title.

"(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under sections 814(a) and 814(c) or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

"(f) REFERRAL FOR STATE OR LOCAL PROCEEDINGS.—(1) Whenever a complaint alleges a discriminatory housing practice—

"(A) within the jurisdiction of a State or local public agency; and

"(B) as to which such agency has been certified by the Secretary under this subsection;

the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

"(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless—

"(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

"(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

"(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

"(3)(A) The Secretary may certify an agency under this subsection only if the Secretary determines that—

"(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

"(ii) the procedures followed by such agency;

"(iii) the remedies available to such agency; and

"(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this title.

"(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

"(4) During the period which begins on the date of the enactment of the Fair Housing Amendments Act of 1988 and ends 40 months after such date, each agency certified for the purposes of this title on the day before such date shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on that date. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

"(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

"(g) REASONABLE CAUSE DETERMINATION AND EFFECT.—(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), determine whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

"(2)(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 812.

"(B) Such charge—

"(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

"(ii) shall be based on the final investigative report; and

"(iii) need not be limited to the facts or grounds alleged in the complaint filed under section 810(a).

"(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 814, instead of issuing such charge.

"(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

"(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

"SUBPOENAS; GIVING OF EVIDENCE

"SEC. 811. (a) IN GENERAL.—The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this title. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

"(b) WITNESS FEES.—Witnesses summoned by a subpoena under this title shall be entitled to the same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

"(c) CRIMINAL PENALTIES.—(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a), shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"(2) Any person who, with intent thereby to mislead another person in any proceeding under this title—

"(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a);

"(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

"(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"ADMINISTRATIVE ENFORCEMENT; HEARING PROCESS

"SEC. 812. (a) CONDUCT OF HEARING.—An administrative law judge appointed under section 3105 of title 5, United States Code, shall conduct a hearing on the record with respect to a charge issued under section 810 of this title.

"(b) SERVICE OF COPIES OF CHARGE.—After the Secretary issues a charge under section 810, the Secretary shall cause a copy thereof to be served—

"(1) on each respondent named in such charge, together with a notice of opportunity for a hearing on the record at a place (in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur) and at a time (not less than 30 days after the service of such charge) specified in such notice; and

"(2) on each aggrieved person.

"(c) RIGHTS OF PARTIES.—At a hearing under this section, each party may appear in person, be represented by counsel, present

evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 811. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

"(d) EXPEDITED DISCOVERY AND HEARING.—(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

"(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

"(3) The Secretary shall, not later than 180 days after the date of enactment of this subsection, issue rules to implement this subsection.

"(e) RESOLUTION OF CHARGE.—Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

"(f) EFFECT OF TRIAL OF CIVIL ACTION ON ADMINISTRATIVE PROCEEDINGS.—An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

"(g) HEARINGS, FINDINGS AND CONCLUSIONS, AND ORDER.—(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

"(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

"(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent—

"(A) in an amount not exceeding $10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

"(B) in an amount not exceeding $25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

"(C) in an amount not exceeding $50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

"(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this title.

"(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)—

"(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

"(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

"(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

"(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

"(h) SERVICE OF FINDINGS AND CONCLUSIONS AND ORDER.—The Secretary shall cause the findings of fact and conclusions of law made with respect to an order issued under subsection (g), together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

"(i) FINALITY OF ORDER; REVIEW.—(1) An order of the administrative law judge is the final order for purposes of judicial review under this title.

"(2)(A) Any party aggrieved by an order of the administrative law judge granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28, United States Code.

"(B) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

"(j) COURT ENFORCEMENT OF ADMINISTRATIVE ORDER UPON PETITION BY SECRETARY.—(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

"(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

"(k) RELIEF WHICH MAY BE GRANTED.—(1) Upon the filing of a petition under subsection (i) or (j), the court may—

"(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

"(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

"(C) enforce such order to the extent that such order is affirmed or modified.

"(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

"(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

"(l) ENFORCEMENT DECREE IN ABSENCE OF PETITION FOR REVIEW.—If no petition for review is filed under subsection (i) before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

"(1) which is filed by the Secretary under subsection (j) after the end of such day; or

"(2) under subsection (m).

"(m) COURT ENFORCEMENT OF ADMINISTRATIVE ORDER UPON PETITION OF ANY PERSON ENTITLED TO RELIEF.—If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i), and the Secretary has not sought enforcement of the order under subsection (j), any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

"(n) ENTRY OF DECREE.—The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

"(o) ATTORNEY'S FEES.—In any administrative proceeding brought under this section, or any court proceeding arising therefrom, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5, United States Code, or by section 2412 of title 28, United States Code.

"ENFORCEMENT BY PRIVATE PERSONS

"SEC. 813. (a) CIVIL ACTION.—(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this title, whichever

occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

"(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

"(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 810(a) and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

"(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this title with respect to such charge.

"(b) APPOINTMENT OF ATTORNEY BY COURT.—Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may—

"(1) appoint an attorney for such person; or

"(2) authorize the commencement or continuation of a civil action under subsection (a) without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

"(c) RELIEF WHICH MAY BE GRANTED.—(1) In a civil action under subsection (a), if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

"(2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

"(d) EFFECT ON CERTAIN SALES, ENCUMBRANCES, AND RENTALS.—Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this title.

"(e) INTERVENTION BY ATTORNEY GENERAL.—Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 814(e) in a civil action to which such section applies.

"ENFORCEMENT BY THE ATTORNEY GENERAL

"SEC. 814. (a) PATTERN OR PRACTICE CASES.—Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

"(b) ON REFERRAL OF DISCRIMINATORY HOUSING PRACTICE OR CONCILIATION AGREEMENT FOR ENFORCEMENT.—(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 810(g).

"(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

"(2)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 810(c).

"(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 810(c).

"(c) ENFORCEMENT OF SUBPOENAS.—The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this title, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

"(d) RELIEF WHICH MAY BE GRANTED IN CIVIL ACTIONS UNDER SUBSECTIONS (a) AND (b).—(1) In a civil action under subsection (a) or (b), the court—

"(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title;

"(B) may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

"(C) may, to vindicate the public interest, assess a civil penalty against the respondent—

"(i) in an amount not exceeding $50,000, for a first violation; and

"(ii) in an amount not exceeding $100,000, for any subsequent violation.

"(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28, United States Code.

"(e) INTERVENTION IN CIVIL ACTIONS.—Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.

"RULES TO IMPLEMENT TITLE

"SEC. 815. The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this title. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.".

Mr. SCHEUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have had a very spirited debate on the last amendment, and that controversy and that sense of spirit have impregnated the debate on fair housing for the last 25 years.

I hold a picture in my hand that dates back to almost the beginning of the fight for fair housing. I do not know if the cameras can zoom in this close. This picture which I hold in my hand is of an historic event that took place 25 years ago this month. It is a picture of a group at the Civil Rights Leadership Conference gathered in the Rose Garden of the White House.

Some of the people in this picture are: Vice President Lyndon Johnson, Attorney General Robert Kennedy, Martin Luther King. Jim Farmer, the head of CORE, the president of the National Council of Jewish Women, the head of SNICK at that time, a young Atlantan by the name of JOHN LEWIS, and standing right next to JOHN LEWIS, is a young housing developer and one of the leaders of the National Committee Against Discrimination in Housing, JIM SCHEUER, a New York developer.

JOHN and I have worked actively in the civil rights battle ever since. We are both proud to have been in on the beginning. I honor the role that JOHN LEWIS has played.

Both JOHN LEWIS and I have a sense of deep satisfaction in what we are doing today. We came from a very uncertain start back in June 1963. We were all convened in the Rose Garden of the White House to get President Kennedy to sign an Executive order prohibiting discrimination in housing, to reach that goal with a so-called single stroke of the pen. But there were problems. There were political problems and there were other problems, and it did not get signed.

The progress since then has been difficult. It has been controversial; it has been emotion laden. Just as the debate was this afternoon, it has been episodic, and it has been incremental. We have taken two steps forward and one step back. But here 25 years later, we have arrived at a very beautiful point in time.

This is a great, fine bill, embodying the best in America. It provides the opportunity to go to an administrative judge or to a Federal district court judge and get a real result. It is

decent, it is fair, and it is in the best traditions of America.

Mr. Chairman, I am proud to have played a minor role over these 25 years, and I know my colleague, the gentleman from Georgia, who was there at the beginning, is proud of his role, a very major role.

Mr. LEWIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to my colleague, the gentleman from Georgia, with great pleasure and great pride.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my good friend, the gentleman from New York, for yielding. I also want to take this opportunity to thank the gentleman from California [Mr. EDWARDS] and the gentleman from New York [Mr. FISH] for bringing this bill before us.

Mr. Chairman, during the past few years we have strived to create an open society, and we have made great strides toward the realization of this dream. The legislation we are considering today breaks another link in the chains that have bound our society to the ravages of discrimination. I am very proud to be associated with this legislation.

□ 1745

Today we are considering a fair housing measure which not only protects our Nation's minorities, but it protects the needs of those with disabilities and families with children.

Mr. Chairman, at this point I would like to say just a few words about my colleague from New York. He was with the civil rights movement in 1963 when we visited the White House to urge President Kennedy to issue an Executive order banning discrimination in public housing and other Federal housing programs. He was there during the signing of the Fair Housing Act in 1968. He not only talks, but he is a man of action, and I commend him for his efforts over the years.

(By unanimous consent, Mr. SCHEUER was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of Georgia. The most visible signs of racial discrimination are no longer with us. In the past 25 years we have witnessed a nonviolent revolution, not just the removal of racial barriers, but a revolution of values and a revolution of ideas. The face of this Nation has been changed forever.

Mr. Chairman, what we do here today with the passage of this measure will be a significant step on the long and continuous journey on the road to an open society. With the passage of this measure we are saying to the American people that we must look out for the common good, that we are one people, one Nation, one community, one house, the American house.

Mr. Chairman, I want to thank the gentleman from New York [Mr. SCHEUER], my good friend, for yielding this time to me.

Mr. SCHEUER. Mr. Chairman, I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from New York [Mr. SCHEUER] for yielding this time to me, and I want to say how honored we are today to have the two gladiators from the sixties, the gentleman from New York [Mr. SCHEUER] and the gentleman from Georgia [Mr. LEWIS], and it is very appropriate that they are here today because this is the first major civil rights bill in many a year, and it is a fine bill.

Mr. Chairman, I know when this day ends in 1, 2, 3, 4 hours; we do not know yet, it will be a bright day and a grand day for this House of Representatives.

Mr. SCHEUER. Mr. Chairman, I thank the gentleman from California [Mr. EDWARDS]. I want to express my sense of admiration and affection for the gentleman for the outstanding leadership role he has played in the civil rights field for a quarter of the century that he has been here, and I congratulate him for this remarkable achievement that we are about to vote on today, and I congratulate the gentleman from New York [Mr. FISH] for his equally stellar role.

Mr. Chairman, I think America can be proud of two such exemplary exponents of everything good that we stand for, Republican and Democrat, standing together giving marvelous leadership to this cause.

The CHAIRMAN pro tempore. (Mr. OLIN). The Committee will rise informally to receive a message.

□ 1748

FURTHER MESSAGE FROM THE SENATE

The SPEAKER pro tempore (Mr. MURTHA) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2344. An act to provide for the reauthorization of appropriations for the Office of Government Ethics, and for other purposes; and

S. Con. Res. 130. Concurrent resolution providing for a conditional adjournment of the House from June 30, 1988, until July 6, 1988, and a conditional recess or adjournment of the Senate from June 29, 1988, until July 6, 1988.

The SPEAKER pro tempore. The Committee will resume its sitting.

FAIR HOUSING AMENDMENTS ACT OF 1988

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS: On page 19, line 7, strike out "may commence" and all that follows through "subsection" in line 11, and insert in lieu thereof the following: "shall refer the matter to the Attorney General with a request that a civil action be commenced under section 814(b)".

On page 37, line 12, after "section" insert "810(e) or".

Mr. GEKAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Chairman, the sole purpose of this amendment is to attempt to retain with the Justice Department jurisdiction in a very narrow vein of the prompt judicial action that is called for by one of the sections, E, under the prohibitions or requirements with respect to disclosure and prompt judicial action. The compromise that was reached and accepted by both sides in this controversy I know have agreed to certain allocations of the jurisdiction to hear cases to the HUD or the HUD portion of the total enforcement process. My amendment simply would allow for that single purpose of the prompt judicial action that is required on an individual's complaint to have the Secretary of HUD simply transfer that to the Attorney General, to the Justice Department.

Why?

This would permit the body of law that has arisen over the years within the Justice Department the precedents, the case law, to be applied with these new cases with that body of precedents that would allow expectable and predictable action on the part of the Attorney General. This would go a long way in getting defendants in potential cases to come to the point where they would enter into a consent order because they would know the body of law that is predictable and already embodied in the Attorney General's files, as it were, would give them a reason to feel that their case has no merit or has such little merit that a consent order would be in order.

Mr. Chairman, for those and many other reasons we believe that this part of whatever compromise was reached is not touched by what I am trying to do. This is only for those individual complaints that go directly to the Sec-

retary that require prompt judicial action which under the bill now would go to the HUD structure. We want to put it back into the Justice Department where the expertise already lies.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

This bill, Mr. Chairman, reflects most of the negotiations and compromise. The Fish amendment was adopted by a vote of 401 to 0. The Fish amendment restructured the enforcement provision to provide both an administrative process or access to a Federal jury trial for either party to a housing discrimination complaint. In every instance the case would be brought and maintained by HUD attorneys. The Fish package put litigation authority in HUD where it belongs.

The Gekas amendment, Mr. Chairman, would create additional, rather than fewer, distinctions in Federal agency responsibilities between HUD and the Department of Justice in the litigation of fair housing cases. The Gekas amendment would transfer litigation authority to the Department of Justice in cases where prompt judicial action is necessary. And the gentleman from Pennsylvania [Mr. GEKAS] notes litigation authority would remain with HUD when an election is made to go to the Federal court under the Fish amendment. The Gekas amendment would unwisely divide the responsibility between the two departments for handling preliminary matters and court cases transferring prompt judicial action litigation authority to the Department of Justice, while keeping court litigation authority in HUD would defeat consistency and would hamper the development of an effective body of total litigation expertise within HUD.

Mr. Chairman, the jurisdiction belongs in HUD. The responsibility belongs to HUD. They have the expertise. Let us keep it there and defeat the amendment.

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

Mr. EDWARDS of California. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, the gentleman from California [Mr. EDWARDS] makes mention of the fact that my amendment would divide the authority. Does the gentleman insist that the language, as he contemplates in this bill now, also draws from the Attorney General the authority to act on pattern cases?

Mr. EDWARDS of California. Yes.

Mr. GEKAS. It does?

Does the gentleman mean that the pattern cases do not remain?

Mr. EDWARDS of California. Mr. Chairman, we do not change the law that authorizes and asks the Attorney General to intervene and to bring suit where a pattern or practice of discrimination is alleged.

Mr. GEKAS. So that has remained the same; is that correct?

Mr. EDWARDS of California. Mr. Chairman, we did not change that.

Mr. GEKAS. Mr. Chairman, therefore it is divided under what the committee has decided not to do. That is it decided not to withdraw from the Attorney General the authority to seek jurisdiction and to gain jurisdiction over pattern cases that the gentleman from California [Mr. EDWARDS] has agreed by the answer that it is already divided.

All we are asking is that the pattern cases be supplemented by the authority of the Justice Department and in individual complaint cases where prompt judicial action is required so that it is not an argument against the Gekas amendment to say that this divides the authority. The authority is already divided, and the committee never took one step to withdraw from the Attorney General already existing jurisdiction and pattern cases.

So, no matter what the position of the gentleman from California [Mr. EDWARDS] might be, I want the record to be clear that my amendment does not create a division of authority. It simply bolsters the ability of the Justice Department to use its case law authority and precedent to wiser use in individual complaint cases.

Mr. EDWARDS of California. Mr. Chairman, the gentleman from Pennsylvania [Mr. GEKAS] is talking about a different type of case. What the amendment offered by Mr. GEKAS would do would bifurcate individual cases. We want them to remain where HUD is in charge.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. This amendment does violate the agreement that was reached relative to the enforcement of the fair housing complaints that were adopted by a vote of 401 to 0 last week.

But, Mr. Chairman, even if it did not violate the agreement, I think that it is bad policy because all the gentleman for Pennsylvania's amendment does is to strikes out the authority of the Secretary of HUD to commence and maintain a civil action for appropriate temporary or preliminary relief pending final dispositon of the complaint under the section that is referred to. That would mean that under the amendment of the gentleman from Pennsylvania [Mr. GEKAS] that the Secretary of HUD could file a fair housing complaint against someone who was alleged to have committed a discriminatory practice. If the Secretary of HUD decided that he needs an injunction to keep the property off the market pending disposition of the complaint, then the matter has got to go over to the Justice Department, and the Justice Department bureacuracy has got to get its act together, and go into court, and by the time they could go into court I could submit that the house probably would be sold or the apartment would be rented, and as a result of that there really would not be any relief that would be appropriate.

□ 1800

But even if the relief was appropriate and the Justice Department was successful in getting an injunction, then under the amendment offered by the gentleman from Pennsylvania it is required to go back to HUD for the conciliation procedure and if by consent of the parties the administrative law judge ends up adjudicating the case, then it stays in HUD.

This is nothing but a mishmash that will get the wheels to fall off adequate enforcement of fair housing complaints when an injunction is necessary and it should be defeated for that reason.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I want to congratulate the gentleman for a remarkably clear, succinct and understandable analysis of this amendment and the mischief it would cause. I hope everybody now understands where we are and that we can put this issue to rest and turn back this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: On page 28, line 12, delete "$10,000" and insert in lieu thereof "$2500".

On page 28, line 15, delete "$25,000" and insert in lieu thereof "$5000".

On page 28, line 20, delete "$50,000" and insert in lieu thereof "$10,000".

Mr. SENSENBRENNER (during the reading). Mr. Chairman. I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment that strengthens conciliation of fair housing complaints.

H.R. 1158 makes a major change to the 1968 Fair Housing Act by providing that administrative law judges can assess fines in fair housing cases brought by the Secretary of HUD on

behalf of an aggrieved party. Fines for conviction under the new fair housing law are far too high. For the first offense, a fine of up to $10,000 is allowed; for the second offense, a fine of up to $25,000; and for each subsequent offense within a 7-year period, a fine of up to $50,000.

This fine structure is flat out corporate capital punishment. For many landlords and realtors, these fines could put them out of business. We are dealing with first-time fines of up to $10,000. Do we really want to hit Mary Jane Realtor with a $10,000 fine because she failed to show the same apartments to different testers? Do we really want to put small business folks out of business on an initial violation? I think not.

In addition, it was clear at the committee level that the violations accrue to the real estate license holder, not necessarily the person who commits the violation. For example, the violations of each associate in a firm would accrue to the license holder. Do we want to subject the license holder to $25,000 and $50,000 fines because of initial violations of different associations, even associates in different offices?

This cumulative fine structure to a license holder means that a salesperson with no prior record can be fined $50,000 for a technical violation of the law if two other salespeople in different offices in the same firm have been convicted previously. That flat out is overkill.

The fines thus create an incentive for complainants not to settle cases where they agree to the entry of kind of a consent decree, but to litigate at Federal taxpayer expense to seek retribution against realtors and landlords.

The fines would also create a legal atmosphere where practicing lawyers advising the real estate industry would be loathe to recommend that their clients settle for fear of confiscatory fines for subsequent violations. Many of the cases are now settled for their nuisance value because it does not cost enough to justify the litigation; however, they may not settle if they know that the mere fact that they settled, and the mere fact that they conciliated would be considered as indicating a violation or the existence of a pattern or practice, thus generating large fines. This is something which is very much counterproductive to the objectives of this bill.

I offer an amendment to make the fines more fair and realistic. Under my amendment, the fines would be as follows: For the first offense, the fine would be up to $2,500; for the second offense, up to $5,000; and for each subsequent offense within a 7-year period, a fine of up to $10,000.

I would point out that in the 1980 law which passed the House of Representatives with the strong support of my colleague, the gentleman from California, the gentleman from Michigan, and others, the maximum fine in that bill was $10,000.

What this amendment does is reduces that, but it continues the cumulative effect of the fine that is contained in this year's bill.

Mr. Chairman, I urge support for my amendment for a fair and more realistic fine structure that will mean that more of these cases will be conciliated, fewer of these cases will be litigated, and I think that we would see a more realistic approach to the enforcement of this bill on the part of attorneys both for the Government, as well as those advising the real estate industry.

Mr. FISH. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I appreciate my colleague, the gentleman from Wisconsin, addressing the question of the fines and penalties in this legislation. They are significant figures.

My reason for rising in opposition to the gentleman reducing those is that the very people involved in this process have no objection to the present structure.

We started off with one set of fines in the bill and during the committee deliberations they were reduced by the gentleman from Florida and scaled down. This was actually over the objections of the Department of Housing and Urban Development.

I have a letter signed by Secretary Samuel R. Pierce, dated June 21, in which he refers to the plan of the gentleman from Wisconsin to introduce an amendment to reduce the amount that an administrative law judge can be empowered to assess as a civil penalty, and I quote:

> I would strongly oppose such an amendment. It is vital that the Fair Housing Amendments Act contain the promise of stiff penalties for those who violate the law.

Now, the other group that you would think would be quite concerned over the size of these penalties would be the realtors. I am happy to say that the realtors support the bill as we have brought it to the floor. They are not urging the adoption of any amendments to this legislation at this time, including this one, that goes directly to fines that can be assessed against them.

So in other words, the Cabinet officer empowered to enforce the provisions of this bill, the HUD Secretary has been concerned from the start about fines that would discourage discrimination. Secretary Pierce was involved in negotiations in the three Congresses to bring us to this day and he strongly feels that the fines in their present form are necessary. Again, the very people who are potentially most affected by them are not objecting.

One further thought and that is, Mr. Chairman, and then I will stop, the tougher and higher fines actually would encourage early settlement of cases. As we know, in H.R. 1158 during the first 100 days, the Secretary of HUD will endeavor to bring the case to a resolution through conciliation or arbitration. The more success we have in that process—then the fewer cases would go to Federal court or before an administrative law judge.

So for those reasons, Mr. Chairman, I do urge a "no" vote, with all due respect to my colleague, the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Wisconsin is not opposed to stiff fines for people who are convicted of violating the fair housing law. Had the feature of the cumulative effect accruing to the license holder not been in this bill, I would stongly support the fine structure that is contained in the committee reported bill; but what we are doing is that someone who is prosecuted for a first violation might be subjected to the fines at the third violation and subsequent violation because other people who work for the same license holder have been convicted of a fair housing law violation. I think that this is the feature of the bill that is going to cause lawyers who represent people who are accused of fair housing violations to litigate everything.

When I graduated from law school and started practicing law, the State of Wisconsin had a mandatory 1-year driver's license revocation for anybody who was convicted of driving while intoxicated. Anybody who represented a client who was accused of DWI because of that high and Draconian penalty automatically asked for a jury trial in court and made the plea to the jury that "there but for the grace of God go you, Mr. or Ms. Juror," and a fair number of people got off because of hung juries or because of a finding of innocence.

But the sum and substance of the high penalties or potential penalties was that the courts got clogged up and people who were accused of drunken driving sometimes had to wait a year or two to get their jury trials even in very, very small counties in Wisconsin.

So, the legislature with that kind of a track record was convinced to reduce the penalty, and we now have fewer cases going to trial, more people pleading no contest to drunken driving and going into a group dynamics course, which is to try to show them the consequences of the act of driving while intoxicated.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman

from New York [Mr. FISH] has expired.

(At the request of Mr. SENSENBRENNER, and by unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield further?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I am afraid, Mr. Chairman, that with the Draconian penalties that are contained in this bill what happened in Wisconsin when we had near capital punishment for drivers who were picked up for drunken driving is going to happen here and you are going to see people litigating every single complaint and that is going to clog the system down and we are not going to be able to accomplish the justice that is required.

Now, by having the penalties accrue to the license holder at a lower level, we are still going to be able to get at firms that do not adequately train their salespeople and do what the law requires them to do, but at the same time we are not going to be able to sock a $50,000 fine to someone who has done a technical violation of the law simply because two other people within the same license holder's shop have been convicted previously.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Wisconsin and, frankly, I am a little surprised that he would even offer this. The gentleman was well aware of the debate carried on in the Judiciary Committee at the time it was originally considered. The gentleman is well aware now that this bill is a significant well-crafted and generally agreed upon product.

This is not a bill that is the subject of significant debate any longer. This is a breakthrough. This is a real vital contribution made by almost every side to an issue that has been significantly contentious for 20 years.

The fine structure was higher. At the time that the Judiciary Committee considered this bill, it frankly was not agreed to by all parties and was not the beloved child of everyone interested in this issue; but the fine structure appeared to me to be significantly and onerously high and did not take into account the real fact of the real world.

The license holder ultimately is the responsible party, that is the realtor. It is not the salesman, but the broker.

Well, in many places in this country realtors' offices have 10, 15, or 20 people at any given time who hang their salesman's license in what in some places they call realtor associates in that office. They have gone through a course. They have got to pass a State test, in most States, I would hope in all States, and those people understand what they should and should not do, can or cannot do with reference to the question of discrimination in housing; however, there are times, we know it because that is one of the reasons we have a fair housing law to begin with, when people violate those laws and violate the moral principles.

Now, at any given time within say a 10-year period you could have 400 or 500 people come in and out of that broker's shop, the realtor's office. We want to make sure that we do not have a confiscatory schedule of fines because out of those 400 or 500 people one or two did the wrong thing.

By the same token, you do not want to reward what might be a pattern and practice in that office with a fine structure so small that the realtor finds it is more economically feasible to continue the discrimination practice and pay the fine that the court added than to be caught and have to discontinue.

So, we settled on what we thought was an appropriate structure, signed off by everybody who was involved in this, obviously except the gentleman from Wisconsin [Mr. SENSENBRENNER].

Now, there is an amendment on a bill which is fully agreed to, which the realtors have agreed to, which HUD agreed to, which the Civil Rights groups agreed to, which all the parties over the years who have been fighting each other, not being able to agree, have come to agree to.

I would suggest that lowering these fines, which this amendment does, from first offense $10,000 to $2,500; second offense, from $25,000 to $5,000; and third offense, from $50,000 to $10,000, violates the kind of crafted agreement we tried to make, and further violates the spirit of what we are attempting to do, and that is to ensure compliance with the terms of it so we do not have to fine people, so that the salesmen would be instructed by brokers as to what the right thing is to do, so that there would not be any question that a person who violates this more than once in his office through the agency process, because he or she as the broker is reliable, is going to watch what goes on in that office and not condone any kind of discriminatory practice.

This violates the agreement. It violates the crafting, and further, it almost says to would-be violators, "Go ahead. You can afford 10 grand over a 3-year period. What does it mean to you?"

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, if you want to red line, you probably can make more money in 10 years if you are a busy office than you would if you did not, even though you have to pay a fine if they catch you.

□ 1815

Not only that, since this bill left Judiciary, it has come again under a further agreement which made it possible for people to go directly from the adlaw proceeding to the district court, a remedy they did not have previously under the bill which would, in effect, obviate the necessity of these fines being levied by an administrative law judge, because now they can go right to court under a different section entirely.

It just seems to me that this product is fine, just fine the way it is. I have not had one realtor, not one, from anywhere in the United States since this amendment was known as a possibly intended amendment for today to call me or write me and say, "Support it, those fines are too high." They, too, realize that the time is over for even attempting to reward what are discriminatory practices. They are willing to live within this, and we should be willing to live with it.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman.

Mr. SENSENBRENNER. Mr. Chairman, the fines that we are discussing here have nothing to do with a pattern or practice suit. These are just the fines that accrue for convictions in an administrative law judge court. My amendment only deals with those fines. My amendment does not touch the fines for pattern or practice suits which are prosecuted by the Justice Department in the Federal district court. The fine there is $50,000 for the first offense and $100,000 for each subsequent time.

Mr. CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, reclaiming my time, on that point, I did not say this had anything to do with pattern and practice suits brought by the Justice Department. I said that we have a fine structure which in fact anticipates pattern and practice by a step-up provision. We are trying by having the fines increased within that 7-year period for a second or third offense to prevent the possibility of a pattern or practice even into two or three times, and this has nothing to do with the Justice Department. This has to do with individuals who go into a real estate office and are subjected to discriminatory practices.

We all know that pattern and practice may exist, and there is a remedy for that as well. We are giving a secondary remedy where it happens so infrequently, but still may be viewed as happening under some kind of intentional business practice as opposed to some totally honest mistake.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. SMITH] has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The amendment was rejected.

The CHAIRMAN pro tempore. Are there further amendments to section 8?

If not, the Clerk will designate section 9.

The text on section 9 is as follows:

SEC. 9. CONFORMING AMENDMENT TO TITLE IX.

Section 901 is amended by inserting ", handicap (as such term is defined in section 802 of this Act), familial status (as such term is defined in section 802 of this Act)," after "sex" each place it appears.

The CHAIRMAN pro tempore. Are there amendments to section 9?

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN of California: Page 39, line 25, after "Act" and before the ")" insert "and which is understood to include, with regard to individuals who have not attained the age of 18 years, persons before birth".

Mr. DORNAN of California. Mr. Chairman, this is a very simple and straightforward amendment. I had discussed it with the chairman at the point in the bill in section 5 where the word "familial" is first used and followed by a description.

Much was discussed last Thursday and today about discrimination, since this House, in an overwhelming defeat of the Shaw amendment submitted by my friend and colleague from Florida which was by a separation of 176 votes shows that the membership of this House does not want young families turned away at the door for rental property. I believe that most Members in this House would feel that a young family, a father and a mother—to use the Biblical term—with child—should not be turned away either. If a young couple arrives and the mother is 5, 6, 7, 8 months pregnant, it is particularly noticeable in the last few months, and I can visualize some hard-hearted landlord saying, "Well, it is a good thing you did not get here a few weeks from now, because I could not turn you away, but right now there is no room at the inn. Go find a stable somewhere." I deliberately used some Biblical imagery there.

I would hope that the chairman would accept this amendment, that we would not even have a vote on it, because I think it is rather obvious that people are prejudiced against when somebody sees the potential of a family, and that person, that preborn child, is there obvious in the womb.

With the passage of the Dornan amendment, Congress will do two things: First, it will end housing discrimination against pregnant women; and second, it will once and for all put the Congress on record as defining a preborn child—or fetus—as a person, and granting that person protection under the law.

Just yesterday, we debated abortion here on the floor of the House, and the only argument the proabortion side could muster was that the question of when life begins was up to the individual and that none of us were wise enough to make such a determination. As anyone who knows me will tell you, I am not one to go around quoting leftwing writers. However, I recently read an excellent argument against that very point by the Marxist Christopher Hitchens that is worth repeating. Writing in Crisis magazine, Hitchens said:

Look, once you allow that the occupant of the womb is even potentially a life, it cuts athwart any glib invocation of "the woman's right to choose." If the unborn is a candidate member of the next generation, it means that it is society's responsibility. * * *

He added,

All the nonsense that we hear about mediate and immediate animation, the point where a soul enters the unborn and so on, is at best beside the point. It has in common with the sectarian feminist view a complete contempt for science and the theory of evolution—which establishes beyond reasonable doubt that life is a continuum that begins at conception because it can't begin anywhere else.

What Hitchens is saying in the first quote is simply that the fetus deserves the benefit of the doubt. It has always perplexed me that my proabortion colleagues refuse to give the benefit of the doubt to preborn persons, but are quick to give it to criminals, Communist dictators in Central America and the Warsaw Pact, and drug users, who they consider victims. My Democratic colleagues like to think theirs is the "party of compassion." But where is the compassion for the preborn child among the proabortionists within the Democratic Party?

Mankind has always been clear concerning the question of when life begins. The awarding of damages to infants in the womb, charges of homicide against those who kill fetuses in attacks on mothers, even the sparing of pregnant women condemned to death until their children are born—all these precedents illustrate that we have always considered fetuses people, not some biological entity whose future is subject to the whim of the mother-to-be.

In thinking about this issue it is important to remember that abortion is a practice that 30 years ago was viewed with disgust by virtually all decent people. As Tom Landess has written:

Contrary to popular assertions, abortion was not considered sordid because it was performed in filthy back-alley offices; it was performed in such places because it was considered sordid. Americans have never hesitated to transgress publicly when they felt halfway decent about what they were doing, as in the case of Prohibition. Yet no crime was committed so surreptitiously as the murder of the unborn.

The Federal Government has an obligation to its citizens to provide moral leadership. It is an obligation that I take seriously. That is why I think this vote to get the House on record as recognizing that a preborn child is a person with rights under the law is so important.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, during the course of hearings over many, many weeks and many, many months, and, indeed, since 1980, we have had hearings on housing discrimination. We did find disturbing levels of discrimination against families with children. We did not see any indication or cases of discrimination against pregnant women. There is no need for this amendment, and I urge a "no" vote.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, I cannot believe what I just heard, that there has been no evidence of prejudice against a young couple where the young wife is pregnant. I will submit myself. When I got out of the Air Force with three young children, 24 years of age, my wife was pregnant. I was turned away. Members, you know what happens, from many rental properties, not only because of the children, but when I was alone with my wife, she was visibly pregnant, and before they even asked if we had children, they said, "No, goodbye."

If we would pass the other one so overwhelmingly the other day, I am confident we are going to be able to pass this by the same margin today.

I will ask for a vote in a few minutes.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 159, not voting 31, as follows:

[Roll No. 214]

AYES—241

Annunzio	Bereuter	Brown (CO)
Applegate	Bevill	Bruce
Archer	Bilbray	Buechner
Armey	Bilirakis	Bunning
Badham	Bliley	Burton
Baker	Boggs	Byron
Ballenger	Boland	Callahan
Bartlett	Bonior	Carr
Barton	Boulter	Chapman
Bennett	Broomfield	Clinger

Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Durbin
Dwyer
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flake
Flippo
Florio
Foglietta
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gradison
Grandy
Gray (IL)
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kildee
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Manton
Marlenee
Martin (NY)
Mavroules
Mazzoli
McCrery
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Natcher
Nelson
Nichols
Nielson
Oakar
Oberstar
Obey
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Penny
Perkins
Petri
Pickle
Porter
Pursell
Rahall
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Russo
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Staggers
Stallings
Stangeland
Stenholm
Stump
Sundquist
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Traxler
Upton
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOES—159

Ackerman
Akaka
Alexander
Andrews
Anthony
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Bellenson
Berman
Boehlert
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bryant
Bustamante
Campbell
Cardin
Carper
Chandler
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
DeFazio
Dellums
Dicks
Dingell
Downey
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fazio
Feighan
Fish
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gephardt
Gordon
Grant
Gray (PA)
Green
Guarini
Hatcher
Hawkins
Hayes (LA)
Horton
Houghton
Hoyer
Hughes
Jeffords
Johnson (CT)
Jones (NC)
Kastenmeier
Kennedy
Kennelly
Kleczka
Kostmayer
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
Markey
Martin (IL)
Martinez
Matsui
McCandless
McCurdy
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Neal
Nowak
Olin
Owens (NY)
Payne
Pease
Pelosi
Pepper
Pickett
Price
Quillen
Rangel
Ridge
Rodino
Roe
Rose
Rowland (GA)
Roybal
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Snowe
Solarz
Stark
Stokes
Stratton
Studds
Swift
Synar
Torres
Towns
Vento
Walgren
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOT VOTING—31

Anderson
Bentley
Biaggi
Cheney
de la Garza
Dixon
Fascell
Gejdenson
Goodling
Hayes (IL)
Jones (TN)
Kemp
Konnyu
Lewis (CA)
Mack
MacKay
McCloskey
McCollum
Mica
Moody
Myers
Nagle
Ray
Saiki
Spence
Spratt
St Germain
Sweeney
Udall
Valentine
Weiss

□ 1843

Messrs. AuCOIN, ANTHONY, and MILLER of Washington changed their vote from "aye" to "no."

Messrs. HAMMERSCHMIDT, DAVIS of Michigan, SHAYS, YATRON, MAVROULES, MOAKLEY, DWYER of New Jersey, LIPINSKI, KOLTER, GRAY of Illinois, TRAXLER, and ANNUNZIO, Mrs. PATTERSON, Messrs. KANJORSKI, RICHARDSON, GAYDOS, MURTHA, and HEFNER, Mrs. BOGGS, Mr. FLAKE, and Mr. PANETTA changed their votes from "no to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. OLIN). Are there any other amendments to section 9?

The Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. TECHNICAL AMENDMENT RELATING TO CIVIL ACTION.

Section 818 (as so redesignated by section 8 of this Act) is amended by striking out the last sentence thereof.

The CHAIRMAN pro tempore. Are there amendments to section 10?

The Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) JURISDICTION.—Section 2342 of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (5) but before the matter beginning "Jurisdiction is invoked" the following:

"(6) all final orders of an administrative law judge under section 812 of the Fair Housing Act.".

(b) DEFINITION.—Section 2341(3) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting "; and" in lieu thereof; and

(3) by adding at the end the following:

"(D) the administrative law judge, when the order is under section 812 of the Fair Housing Act.".

□ 1845

The CHAIRMAN pro tempore (Mr. OLIN). Are there any amendments to section 11? If not, the Clerk will designate section 12.

The text of section 12 is as follows:

SEC. 12. DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER ACTS.

Nothing in the Fair Housing Act as amended by this Act limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended.

The CHAIRMAN pro tempore. Are there any amendments to section 12? If not, the Clerk will designate section 13.

The text of section 13 is as follows:

SEC. 13. EFFECTIVE DATE AND INITIAL RULEMAKING.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the 180th day beginning after the date of the enactment of this Act.

(b) INITIAL RULEMAKING.—In consultation with other appropriate Federal agencies, the Secretary shall, not later than the 180th day after the date of the enactment of this Act, issue rules to implement title VIII as amended by this Act. The Secretary shall give public notice and opportunity for comment with respect to such rules.

The CHAIRMAN pro tempore. Are there any amendments to section 13? If not the Clerk will designate section 14.

The text of section 14 is as follows:

SEC. 14. SEPARABILITY OF PROVISIONS.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

The CHAIRMAN pro tempore. Are there any amendments to section 14?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 42, after line 2, insert the following:

SEC. . DEFINITION OF TERM HANDICAP.

Section 802 (as amended by section 5 of this Act) is further amended by adding at the end of subsection (h) the following:

"Such term also does not include any current infection with the etiological agent for acquired immune deficiency syndrome.".

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, I reserve a point of order against the amendment.

Mr. Chairman, to what section does the amendment apply?

The CHAIRMAN pro tempore. The amendment is in section 14; it adds a new section at the end of the bill.

Does the gentleman insist on his point of order?

Mr. EDWARDS of California. I do not insist on my point of order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California withdraws his point of order.

Mr. BURTON of Indiana. Mr. Chairman, the definition in the bill regarding a handicapped person has been broadened to the extent that it goes way beyond the bounds of what would normally be a handicapped person.

For instance a person who has acquired immune deficiency syndrome would be considered a handicapped person under this bill. My amendment deals with this particular issue.

Mr. Chairman, this bill would prohibit a landlord from refusing to sell or rent housing to a handicapped person or to someone who plans to allow handicapped people to reside there. That sounds quite fair of course. No one should discriminate against persons who are handicapped. The problem is the bill in section 802 defines handicapped as a physical or mental impairment which substantially limits one or more of such person's major life activities or a record of having such an impairment or being regarded as having such an impairment.

Unfortunately, Mr. Chairman, we no longer have a commonsense meaning for the word handicapped, thanks to a recent Supreme Court decision.

In March the Court ruled, the School Board of Nassau County versus Arline, that the definition of handicapped included persons with contagious diseases. In addition in two 1978 court cases the meaning of handicapped was also extended to include alcoholics and those addicted to illegal drugs. This means these people are now protected by law against discrimination unless Congress changes the law to protect our citizenry, of course.

Fortunately the bill was amended in full committee to exclude current drug addicts from being considered handicapped. But current alcoholics will still get the same protection as handicapped persons unless the bill is amended today on the floor.

In addition, persons with contagious diseases also get handicapped protection unless they pose a direct threat to the health or safety of other individuals.

Mr. Chairman, the problem is the burden of proving that threat falls on the landlord of the project. There is also the possibility that the Supreme Court's Arline decision which said that persons with contagious diseases are considered handicapped, would extend the extraordinary protections of the fair housing bill to AIDS patients.

Under the fair housing bill for example, a landlord would have the burden of proving that the AIDS patient is a danger to the health of others. While AIDS is of course difficult to transmit except through intimate contact, many opportunistic infections which AIDS patients have are clearly more casually transmitted, such as infectious tuberculosis and cytomegalovirus.

In summary, Mr. Chairman, I, like all Members of this body, am compassionate toward the victims of AIDS. However, there are certain limits beyond which we should not go.

By stating that AIDS is a handicap, you are discriminating against every other terminal disease. Cancer is a perfect example. A contagious disease is not a handicap by traditional definition. Handicap as defined in the bill in section 802 is a physical or mental impairment that substantially limits one or more of a person's major life activities.

A handicapped person is not a threat to the public health however; in many cases a victim of AIDS may be.

Under the fair housing bill a landlord would have the burden of proving that the AIDS patient is a danger to the health of others. I do not know how he could do that unless he was a scientist who had had a blood test taken on the potential resident.

Even if AIDS is very difficult to transmit, many opportunistic infections which AIDS patients may contract are clearly more casually transmitted.

As I said before, examples are infectious tuberculosis and cytomegalovirus. That is a virus that causes cell enlargement and ultimately birth defects.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague.

Mr. FRANK. I thank the gentleman for yielding.

Many of us read with interest the report of the Watkins Commission, 13 appointees of President Reagan, a majority of whom joined their chairman in specifically endorsing this kind of antidiscrimination provisions we have got in this bill. We noted with interest Vice President Bush has endorsed the protection against discrimination of people with the AIDS virus or with AIDS.

I am wondering whether the gentleman from Indiana has tried to change the Vice President's mind and whether he can tell us he is making any progress since he and the Vice President are on very different sides of this issue.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. As I understand it, Mr. Chairman, the Vice President's position is regarding employment and it did not——

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, the Watkins Commission report was not limited to employment. And telling people they can have a job and not a house is, of course, half way.

I think the gentleman is trying to take back what the Vice President said and he is not doing his candidate any service.

Mr. BURTON of Indiana. If I may take back my time, the purpose of my amendment is not to discriminate against AIDS patients. The problem is that a landlord is going to be put in a position of having to admit people into a project who may be a danger to the health, to the public health of other people in that project. For instance, pregnant women if exposed to many diseases carried by AIDS patients may contract those diseases and become terminally ill from them.

It may also endanger the life of the fetus that that woman may be carrying.

So I think broadening the definition of handicapped persons to include AIDS patients is a serious mistake.

The AIDS issue I do not think should be addressed in this particular piece of legislation.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, as I read this bill, the AIDS issue is not brought up specifically in this legislation. The gentleman from Indiana is now trying to insert it into the fair housing debate.

Now the bill provides that if anyone poses a risk, then he or she cannot be covered by the provisions that say you cannot discriminate against somebody's handicap.

There is no health or safety reason for this amendment because if an AIDS patient, a cancer patient, a tu-

berculosis patient, any patient poses a risk of adverse health consequences to someone else, they can be discriminated against.

But the reality is that having AIDS alone is not a risk to someone else.

The U.S. Supreme Court held that if there is no risk threatened and someone is handicapped they cannot be discriminated against.

I think the gentleman from Indiana has a quarrel with the Supreme Court, not with this bill.

Vice President BUSH endorsed the commission that the President of the United States formed which urged that we have nondiscrimination for people with AIDS or the AIDS infection.

The reason you do not want discrimination is because it serves no purpose. It serves no purpose at all to discriminate against these people.

If the purpose is to say that there is a threat to health, the bill covers that. If the purpose is to say, "We do not like people who have AIDS," that is no different than people used to say, "We don't like people who have cancer" or "we don't like people who have leprosy."

If they are not a threat to anyone else, then there is no reason for the discrimination. If there is a health threat, then the bill provides that there cannot be protection from discrimination.

I urge defeat of this amendment. It is contrary to all the scientific information, contrary to what the Surgeon General, what the Secretary of Health and Human Services, the President's Commission, the Public Health Service, the Centers for Disease Control, the National Institutes of Health, the American Medical Association, all of what they have to say including the statement of the Vice President of the United States GEORGE BUSH.

□ 1900

Mr. Chairman, this is either an amendment where the author does not understand the bill or it is mean spirited in purpose, and I urge the defeat of it.

AMENDMENT OFFERED BY MR. DANNEMEYER TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER to the amendment offered by Mr. BURTON of Indiana: At the end of the proposed amendment insert: "Such term also does not include any current impairment that consists of alcohol abuse, or any infectious, contagious, or communicable disease (whether or not such disease causes a physical or mental impairment (including any impairment which manifests itself in child abuse or violence against other persons) that would be a direct threat to the property, health, or safety of others.".

Mr. EDWARDS of California. Mr. Chairman, I reserve a point of order on this amendment.

We have not seen it yet.

The CHAIRMAN pro tempore (Mr. OLIN). The gentleman from California [Mr. EDWARDS] reserves a point of order on the amendment.

Mr. EDWARDS of California. And will the clerk deliver a copy of the Dannemeyer substitute amendment to this desk?

The CHAIRMAN pro tempore. Does the Chair understand that the gentleman has offered this amendment as an amendment to the amendment?

Will the gentleman from California answer the question? Did he offer this as an amendment to the amendment or as a substitute for the amendment?

Mr. DANNEMEYER. Mr. Chairman, I offered it as an amendment to the amendment.

Mr. WAXMAN. Mr. Chairman, I, too, wish to reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. WAXMAN] reserves a point of order on the amendment.

The Chair does not consider that the amendment is properly drafted, if that is the gentleman's purpose. Will the gnetleman redraft his amendment? It is not clear. Can the gentleman from California clarify that point?

Mr. DANNEMEYER. It is my request, Mr. Chairman, that the language of this amendment that I now offer be added to the Burton amendment, at the end of the amendment.

The CHAIRMAN pro tempore. The Clerk will again report the amendment.

The Clerk reread the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DANNEMEYER] is recognized for 5 minutes to address his amendment.

Mr. DANNEMEYER. I thank the Chair.

Mr. Chairman, in 1973, Congress adopted and brought into our law the concept of "handicapped" as a means of providing assistance for persons who suffer from that affliction. In 1976 the Attorney General under the Carter administration brought out an opinion which said that "handicapped" included drug addicts and alcholics. This was under the employment section of the Civil Rights Act.

In 1978 Congress rejected that opinion of the Attorney General and by specific legislation said the employment section of the Civil Rights Act did not extend to a person who is a drug addict or alcoholic. That is the law today. No matter what we do with this legislation, that is the law today. "Handicapped" does not apply to a drug addict or an alcoholic.

This bill, when it was being considered in committee, also dealt with the definition of "handicapped" for housing purposes. An amendment was offered excluding from the definition of "handicapped" a person who is a drug addict. That is in this bill.

This Member from California, when the bill was in committee, offered an amendment to exclude from the definition of "handicapped" in this bill a person who is an alcoholic, and that amendment narrowly lost. Also when this bill was being considered in committee, this Member offered an amendment to the definition of "handicapped" in this bill that excluded within the definition of "handicapped" a person with a communicable disease in a contagious state, which is a novel approach in our society. That amendment was rejected on a straight party line vote.

The amendment I am now offering to the House for its consideration will say as a matter of policy that we do not, for the purpose of a subsidy law of this country, establish that the definition of a handicapped person includes an alcoholic or a person with a contagious disease, a disease in a contagious state, whatever the communicable disease may be, including the virus for AIDS, including tuberculosis, including hepatitis, and including meningitis. Any communicable disease, this amendment says, does not come within the definition of a handicapped person.

Why do we need this amendment? The Arline decision was handed down by the Supreme Court last year interpreting what Congress meant when it defined "handicapped," and that decision broke new ground. The Supreme Court, interpreting the act of Congress, said the definition of "handicapped" included a person with a communicable disease.

The applicant in that state happened to be a teacher with tuberculosis, and the Supreme Court returned the case to the trial court for the determination of whether or not the tuberculosis of the applicant so afflicted the individual as to subject other persons to the risk of getting that communicable disease. In other words, could they meet the test of being otherwise qualified?

Mr. EDWARDS of California. Mr. Chairman, if the gentleman will yield, we are going to accept his amendment. It is already covered in the bill. We will accept the gentleman's amendment to the Burton amendment, and then we will have a vote or a debate on Burton plus Dannemeyer. But insofar as the gentleman's amendment to the Burton amendment is concerned, it is already in the bill. Any person that is a direct threat to health and safety is already not covered under the bill.

Mr. DANNEMEYER. Mr. Chairman, I thank the gentleman from California for his observation. I intend to ask for a rollcall vote on my amendment. The

policy question we are being asked to resolve here this evening is whether or not a person with a communicable disease fits within the definition of a handicapped person. I do not think we should be doing this as a policy matter. I do not think we should be including within the definition of a handicapped person somebody who is an alcoholic.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I have a question. The burden of proof rests with the landlord on whether or not a person who may have a communicable disease is contagious.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. DANNEMEYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the burden of proof, as I understand the bill, rests with the landlord, so my question is: How is the landlord to determine whether or not a person who has tuberculosis or AIDS or any other communicable disease is in a state where they could communicate that disease? He is not a scientist. How could he determine that?

Mr. DANNEMEYER. The question of the gentleman from Indiana goes to the very guts of why this gentleman is offering the amendment. It deals with the burden of proof. A landlord is betwixt and between. How will they know what the status is of a person seeking rental accommodation? Is that person in an infectious state?

There is an issue of burden of proof. The applicant will contend that the burden of proof is on the landlord. I say as a matter of policy we should say that no person with a communicable disease in a contagious state fits within the definition of a handicapped person. That would put the burden of proof on the applicant in that instance to establish that they are without exception.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to may friend, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding.

The question I have is on the language. Is the gentleman saying that alcoholic abuse automatically is a direct threat? I am a little unclear on the language.

What we are saying in our bill is that if you use alcohol in a way that causes a direct threat, you are excludable. This language seems to me to say that, but the language of the amendment seems not to conform to the language the gentleman is speaking here on the floor. So I want to ask him, is he saying in this amendment that alcoholic abuse will never qualify you for protection, that you can discriminate against alcoholics automatically, or can you discriminate only against alcoholics who can be shown to be a threat?

Mr. DANNEMEYER. If the alcoholic has recovered and is no longer suffering from that affliction, then they would not be exempted from the definition of a handicapped person.

Mr. FRANK. Suppose that someone is still suffering from alcoholism and is maybe undergoing treatment but has not yet reached the stage of abstinence and is still having a problem. The gentlemen's language is unclear to me. As I read the language, I thought it said what we say in the bill, that an alcoholic is OK and protected unless he is a direct threat.

Is the gentleman saying that anyone who is currently an alcoholic and has not fully recovered would be a threat automatically?

Mr. DANNEMEYER. That is correct. I believe that a person who is an alcoholic and who has currently not recovered should not come within the definition of the term, "handicapped."

Mr. FRANK. Mr. Chairman, if the gentleman will yield further, I say to the gentleman from California that I think the gentleman from California [Mr. EDWARDS] was responding to the language. The explanation the gentleman gives is not consistent with our understanding of the language. What we say in the bill is, if you have these conditions are you a threat to life, safety, or property, if you are an alcoholic and you fall asleep with the stove on or you smoke in bed, then you are excludable. But if you are an alcoholic, a Vietnam-returned veteran or anyone else struggling to try to live with this condition and you are undergoing treatment, we would protect you. But the gentleman from California would not. We should be on the square with that.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(On request of Mr. FISH, and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from New York.

Mr. FISH. Mr. Chairman, in the gentleman's amendment, it says:

> Such term also does not include any current impairment that consists of alcohol abuse, or any infectious, contagious, or communicable disease.

Mr. DANNEMEYER. That is correct.

Mr. FISH. Mr. Chairman, in the Arline case, which did not deal with housing but with the workplace, the Supreme Court said:

> The fact that some people who have contagious diseases may pose a serious health threat to others under certain circumstances does not justify excluding from coverage all persons with actual or perceived contagious diseases. Such exclusion would mean that those accused of being contagious would never have the opportunity to have their condition evaluated in the light of medical evidence and a determination made as to whether or not they were otherwise qualified. Rather, they would be vulnerable to discrimination on the basis of mythology, precisely the sort of injury Congress sought to prevent.

My first question to the gentleman is this: Is this amendment an attempt to overrule the Supreme Court in the Arline case?

Mr. DANNEMEYER. It is.

Mr. FISH. It is. Well, I am glad to get that on the table.

Mr. DANNEMEYER. That is right.

Mr. FISH. It did seem that this was rather straightforward, that they were contagious diseases.

Mr. DANNEMEYER. Yes; that is right.

Mr. FISH. The gentleman is not allowing for the state of medical knowledge about the transferability, for example, of a disease?

Mr. DANNEMEYER. Mr. Chairman, if I may reclaim my time, my amendment specifically excludes from the definition somebody with a communicable disease that is in an infectious, contagious state, and I think that should be recognized. In other words, what I am saying is that if it is not in an infectious, contagious state, if a person has had a communicable disease, then they are no longer suffering from it it is no longer contagious.

Mr. FISH. Mr. Chairman, if the gentleman will yield further, the word "state," does not appear in his amendment.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(On request of Mr. FISH, and only by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 3 additional minutes.)

Mr. FISH. Mr. Chairman, will the gentleman yield further?

Mr. DANNEMEYER. I yield to the gentleman from New York.

□ 1915

Mr. FISH. Mr. Chairman, the problem I have in reconciling the law at present with the amendment is that reference is made to this infectious, contagious disease, and yet in the amendment when it talks about this, reference is made to it as a state.

In other words, the gentleman from California [Mr. DANNEMEYER] sees something different between having a contagious disease and having a disease of which the contagion is at a point when it can be transferred.

Mr. DANNEMEYER. Mr. Chairman, I am not sure that I understand the point of the gentleman from New York [Mr. FISH] at this point.

Mr. FISH. Mr. Chairman, I am just using the language of the gentleman because the state of medicine; I do want to get the gentleman from California [Mr. WAXMAN] in this colloquy at some point, is that I understand in a case of AIDS is that, which I presume he considers a contagious disease——

Mr. DANNEMEYER. One of many.

Mr. FISH. Is that it is not susceptible to transfer by casual contact.

Mr. DANNEMEYER. Mr. Chairman, would the gentleman from New York [Mr. FISH] like to ask the question about the opportunistic diseases that persons with the virus have that themselves are communicable?

For instances, in the gentleman's State of New York; maybe the gentleman from New York [Mr. FISH] missed it, about 2 months ago came in the medical literature, evidence of about 5 or 6 percent of those who have the virus who are otherwise asymptomatic have a form of infectious tuberculosis, and I do not think it is good public policy for our society to say to a group who has infectious tuberculosis has an opportunistic disease in the sense that they have the virus for AIDS, that that is a class of person as to whom we should be extending antidiscrimination status.

Frankly, it is absurd, but it is all illustrative of this euphoria going on in our culture right now whereby too many of our public health officials have been treating the AIDS epidemic as a civil rights issue, not a public health issue.

Mr. Chairman, the uninfected of our society have as much civil rights not to get infected as the civil rights of those infected not to have problems in terms of their associations.

Mr. FISH. Mr. Chairman, if the gentleman will yield again, I think we have established the fact that where the Arline case said that, referring to contagious diseases, that not all people infected with contagious diseases should be treated equally, the gentleman from California [Mr. DANNEMEYER] would like to overrule that and say in his amendment that if someone has a contagious disease there are no exceptions made for the state of the medical art as to whether or not it takes an extremely intimate act that would be not common in the rental premise.

Mr. DANNEMEYER. Mr. Chairman, my amendment would be consistent with the dissenting opinion of Justices Rehnquist and Scalia, and I think it is illustrative of a necessity for us to develop congressional intent here.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. Mr. Chairman, I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I want to enter into a colloquy with the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, under the gentleman's amendment, if a child contracts spinal meningitis, which is a contagious disease, and develops a physical impairment as a result of that contagious disease, will the child be covered under the definition of "handicapped" once the disease has been cured and is no longer contagious but the child continues to have the impairment?

Mr. DANNEMEYER. The gentleman is correct.

Mr. BARTLETT. Then an individual is only excluded from the definition of "handicapped" under the amendment of the gentleman from California [Mr. DANNEMEYER] if he develops a physical or mental impairment as a result of the contagious disease. The exclusion is only during the period of the contagion.

Mr. DANNEMEYER. The gentleman is correct.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to reemphasize one point, and that is that the burden of proof is being placed on whether or not a person had a communicable disease and is in a contagious state upon a person who really has no way of knowing; they are not a scientist or a doctor, and that being the landlord, and I think that is unworkable, and for that very reason alone I think that these amendments ought to be passed.

Mr. Chairman, I thank the gentleman from California [Mr. DANNEMEYER] for yielding this time to me.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, H.R. 1158, the Fair Housing Amendments Act of 1988, represents an important step forward—as it currently stands—by extending the protections of the Fair Housing Act to people with disabilities. Such individuals, including individuals with contagious diseases, face discrimination in housing on a daily basis. In light of the explicit provision added by the Judiciary Committee—that the act does not extend housing protection to any individual who poses a direct threat to the health or safety of others—there is certainly no need for the amendment offered by my colleague that would strip an entire category of individuals from the protection of this act. I urge that the amendment be defeated.

I am particularly pleased to note that this act approaches one of the most urgent issues associated with handicap-based discrimination—coverage of persons with AIDS and people infected with the Human Immunodificiency Virus—the AIDS virus—by adopting the same approach which we used in passing the Civil Rights Restoration Act this session. Under the provisions of this bill, we will assure that HIV-infected persons are protected from medically unjustified discrimination in housing in the same way that they are in the employment programs covered by the Civil Rights Restoration Act. That is, no discrimination will be permitted against persons who pose no direct threat to the health or safety of others because they pose no significant risk of transmitting the AIDS virus in the kind of normal social interactions which form the context for housing decisions.

The need to protect asymptomatic HIV-infected persons from housing discrimination is acute. The Centers for Disease Control estimates that a million or more Americans have been infected with the AIDS virus. Moreover, these are persons who are fully capable of maintaining their living situations, as well as working. Thus there is no economic reason from a landlord's perspective, for example, for eviction.

Under this bill, we would use the definition of individual with handicap established by the Rehabilitation Act of 1973, as amended. The Rehabilitation Act definition includes three categories of persons: those who have a physical impairment which substantially limits a major life activity; those who have a record of such an impairment; and those who are regarded as having such an impairment. 29 U.S.C. 706(7)(B). An asymptomatic HIV-infected person would be covered by at least two parts of that definition, and thus would be protected from medically unjustified housing discrimination by this bill.

First, such a person, although asymptomatic, meets the criteria for the first category, that is, having a physical impairment which substantially limits a major life activity.

The primary and most authoritative agency regulations interpreting this part of the definition state that physical impairment "means any physiological disorder or condition * * * affecting" certain bodily systems including

the reproductive and hemic systems. 45 CFR 84.3(j)(2)(i) (1985). The AIDS virus does far more than "affect" the hemic system. It destroys essential white blood cells (T-lymphocytes or T-helper cells), which are the primary agents for repelling infection. "Specifically, the disease destroys, and generates qualitative abnormalities, in the victim's T-helper/inducer cells, which enable other components of the immune system to function." *Ray* v. *School District of DeSoto County*, 666 F. Supp. 1524, 1529 (M.D.Fla. 1987). As the AIDS virus multiplies, the T-helper cells are killed. Further, it is testing of blood which is the method by which HIV infection is ascertained. Blood is tested to ascertain whether antibodies to defend against HIV have been produced and are present in the bloodstream. Presence of the antibodies is treated as the best proxy for presence of the viral infection itself. Thus, there is from HIV infection alone, a clear "physical impairment" to at least one major bodily system.

Moreover, this impairment does substantially limit what is indisputably a major life activity—procreation and childbirth. For both men and women, HIV information means that one should not engage in sexual intercourse without use of a condom. Thus, in order to protect one's partner from a risk of infection, the man or woman who is infected with the AIDS virus—even if entirely asymptomatic—must essentially forego procreation. For women who are infected with the AIDS virus and already pregnant, the risk of transmitting the virus to their newborn child may well mean that many women will decide to obtain abortions.

The second category of Rehabilitation Act definition which covers asymptomatic HIV-infected persons is the one referring to those who are "regarded" as having a physical impairment which limits a major life activity. From the outset, Congress has intended this part of the definition to include those persons who were treated by others as being handicapped, even if they in fact had no limiting physical impairment. The recent decision of the United States Supreme Court in *School Board of Nassau County* v. *Arline*, 107 S. Ct. 1123 (1987), correctly held that "an impairment might not diminish a person's physical or mental capabilities, but could nevertheless substantially limit that person's ability to work as a result of the negative reactions of others to the impairment * * * Few aspects of a handicap give rise to the same level of public fear and misapprehension as contagiousness * * * The Act is carefully structured to replace such reflexive reactions to actual or perceived handicaps with actions based on reasoned and medically sound judgments." *Id.* at 1130 (emphasis added).

Under this part of the definition of handicapped individual, the act makes clear that even if a particular physical condition did not substantially limit one's activities, the attitudes of others toward the condition could constitute the limitation. Again, the agency regulations spell this out in their definition of the phrase, "is regarded as having an impairment." 45 CFR 84.3(j)(2)(iv) (1985). Housing, like employment, is an essential component of life. Thus, baseless fears that HIV-infected persons would transmit the AIDS virus to those living with or near them would have the effect of limiting those infected persons' abilities to obtain housing and thus care for themselves.

I should point out that the "regarded as" provision adds the class of persons who do not actually have the infection, but may be perceived as having the infection. This would include an individual who simply went in for HIV-testing or an individual who was asked by an employer or landlord to undergo HIV-testing because the person was suspected of being infected—a request which, as the committee report accompanying this bill points out, would not be valid.

It is important that Congress take this step of extending protection against housing discrimination to all HIV-infected persons, and I am pleased that this bill will have that effect. This bill represents a historic step forward and I urge my colleagues to pass it without any weakening amendments.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, the gentleman is explaining it exactly right. I would just reemphasize for the Members that they have already voted for precisely the position that is in this bill if they voted for the Grove City bill because in the Grove City bill this formulation that is being protected against discrimination unless a person is a direct threat within the President's bill. It was in the bill that the House committee had, it was in the alternative of the gentleman from Wisconsin [Mr. SENSENBRENNER], so all three were for that.

Mr. WAXMAN. Mr. Chairman, I urge our position on this amendment.

Mr. OWENS of New York. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. OWENS of New York. Mr. Chairman, I want to associate myself with the remarks of the gentleman. Section 504 of the Rehabilitation Act of 1973 thoroughly covers this case, and we should not try to fix something that is not broken. It has been in existence for 10 years, and we should let that section rule in this case.

Mr. Chairman, I rise in strong support of the Fair Housing Amendments Act—H.R. 1158—as one more critical step in the great stride toward freedom for Americans with disabilities.

The Supreme Court of the United States has quoted with approval the statement of Representative Vanik that society's treatment of people with disabilities constitutes one of our Nation's "shameful oversights" that has caused individuals with disabilities to be "shunted aside, hidden, and ignored" *Alexander* v. *Choate*, 105 S.Ct. 712, 718; 1985. H.R. 1158 begins to address and correct such a shameful oversight in our laws prohibiting discrimination in housing. To the types of housing discrimination prohibited under the Fair Housing Act, H.R. 1158 adds prohibitions of discrimination on the basis of a person's handicap.

It is unfortunate and unacceptable that people with disabilities encounter pervasive discrimination when they seek to obtain suitable housing. Ignorance, misperceptions, and outright prejudice cause some providers of housing to refuse to rent or sell their housing units to individuals with disabilities; an article in Perspectives: The Civil Rights Quarterly documented the following examples of such discrimination:

In a western city, a landlord refused to rent an apartment to a blind professional woman. How could he be sure she wouldn't start a fire trying to cook herself a meal, he asked?

In another major city, a man confined to a wheelchair was prohibited from renting a second-floor apartment because the elevator would have been his only exit, violating a city fire ordinance.

One suburban man, diagnosed a schizophrenic, received heavy medication causing severe relaxation of his facial muscles. His landlord, saying that he bothered other tenants, evicted the man from his apartment.

(Mike Jackman, "Enabling the Disabled: Paternalism is Enemy No. 1", Perspectives (Winter-Spring 1983) p. 23, 24).

In other instances, barriers built into the architecture—stairs, narrow doorways, inaccessible bathrooms, and so forth—prevent persons with disabilities from obtaining access to housing that would otherwise be suitable. This bill, for the first time, makes such discrimination on the basis of handicap an unlawful interference with the right of all Americans to Fair Housing.

Section 5(b)(h) of H.R. 1158 provides a definition of the term "handicap," based upon the language of existing statutes and court decisions addressing discrimination on the basis of handicap. Pursuant to this definition, a person has a "handicap" if any of the following three circumstances occur: First, the person has "a physical or mental impairment which substantially limits one or more of such person's major life activities;" second, the person has "a record of having such an impairment;" or third, the person is "regarded as having such an impairment." This three-pronged definition is drawn directly from the definition of individuals with handicaps under title V of the Rehabilitation Act of 1973, which includes section 504—the nondiscrimination provision covering Federal agency activities and programs that receive Federal financial assistance. The Rehabilitation Act definition

has been implemented and explained in Department of Justice coordinating regulations, 28 CFR Part 41, originally issued by the Department of Health, Education, and Welfare in 1977; in regulations issued by numerous individual Federal agencies to cover the programs and activities they conduct, and those conducted by recipients of Federal grants of those agencies; and in some court decisions, for example, *School Board of Nassau County* v. *Arline,* 107 S.Ct. 1123; 1987. The prior history of interpretation and application will enlighten the application of the identical terms in the H.R. 1158 definition. The definition of "handicap" presented in section (b)(h) neither expands nor restricts the current interpretation of "individuals with handicaps" as it is used in section 504. All of the physical or mental impairments that constitute handicaps under section 504 will also constitute handicaps under this bill. While it is not possible to devise a comprehensive list of all the types of impairments included, it is clear that the term encompasses such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, autism, AIDS and infection with the AIDS virus, cancer, heart diseases, diabetes, mental retardation, and emotional illness.

It is important to underscore that this definition clearly intends to include persons with AIDS and all who are infected with the HIV virus, whether or not they show symptoms of the disease. Various classifications and terminology have been used, but individuals are included if they have AIDS, AIDS-related-complex, or seropositivity, whether they have symptoms of the disease or are asymptomatic. The definition is intended to reflect a developing consensus in case law and administrative interpretations that all who test positive for the AIDS virus have a "handicap" and are within the scope of protection afforded by such laws against discrimination on the basis of handicap. Such coverage of AIDS is consistent with the observation of the Supreme Court in School Board of Nassau County versus Arline, that "society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment. Few aspects of a handicap give rise to the same level of public fear and misapprehension as contagiousness." 107 S.Ct. at p. 1129. The need for Federal statutory protection prohibiting discrimination against AIDS-infected people in housing is one of the explicit recommendations in the recently issued report of the Presidential Commission on the Human Immunodeficiency Virus Epidemic.

The bill was amended in the committee to exclude "current illegal use of or addiction to a controlled substance; as defined in section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802. This amendment provides that individuals who are currently using or are currently addicted to illegal drugs are not protected as handicapped individuals under this bill.

The second and third prongs of the definition of "handicap" in section 5(b)(h), relating, respectively, to having "a record of having such an impairment" and "being regarded as having such an impairment," are intended to make the prohibitions of discrimination applicable to individuals who, although they do not have a physical or mental impairment included in subsection (1) of the definition, either have a record—whether accurate or not—of having once had such an impairment or who are denied a housing opportunity because they are treated as if they had such a physical or mental impairment even though they actually have no impairment or have a physical or mental impairment that does not meet the criteria of subsection (1). These subsections address situations in which discrimination occurs because a housing provider mistakenly assumes that an individual has a particular impairment, is erroneously told that such an impairment exists, or overreacts to a minor impairment or a person's history of prior impairment.

Section 6 (a) and (b) of H.R. 1158 add provisions dealing with discrimination on the basis of handicap to the list of discriminatory housing practices contained in the act. Pursuant to these amendments, it will be unlawful to discriminate in sale or rental, or to otherwise prevent an individual from obtaining a dwelling, because of a handicap of: The potential buyer or renter, a prospective tenant or resident, or any associates of the buyer or renter.

Section 6(f)(2) establishes a prohibition against discrimination in the terms, conditions, or privileges of a sale or rental; and against discrimination in the provision of services or facilities associated with a dwelling. These would prohibit unequal treatment or denials of services because of an individual's handicap, and would guarantee that a person will not be discriminatorily barred from access to such things as clubhouse and recreation facilities, parking privileges, cleaning and janitorial services, and other facilities, uses of premises, benefits, and privileges made available to other tenants, residents, and owners. To eliminate such discrimination, modifications of such terms, conditions, privileges, services, or facilities will be required to bring them into compliance with the requirements of this section.

These general prohibitions of discrimination on the basis of handicap contained in subsections (f)(1) and (f)(2) are supplemented by some more specific requirements set out in section 6(f)(3)—a provision regarding occupant-funded modifications, a provision regarding "reasonable accommodations," and a provision regarding accessibility features in future housing construction. Pursuant to subsection (A), it is an unlawful act of discrimination to refuse to permit a person with a disability to make reasonable modifications of premises if necessary for that person's full enjoyment. Such modifications are but a minor inconvenience to housing providers, but operate as a substantial and discriminatory barrier to safety and full enjoyment for the person with a disability.

Subsection (B) makes it an unlawful act of discrimination to refuse to make reasonable accommodations in rules, policies, practices, or services if necessary to permit a person with a handicap equal opportunity to use and enjoy a dwelling. The term "reasonable accommodation" is drawn from existing regulations and case law dealing with discrimination on the basis of handicap. A discriminatory rule, policy, practice, or service is not defensible simply because "That's the way we've always done it;" appropriate modifications must be made. The term "reasonable" has been interpreted to mean that feasible, practicable modifications are called for, but that extreme, infeasible modifications are not required. Such reasonable accommodations may require the changing of a rule, policy, or practice, or the modification of the manner of location in which services are provided if necessary to permit a person with a disability an equal opportunity to use and enjoy a dwelling.

Subsection (C) places some minimum requirements regarding accessibility upon "covered multifamily dwellings" designed and constructed for first occupancy more than 30 months after the date of enactment of the act. The term "covered multifamily dwellings" refers to all dwellings in buildings of two or more units that have elevators, and ground floor dwellings in buildings of two or more units that do not have elevators. This definition clearly does not require the application of accessibility features to second, third, and higher floor "walk-up" apartments.

Physical barriers are one of the most serious forms of discrimination facing citizens with disabilities. Today, in 1988, after State and local codes calling for accessible construction have been around for years in various jurisdictions, after many years of experience with the American National Standard for Buildings and Facilities—"Providing Accessibility and Usability for Physically Handicapped People," ANSI A117.1, after numerous National Barriers Awareness Days, after decades of calls from disability and elderly groups for accessibility requirements, after numerous articles in architecture and design journals regarding accessibility, the continuing failure to design and build housing having accessibility features and instead persisting in the erection of barriers to substantial segments of our society is closely akin to intentional, malicious discrimination.

H.R. 1158 applies significant but relatively modest standards regarding accessibility in new housing construction. Many State and local building codes, the Uniform Federal accessibility Standards, and the ANSI standard, A117.1-1986, provide accessibility standards that are quite specific, comprehensive, and detailed. H.R. 1158 does not go as far as these; it seeks to assure only that certain basic, uniform features of adaptable design are incorporated in new multifamily housing construction. The requirements are that on the ground floor of nonelevator buildings and on all floors served by elevators dwellings must be designed and constructed to include the following features: First, accessibility and usability by persons with disabilities of public use and common use portions; second, that all doors to and in such dwellings are sufficiently wide to allow passage of wheelchairs; and third, that premises contain certain specified features of adaptive design; that is, an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms that permit an individual in a wheelchair to maneuver about the space. The

features of adaptive design were negotiated with the input of the housing industry, and are intended to further the goal of establishing minimal standards to eliminate discriminatory barriers to persons with disabilities, with an incidental side benefit of fostering uniformity in the housing industry. These basic features of adaptability are so essential for the equal access of persons with disabilities, and are so easy to incorporate in housing design and construction, that failure to comply with them constitutes an unlawful act of discrimination. Compliance with these minimum standards will eliminate a great deal of the barriers which discriminate against persons with disabilities in their attempts to obtain equal housing opportunities.

The leisurely, often half-hearted pace with which our Nation has sought to promote not just equal access to housing but equal opportunity in all realms of life for persons with disabilities is inexcusable and must cease. In the words of Dr. Martin Luther King, Jr., "We have come to the day when a piece of freedom is not enough for us as human beings nor for the Nation of which we are part. We have been given pieces, but unlike bread, a slice of which does diminish hunger, a piece of liberty no longer suffices . . . Freedom is one thing—you have it all, or you are not free". It is long past time to make real the promise of equal opportunity for all Americans with disabilities—not in pieces, but in its totality. H.R. 1558 is one more crucial element in our Nation's pursuit of that goal.

Mr. HENRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that as one of those who was in the district minority in opposing the Grove City remedy which passed this body several weeks ago, one of the reasons in which I did so was for my concern that religious institutions in particular be allowed to make behavorial judgments and some of the concerns that some of us felt were valid. I continue to be of the belief that at some point along the line we are going to have to address some of these problems through some revision in the Rehabilitation Act in section 504 and likewise in the title IX provisions and others in which religious principles and behavorial issues relative to questions of religious predisposition are in fact under the Constitution legitimate bases for discrimination in the sense of judgments appropriate to the conduct of a religious body as a religious body.

However, Mr. Chairman, I must say that I have very, very serious reservations and must speak out against the amendment of the gentleman from California [Mr. DANNEMEYER]. The whole issue of contagious disease, first of all, is overly broad. We are not talking here just about alcoholism, or drug abuse or, in fact, acquired immune deficiency syndrome, but measles, the common cold, influenza. When does the list stop? Who is accountable for making these judgments? What are the liabilities associated with the realtor, or agent or landlord in making these kinds of judgments?

The intent perhaps, even if overly broad, is commendable, but the language is very common, very slippery, and dangerous and overly broad.

Finally, just by way of brief closing, let me say that it is very difficult, particularly for some of us who in terms of our personal belief systems approach these questions of such emotional difficulty from a very conservative, personal perspective in terms of what we would want for ourselves or want for others in our society. But all individuals enjoy protection under our Constitution, and that protection ought to be reflected in the laws that we pass in this body.

Mr. Chairman, the difficulty is, of course, that in certain areas we have sought not only to protect classes against discrimination, but in fact to affirmatively promote certain classes and certain instances in order to render some degree of equity in accord to past injustice. That in fact is what part of the problem is and the struggle over the definition of "handicapped." To what extent are we seeking promoting protections, as it were, for people as opposed to simply honoring protections afforded to all individuals under this Constitution? That is where the area of debate more rightly belongs on this issue of handicapped in order to get the separate and full and careful consideration in a different kind of environment and clearly more clearly crafted language.

Mr. Chairman, for that reason I would urge my colleagues to vote against the language of the gentleman from California [Mr. DANNEMEYER].

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from California [Mr. DANNEMEYER], and I think the gentleman from Michigan [Mr. HENRY] is abundantly clear that the Dannemeyer amendment is overly broad.

I can see a hypothetical situation where you have a black family where one of the children has a common cold, and the common cold is a contagious disease just as much as spinal meningitis and measles, and mumps and AIDS, and the realtor discriminates in the sale or rental of the housing to that family. A charge is brought by the Secretary of HUD against the realtor for discrimination; one, because the family was black; and two, because the family had children.

□ 1930

If this amendment were in there, they could say, "Well, I have a defense." There was one member of the family who had a contagious disease.

The way this amendment is drafted, it says that any infectious, contagious or communicable disease, whether or not such disease causes a physical or mental impairment during the period of contagion. I think that would be a defense. Even though the obvious common cold was not the reason for the discrimination, there was discrimination based upon one or more of the protected classes.

So I would hope the the Dannemeyer amendment would be voted down. I do intend to support the Burton amendment. The Burton amendment is more narrowly drawn, but the Dannemeyer amendment leaves a loophole that anybody who is guilty of kind of discrimination can drive a truck through and probably get off the hook.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, I rise in opposition to the amendment, and I rise in support of the Fair Housing Amendments Act of 1988. I believe that this act is important because it extends nondiscrimination protection in the private housing market to persons with handicaps, including people who use wheelchairs, people who have diseases such as cerebral palsy, and people with AIDS and other infectious or contagious diseases.

The Judiciary Committee added an amendment to this legislation which states that the protections afforded under this act are not afforded to those handicapped persons whose tenancy would pose a direct threat to the health, safety, or tenancy of other people. This same standard applies to handicapped persons in section 504 of the Rehabilitation Act of 1973, most recently reaffirmed in the Civil Rights Restoration Act.

What this bill does, quite simply, is provide that housing opportunities may be limited only by medically justifiable health dangers, not by prejudice or groundless fear. In the case of AIDS, overwhelming medical evidence shows that the infection cannot be transmitted by casual contact. Thus, there is no reason to exclude people with infectious diseases, including AIDS, from the Fair Housing Amendments Act.

To my mind, there is no difference between denying housing to AIDS victims because of ignorant fears and denying housing to black or Jewish Americans because of ignorant prejudice.

I urge my colleagues to support this bill and oppose any amendments which would dilute this needed protection.

The CHAIRMAN pro tempore (Mr. OLIN). The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending

that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. A quorum is present.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

On a division (demanded by Mr. DANNEMEYER) there were—ayes 7, noes 89.

So the amendment to the amendment was rejected.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman pro tempore announced that the noes appear to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. A quorum is present.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

On a division (demanded by Mr. BURTON of Indiana) there were—ayes 10, noes 84.

So the amendment was rejected.

PARLIMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Chairman, I have a parlimentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Chairman, how many are required for a quorum?

The CHAIRMAN pro tempore. One hundred.

Mr. DANNEMEYER. Mr. Chairman, when the yeas and nays on the last vote are added, what do we get?

The CHAIRMAN pro tempore. There were several Members who did not vote.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 42, after line 2, insert the following:

SEC. . MODIFICATION OF RENTAL HOUSING BY HANDICAPPED PERSONS.

Section 804 (as amended by section 6 of this Act) is further amended by striking out the period at the end of subsection (f)(3)(A) and inserting in lieu thereof ", except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted unless previously negotiated with the landlord.

Mr. EDWARDS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. Chairman, will the gentleman from California yield?

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

Mr. EDWARDS of California. Mr. Chairman, we have agreed to this amendment on this side, and I withdraw the point of order.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, we have also agreed to this amendment, and I hope we will not need a rollcall vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 41, after line 22, insert the following:

SEC. . ELIMINATION OF UNNECESSARY REPORTS.

Section 808 (as amended by section 7 of this Act) is further amended—

(1) in subsection (e)—

(A) by inserting "; and" at the end of paragraph (4);

(B) by striking out "; and" at the end of paragraph (5) and inserting a period in lieu thereof; and

(C) by striking out paragraph (6); and (2) by striking out subsection (f).

Mr. DANNEMEYER. Mr. Chairman, I think the Members should be advised that there is a vast increase in paperwork that is provided in this legislation. My amendment would delete the requirement of the Housing and Urban Development Agency to prepare yet more paperwork for us to try to find time to read.

This amendment strikes the report required on pages 12 and 13 of the bill. The bill requires an annual report to Congress and to the public on the data on race, color, religion, sex, national origin, age, handicap, and family characteristics of persons or households or applicants for or participants in or beneficiaries or potential beneficiaries of programs administered by the Department to the extent such characteristics are in the range of the following laws:

Title VI of the Civil Rights Act of 1964; title 8 of the Civil Rights Act of 1968; seciton 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Equal Credit Opportunity Act, section 1978 revised statutes; section 527 of the National Housing Act; section 109 of the Housing and Community Development Act of 1974; section 3 of the Housing and Urban Development Act of 1968; Executive Orders of 11063, 11246, 11625, 12250, 12259, and 12432.

Now, this amendment will, of course, be of some comfort to people working in the bureaucracy because it is going to give them endless opportunities for expanding the preparation of paperwork and filing cabinets and reports to Congress, which some of us find difficult in terms of the time to read. Nobody knows how much this paperwork will cost.

I think what we should do is just give it the kind of attention which it deserves and delete it from this act.

Mr. Chairman, I ask for an "aye" vote.

Mr. EDWARDS of California. Mr. Chairman, I am opposed to this amendment on this side.

The reporting requirements necessary are necessary to provide Congress with statistical information on the degree of continuing discrimination. We need to know how the enforcement procedure is working and whether it needs to be improved. Without this information, we just do not know whether housing discrimination remains a problem, how the enforcement mechanism is working, or rather if it needs improvement. We need this information. In writing this bill we need it very badly.

Mr. Chairman, I urge a no vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER.]

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. A quorum is present.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

On a division (demanded by Mr. DANNEMEYER) there were—ayes 6, noes 91.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 41, after line 22, insert the following:

SEC. . ACCESS BY HANDICAPPED PERSONS.

Section 804 (as amended by section 6 of this Act) is further amended—

(1) in subsection (f)(3)(A), by striking out "full enjoyment of the premises" and inserting "ready access to the dwelling" in lieu thereof; and

(2) in subsection (f)(3)(B), by striking out "equal opportunity to use and enjoy" and inserting "ready access to and use of" in lieu thereof.

□ 1945

Mr. DANNEMEYER. Mr. Chairman, in the law as it is written today, there is language which says that a handicapped person is to be afforded ready access to the dwelling. This legislation will change that terms of access to a new definition that is new to our law, and it will substitute for the words ready access to the dwelling "full enjoyment of the premises."

Members may well ask what is the big deal, what is the difference between ready access to the dwelling and full enjoyment of the premises. There is a distinction. There is a distinction with a difference. A body of case law and administrative regulation has developed around the term "ready access to the dwelling." If we change these words of art at this point to a new definition, we are then laying the foundation for rejecting the existing interpretation of the law by inserting in a new test, and I question whether or not it makes good sense to put this new test into the law—"full enjoyment of the premises." I think the existing language of the law is adequate for the purposes of serving the interests of why this whole act is in existence, and I would ask for the Members' vote.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I see nothing wrong with the change in definition that this bill contains insofar as the addition of handicapped as a protected person.

In the case of this bill, we are talking about housing. We are talking about a place where people live one-half to two-thirds of their lives, and perhaps even more than that in the case of a handicapped person. It seems to me that if we establish handicapped as a protected class which this bill does and which I am in favor of, we ought to give the full possible enjoyment of the premises to those who buy and rent them, and by striking the words "full enjoyment" and going back to the existing term "ready access," we are giving less than full protection to the handicapped. That is why this amendment ought to be rejected.

I am comfortable with allowing a new body of case law and a new body of regulations to be developed, because we are talking about a new protected class, and we are talking about the place where people live their lives.

I hope that the membership will join me in voting this amendment down.

Mr. Chairman, I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have very little to add to what the gentleman from Wisconsin said except to say that as the author of the bill in front of the Members, as the principal sponsor of the bill, dated February 19, I had in there the two cases that are struck by this amendment that terms ready access, but in the course of the consideration by the committee, I became convinced that the current words of "full enjoyment and equal opportunity" were more apt. The reason for that was partially what was said by the sponsor of the amendment, that ready access is a very known term, and he is right there. That is the problem with it, because if ready access refers to the ability to get into and out of housing, not the ability to live a useful life in that housing, we are not talking about reaching the types of modifications that a person may require, and as we all know, these modifications to a dwelling will vary according to the needs dictated by the impairment.

I think that this was a big improvement in the legislation, and I think it would be a great mistake to go back to the language "ready access" at this point. Therefore, I hope the Committee will turn down the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we agree on this side with the gentleman from New York [Mr. FISH] and the gentleman from Wisconsin [Mr. SENSENBRENNER] and urge a no vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: At the end of the bill, add the following new section:

"SEC. . RULE OF CONSTRUCTION.

"Title VIII is amended by adding at the end thereof the following new section:

"RULE OF CONSTRUCTION

"Nothing in the title shall be construed to require any person or group of persons selling, renting, or leasing property to exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this title be construed to relieve any person or group of persons of any obligation generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale."

POINT OF ORDER

Mr. EDWARDS of California (during the reading). Mr. Chairman, reserving a point of order, we do not have a copy of 1C.

The CHAIRMAN pro tempore. The Clerk will continue to report the amendment.

The Clerk completed the reading of the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DANNEMEYER] is recognized for 5 minutes.

Mr. DANNEMEYER. Mr. Chairman, the House earlier this evening voted to not exclude from the definition of a handicapped person somebody who is an alcoholic. That is what we did earlier this evening.

When Members consider the law of foreseeability that lawyers studied in law school under tort law, it tells them that the owner of property has a duty of foreseeability to guard against risks that are known or reasonably could be anticipated with respect to the ownership of property. Think what we are doing. We are seeing with this legislation that owners of property have to rent to persons who are alcoholics. We know that alcoholics sometimes drink too much and, as a result of their inebriation, they are incapable of taking care of themselves.

It is foreseeable that if an owner of real property has a second-story apartment house, for instance, with an outside rail that an alcoholic who was inebriated was going to sit on that rail and fall over and hurt themselves when they land, when that happens, not if but when that happens, a lawsuit will be filed, of course, by the person who fell off the rail, and a claim will be made that the landlord had a duty to fence off all of the areas that had rails in the apartment house in order to preclude the possibility that an alcoholic would get inebriated, sit on the rail and fall on the ground under the doctrine of foreseeability.

Another aspect of this legislation, considering we are including within the definition of handicapped, somebody suffering a mental impairment, and I am not making this case up, because this has actually reached the appellate court level, the owner of a commercial property was sued because a tenant assaulted an adjoining tenant, and the person who was injured sued the landlord because the landlord had not taken action to protect his tenants from being damaged by a person who was a tenant in the building.

Look at the burden we are placing on the owner of property. Is the owner of property supposed to conduct a detailed background investigation on all tenants and find out whether or not they have sustained any mental impairment, and if they have not, then the landlord is going to be liable for any physical activity which one tenant visits upon another tenant in connection with the occupancy of the real property?

What my amendment says is this: that the adoption of this legislation does not place on the owner of property any increased duty or a higher degree of care than what would be owed to an individual who is not afflicted with the handicap that we are including within the definition of this bill. In other words, under the doctrine of foreseeability, the duty of an owner of property is no greater than somebody who would be called a normal person, and I think it is a perfectly rational amendment to recognize the hole into which we are digging ourselves with this legislation.

The two examples I have given are just among many that could be cited to the Members of this body as to

what this legislation is going to do and the happy hunting ground it is going to create for the trial lawyers of America in terms of maintaining causes of action on behalf of people who are injured on premises of other persons' property.

For this reason, I ask for your "aye" vote.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is flawed in many ways, and I will not bore my colleagues with a long list. I suggest that this amendment deserves the same fate as the last few amendments from the gentleman from California. I hope that we can properly dispatch the amendment and get on with the passage of this important legislation.

To the extent that this amendment has an effect on the protections which are provided under this bill, it undercuts the protections that we have already endorsed and adopted with respect to the handicapped. To the extent that it seeks to change the standards of tort law established by the several States, it is clearly unconstitutional. It has no basis in this statute.

We have no authority to be amending the tort law of each State. The States will react as they have under their proper authority with respect to the law, to the factual situations that arise. Nothing in this legislation purports to change that tort law or has any effect on that tort law and, therefore, what this amendment does is not to correct something done by this bill but reach out to take on ourselves a right that we do not have, to establish the tort law of each and every State.

For that reason and many others, Mr. Chairman, I ask my colleagues to reject this amendment.

The CHAIRMAN pro tempore. Does the gentleman from California [Mr. EDWARDS] insist on his point of order?

Mr. EDWARDS of California. Mr. Chairman, I do not insist on my point of order.

Mr. SWINDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment primarily because I am concerned about the fact that this bill, if it passed without this amendment, will have the net effect of substantially increasing the rent that individual tenants will have to pay. The reason for that is, without this amendment, the landlord's liability is substantially increased. I think it is very naive to believe that landlords are going to absorb that increase of liability. They will simply take out more insurance which will cost them more money which will be passed along to the tenants in the form of rent increases.

I was a practicing lawyer, and I can tell you, as a practicing lawyer, that what this bill does without this amendment is place landlords in a position where they will be sued more frequently, because it is true that they will know in advance that individuals are residing in their apartment complexes who are mentally handicapped and, as a result of that handicap, they must take precautions to avoid the type of injuries to the individuals themselves as well as other tenants. I can assure the Members that every single plaintiff's attorney will stand in the courtroom and say, "This individual knows that this person was mentally handicapped and must be held under the law of every State that I know of to a higher standard of care."

We cannot at one time place the landlord in the position of increased liability without at the same time increasing the exposure to lawsuits as well as to damages. With this amendment, Members will have put the landlord exactly where he was found beforehand. If we are going to insist on individuals who are mentally handicapped being accepted, wherever, at least be rational enough to make certain that the landlord is not exposed to increased coverage in terms of their insurance.

It would be, I think, very, very detrimental to those individual who are eking out as it is a living to have their apartment rent increased because of a piece of legislation that we know will increase the landlord's responsibility. In the name of compassion for the low-income tenants, Members must adopt this amendment. Otherwise, mark my words, they will come back to the Members and say, "Why am I having to pay more rent, because once again Congress was trying to do me a favor?"

This kind of favor tenants do not need.

□ 2000

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the argument that failure to adopt this amendment is going to raise insurance rates is a complete red herring. Any apartment owner who takes our liability insurance as a part of the homeowner's coverage on the property is not going to have increased or decreased coverage based upon the fact that someone who has got a mental handicap or physical handicap or is an alcoholic or what have you might become a tenant sometime during the term of that policy. The insurance coverage is going to be based upon what the landlord deems is necessary to protect his investment and to protect his assets from a lawsuit, whether it is by a tenant, whether it is by a guest of a tenant in the building or whether it is by a passerby who happens to slip on the ice because the landlord failed to shovel the sidewalk.

I would hope that this amendment would be rejected because the provisions of it will allow for backdoor discrimination simply by saying that there is a higher standard of care that is required or not required for a protected class. I hope that the Members vote no on this amendment, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. OLIN). The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The amendment was rejected.

Mr. CHAIRMAN pro tempore. Are there further amendments to section 14?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. FEIGHAN. Mr. Chairman, today marks a milestone in the history of fair housing legislation; and it's one that's long overdue.

I want to congratulate DON EDWARDS, the chief sponsor of the bill and chairman of the Civil Rights Subcommittee, PETER RODINO, the chairman of the full committee, and all the other members and staff who have worked long and hard to reach an agreement on fair housing.

The civil rights community and the National Association of Realtors also deserve our praise for forging this historic consensus. I believe that this new spirit of cooperation will mark the beginning, not the end, of their long-term partnership to end discrimination in housing.

With passage of this bill, the House stands up in strong support of free and equal access to housing for all Americans, for protecting the housing rights of the handicapped and the disadvantaged, and for a fair housing law with "teeth." Today, we come close to finishing the job that we started 20 years ago with passage of the Fair Housing Act.

There is still at least one more issue Congress needs to address: the tension between State and local laws, which may encourage programs designed to eliminate segregated housing, and Federal law, which may circumscribe forms of benign racial steering. If the Starlet City case is any indication, this tension could pose a serious problem for certain types of integration maintenance programs. But I'm delighted that my colleague, DON EDWARDS, has recognized that Congress needs to closely examine this issue, and has agreed to hold hearings on integration maintenance later this summer.

Mr. Chairman, I anticipate the speedy enactment of a fair housing bill this Congress. And I look forward to the day in the not so distant future when housing segregation and racial prejudice are faded memories of the past.

When Congress passed this Nation's first comprehensive fair housing law in 1968, it expressed the hope that a guarantee of equal

housing would erode the segregated housing patterns that existed in 1968, and still, in large measure, exist today. But nearly two decades of experience with title VIII suggests that "open housing" does not inevitably produce integration.

As current studies show, "white flight" and polarization continue to plague many of our communities despite Congress' declaration in title VIII that equal housing opportunity is the law of the land. Continuing patterns of housing segregation present an issue that remains to be resolved as Congress considers further amendments to title VIII; namely, the extent to which property owners, agents, and brokers are permitted to engage in race conscious marketing to create or preserve integrated housing patterns.

Such race conscious marketing may place disproportionate burdens on minorities. This is true because whites have demonstrated a tendency to leave, or not enter, neighborhoods that are viewed as integrated or of changing racial balance. To deter white flight, and thus maintain an acceptable level of integration, some communites have adopted marketing techniques designed to discourage, or even prohibit, further minority movement into a neighborhood or dwelling once a "topping point" has been reached. As the recent case of *United States* v. *Starrett City* demonstrates — F.2d — (2d Cir. 1988), these techniques, and particularly racial quotas, may operate to make housing otherwise unavailable to members of minority groups—the very persons that title VIII was intended to protect.

The current ambiguity over the legality of race conscious marketing to preserve or create integration may also present difficult compliance problems for real estate brokers and agents. Real estate brokers cannot be assured that race conscious activities for the benign purpose of maintaining integration are legally permissible. Yet, such programs are being pursued in a number of communities around the country, and real estate brokers often participate in them.

If Congress does intend to permit some race conscious marketing of real estate—as many of us believe—the fundamental fairness dictates that real estate brokers and agents be told with precision what is permissible, so they may conduct their business in complete compliance with the law. I am delighted that DON EDWARDS, chairman of the Civil Rights Subcommittee, has agreed to conduct hearings on this issue in the near future to explore these problems in greater detail.

Mr. GUARINI. Mr. Chairman, today we have a historic opportunity to ensure that housing is made available to all of our citizens. H.R. 1158, the Fair Housing Amendments Act of 1988, ensures that civil rights and free access to housing be afforded to many who have been discriminated against due to age and physical or mental disabilities.

This legislation extends protections under the Fair Housing Act of 1968 which prohibits discrimination in the sale or rental of housing on the basis of race, color, religion, or national origin. In 1974, the law was amended to prohibit discrimination on the basis of gender, as well. Twenty years after banning housing discrimination, discrimination and segregation in housing continue to be pervasive; with over 2 million instances of housing discrimination occurring each year.

H.R. 1158 would provide HUD the authority, for the first time, to directly enforce the Fair Housing Act. This measure enables HUD to sue violators on behalf of victims of discrimination. This enforcement authority will send a signal to those who discriminate that we are not going to stand for it.

Families and children get strong protection under the bill as well. For many years, access to many forms of housing have been closed to families with children for a range of reasons. This legislation opens all forms of housing to parents with children under 18 except those which are designed for persons aged 55 or over. With the increase in homeless families with children on our street, this move represents a quantum leap forward.

The handicapped are also added to the list of those protected under the Fair Housing Act. Multifamily dwellings with four or more units will be asked to meet standards which provide access to the handicapped. These standards include making hallways and doors wide enough and kitchens and bathrooms large enough to accommodate wheelchairs, as well as putting light switches at appropriate heights. Opening access to multifamily housing for the handicapped is not only equitable, but long overdue. The handicapped face obstacles which many of us rarely think of, but are a daily reality. This bill is a compassionate way to open housing to the physically and mentally handicapped and meet the needs of these people who for so long have been overlooked.

I would like to thank PETER RODINO, chairman of the House Judiciary Committee, for his leadership in developing a piece of legislation that will improve the quality of life for so many who have faced discrimination for so long.

Mr. BONKER. Mr. Chairman, I am pleased to rise today to voice my strong support for H.R. 1158, the Fair Housing Amendment Act of 1988. I expect that before the day is over this body will have passed this important legislation and done its part to improve our Nation's commitment to equal access to housing for all Americans.

We should be especially proud of the bipartisan spirit that has prevailed during the careful crafting of these fair and very much needed amendments. In particular, we must recognize the fine leadership of our distinguished colleagues, DON EDWARDS and HAMILTON FISH, JR. , who have earned the respect of members of both sides of the aisle with their work on this bill.

Their leadership has brought us this compromise which responds to the needs of competing interests without sacrificing fundamental fairness for those who may face discrimination in obtaining decent, affordable, and desirable housing. It has been a difficult challenge to develop a legislative initiative to protect fair-housing opportunities for all. We must recognize, however, that we have pased many well-crafted laws that did not fulfill our high expectations. I do not believe that this law will end all of the prejudicial treatment which exists in the housing marketplace, but it will make it more difficult for those who choose to defy our Nation's laws and belief in equality for all.

A vigorous round of applause must also go to the wide array of national organizations that worked so hard to reach this agreement. For example, both the National Association of Home Builders and the National Association of Realtors played critical roles in bringing this legislation before the House.

Mr. Chairman, like all of my colleagues, I have received many letters supporting H.R. 1158, as well as some letters in opposition. I am satisfied that the compromise reached through the leadership of Mr. EDWARDS and Mr. FISH, together with such diverse groups as the National Associations of Home Builders and Realtors, the American Association of Retired Persons, the Children's Defense Fund, the Consortium for Citizens with Developmental Disabilities, the Leadership Conference on Civil Rights, and many others, addresses the principal concerns about these amendments.

I would like to speak briefly to three important issues that have been raised about this legislation.

First, the compromise satisfactorily provides for meaningful options to redress discriminatory actions against those who would deny access to housing for protected classes of citizens. The role of the Department of Housing and Urban Development in resolving complaints is strengthened by providing for a new system of administrative law judge [ALJ] hearings and administrative sanctions. Yet, HUD's important role of attempting to have the parties to the discrimination complaint work out the problem through mutual conciliation is preserved.

I am a strong proponent of using conciliation and mediation to resolve serious conflicts. Just this past Thursday, June 23, in my capacity as chairman of the Select Aging Committee's Subcommittee on Housing and Consumer Interests, I hosted a congressional forum to examine the importance of mediation in resolving conflicts. Chairman KASTENMEIER of the Judiciary Committee's Subcommittee on the Courts and Civil Liberties joined me in hosting this event. As was demonstrated at our forum, nonadversarial methods, such as conciliation, work effectively when the parties to a dispute want to mutually agree to a settlement. Without that mutual commitment and respect, however, conciliation is not an effective or appropriate remedy.

I believe the new roles for HUD combined with the option for a court trial at the request of any of the affected parties, will provide a reasonable range of options for determining whether or not discrimination has occurred and, if so, a range of sanctions for remedying such behavior. The legislation ensures that fundamental due process protections are available to all parties.

The second issue I wish to address, Mr. Chairman, concerns the provisions which provide reasonable safeguards for families with children who face discrimination in their attempts to obtain housing. We pride ourselves on our national commitment to the sanctity of the family. Yet, the fact that far too many families have been denied the ability to rent or purchase a particular dwelling because they have children makes a mockery of our commitment to our Nation's families. We must be deeply shamed by findings from HUD's latest

poll which show that 75 percent of the rental units surveyed restrict or bar children. As a result, many children live in overcrowded or substandard housing—or have no home at all. No wonder our homelessness crisis involves growing numbers of families. This bill ensures a Federal commitment to providing a decent place for children to live.

Opponents of the bill argue that it will force housing for the elderly to include children, thereby ruining the character of senior housing and creating difficulties for older Americans. As chairman of the Aging Committee's Subcommittee on Housing, I was especially concerned about this charge—I have worked throughout my 14 years in Congress to promote housing options designed to meet the special needs of the elderly.

Fortunately, I find the charge unwarranted. I am satisfied that H.R. 1158 has anticipated this problem and effectively ensures that "housing for older persons," as defined, will be protected. It is important to note that this bill is strongly supported by such major Senior citizen advocacy groups as the National Council of Senior Citizens, the American Association of Retired Persons, the Villers Advocacy Associates, and the many other aging-related members of generations united.

Mr. Chairman, the third aspect of H.R. 1158 that I wish to mention is the landmark inclusion of tens of millions of Americans with disabilities under the umbrella of the Fair Housing Act. While our Nation has made great progress in according disabled citizens with many of the rights that the rest of us take for granted, equal opportunity to rent or buy housing has remained but a dream for far too many persons with disabilities.

Unfortunately, our society remains riddled with fears and stereotypes about disabilities and the victims of disabling illnesses and conditions. These fears and stereotypes cannot be allowed to keep doors close to so many of our fellow citizens—this legislation will help to ensure that more doors to decent housing open wide to all Americans.

We know that there has been considerable uproar in some quarters over the concern that these amendments will force landlords to rent to people that may cause harm to other tenants or the neighborhood. I am convinced that the provisions that: First specifically exclude current illegal users and addicts of controlled substances from the definition of handicapped persons; and second, specifically state that the bill does not require that housing be made available to a person "whose tenancy would constitute a direct threat to the health and safety of other individuals," should more than adequately provide assurances to those with these concerns.

In closing, Mr. Chairman, I strongly urge my colleagues to move quickly to vote for passage of the fair housing amendments without further delay. This legislation is essential to millions of Americans. Let's continue our leadership and send this bill to the Senate so we can put H.R. 1158 before the President for his signature in the very near future.

Mr. KOLBE. Mr. Chairman, for the past decade, the real estate industry and the Nation's leading civil rights groups have been at loggerheads over how to strengthen Federal fair housing laws. That changed dramatically this week, when both sides agreed to support an amended version of H.R. 1158, the Fair Housing Amendments Act. I rise in support of this compromise legislation.

H.R. 1158 amends the Civil Rights Act of 1968 in several important ways. First, it provides a new mechanism with which the Department of Housing and Urban Development can enforce the Federal fair housing law.

Under the bill—as under existing law—HUD is required to conduct and complete an investigation of any complaint of discrimination within 100 days after it is filed. During that period, HUD may seek to reconcile the two parties. Under existing law, if reconciliation fails, HUD has no further recourse to enforce the law. the Justice Department may get involved only if a pattern of housing discrimination exists.

H.R. 1158 changes that process. It requires HUD to file a charge against the party accused of discrimination if the reconciliation process fails, provided that "reasonable cause" to do so exists.

The heart of the compromise embodied in H.R. 1158 allows either party to request a jury trial in Federal district court within 20 days of the filing of charges. If neither party wants a jury trial, the case goes to an administrative law judge for a hearing and decision. I applaud this compromise, which substantially strengthens enforcement while preserving the constitutional rights of all parties involved.

Second, H.R. 1158 adds handicapped to the list of persons protected from housing discrimination. This protection is long overdue, and the authors of H.R. 1158 are to be commended for making it such a high priority in this bill.

H.R. 1158 is careful to exclude illegal substance abusers from the definition of handicapped. It clarifies that nothing in the bill requires that a dwelling be made available to a person "whose tendency should constitute a direct threat to the health and safety of another individual," and that is important language.

While passing out these words of praise about H.R. 1158, I must be candid and tell you that I take exception to the third major provision of the bill. This would add families with children under the age of 18 to the list of persons protected from housing discrimination. This is the "familial status" provision. It allows "housing for older persons" to exclude families with children only under rigidly defined circumstances, namely:

In public housing projects specifically designed and operated to assist older persons (such as Sec. 202); or

In dwellings intended for and at least 90 percent occupied by at least one person 55 years of age or older per unit and—the use of the conjunction "and" is significant—that "provide significant facilities and services specifically designed to meet the physicial or social needs of such persons"; or

In dwellings that are intended for and occupied solely by persons 62 years of age or older.

A more reasonable approach to this issue was offered in a floor amendment during the debate on H.R. 1158, offered by the distinguished gentleman from Florida [Mr. SHAW].

The Shaw amendment would have reaffirmed the right of local zoning boards—not the Federal Government—to decide whether private residences can be "adults only". It did this by striking the provision in H.R. 1158 that adds families with children under the age of 18 to the list of persons protected from housing discrimination.

Let me state emphatically that this is not a civil rights issue. There is no reliable evidence of housing discrimination against families with children. The most significant obstacle facing such families in the rental market is affordability, rather than bias against children. Rather, the issue here is whether property owners and renters can have control over their own residences and the character of their community.

In particular, many older adults want to live in retirement communities that do not accept children as permanent residents. Some make this choice for medical reasons, other purely as a preference. But it is a preference that should not be denied them by a capricious action of the Federal Government.

Unfortunately, when put to a vote, the Shaw amendment was unsuccessful. This is regrettable. But it would be wrong to defeat H.R. 1158 solely for that reason. To turn back now would be to defeat H.R. 1158 solely for that reason. To turn back now would be to destory a compromise that was 9 years in the making. Moreover, there is a strong possibility that the issues addressed by the Shaw amendment will be decided otherwise by the other body.

Mr. Chairman, H.R. 1158 has all the makings of a true compromise. Nobody got everything they wanted, but the final product is clearly superior to the status quo. I urge my colleagues to support this bill.

Mr. HAYES of ILlinois. Mr. Chairman, today I express my support for the passage of H.R. 1158, the Fair Housing Amendments Act of 1988.

As you know, this historic legislation will provide an effective enforcement mechanism for the Fair Housing Act of 1968 through new, urgently needed powers that provide the means to appropriately respond to complaints filed with the Department of Housing and Urban Development [HUD]. Additionally, key to this legislation are provisions which extend protection for housing discrimination not only to those with handicaps but also to families with children under 18 years of age.

As an original sponsor of this bill, as well as a Representative of a district with many, many housing concerns, it is clear to me that discrimination in housing is a pervasive problem in need of strong governmental intervention.

The facts that have been provided by HUD are absolutely staggering. It has been estimated that cases involving housing discrimination number around 2 million each year. Also, based on HUD information, black families in the market to purchase a home stand a 48-percent chance of encountering discrimination, and for blacks searching for rental property, there is a 72-percent chance of encountering discrimination. These figures are totally appalling and certainly illustrate the fact that H.R. 1158 is sorely needed and its passage has long been overdue.

Finally, it is significant to note the historic alliance in support of this bill. Organizations such as the National Realtors Association, the Leadership Conference on Civil Rights, AARP, ACLU, Thie Children's Defense Fund, and the AFL-CIO have all endorsed the passage of this legislation.

I am certainly pleased to lend my support to this measure and would ask that my colleagues vote in favor of the passage of this bill. No American should be denied access to housing of their choice, and this legislation will help to prevent such discrimination.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. OLIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures of the enforcement of fair housing, and for other purposes, pursuant to House Resolution 477 he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent Mr. FOLEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. FOLEY. Mr. Speaker, I take this time in connection with the distinguished Republican leader to advise the House on the schedule for the remainder of the evening and for tomorrow.

We are about to vote, of course, on final passage of this bill, and that will conclude the legislative business for this evening.

Tomorrow the House will meet at 10 a.m. and there will be 1-minute speeches, followed by the consideration of the conference report on the water and power appropriation bill for fiscal 1989, followed by a motion to go to conference on the welfare bill. My understanding is that there will be a motion to instruct the conferees.

Following that, the House will adjourn for the July 4 recess. I would expect that to occur sometime between 1 and 2:30 tomorrow.

Mr. Speaker, we have sent to the Members tonight, the gentleman from Illinois, Mr. MICHEL, and myself, a proposed schedule for the months of July and August. It should be in the Members' offices tomorrow morning. It will indicate that during the months of July and August there will be some Mondays on which there will be suspension votes debated, but there will be no votes on those. They will be postponed until the subsequent Tuesday, and there will be no Fridays on which votes will be scheduled. I suggest to the Members that they consult the schedule in order to allow them to plan their July and August schedules.

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

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, let me just applaud the majority leader for the initiative he has taken here, because what it has done for the months of July and August, frankly, is allow for Tuesday, Wednesday, and Thursday, kind of a reversion to the old T&T days. But I think we will all recognize that if we do our job, and the Speaker made mention of the fact that we had accomplished one of our goals, and that was to get every one of our appropriation bills out of the House of Representatives by the end of June, and that sets us on the right track. While last night we had to make a little special request for an adjustment in the program, and we made up for it today, we appreciate that consideration on the part of the majority, and particularly giving us the sufficient advance notice now all the way up until Labor Day, for all practical purposes, that we will be having Mondays and Fridays vote free, but work will be scheduled on Tuesday, Wednesday, and Thursday. And if I might take the liberty of saying, having given that good a schedule, it is rather difficult to then honor special requests that will be made surely upon the majority leader and upon the minority leader from time to time. Since you have given us this much, can you not give us another inch or two or three?

If we want to keep our schedule and get out of here on time and do all the kinds of things we have to do, I think it is magnanimous on the part of the majority leader to have scheduled the program the way he has.

Mr. FOLEY. Mr. Speaker, I would only say to the gentleman from Illinois that we will be taking these Friday and Monday schedules without votes in the anticipation that Members will be in their home districts following the home district schedule, which is also important to the work of the Members.

MOTION TO RECOMMIT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BURTON of Indiana. Yes, sir, I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BURTON of Indiana moves to recommit the bill, H.R. 1158 to the Committee on the Judiciary with instructions to report it back forthwith with the following amendment:

Page 42, after line 2, insert the following:

SEC. . DEFINITION OF TERM HANDICAP.

Section 802 (as amended by section 5 of this Act) is further amended by adding at the end of subsection (h) the following: "Such term also does not include any current infection with the etiological agent for acquired immune deficiency syndrome.".

Mr. BURTON of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentlemen from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, this is the amendment that we debated earlier in the day. It has to do with the broadening of the definition of the term "handicapped."

Mr. Speaker, persons with contagious diseases get handicapped protection unless they pose a direct threat to the health or safety of other individuals. The problem with this, as I said earlier, is the burden of proving that threat falls on the landlord, and the landlord not be qualified to make that determination. That fact is enough to pass this amendment.

There is also the possibility that the Supreme Court's Arline decision, which said that persons with contagious diseases are considered handicapped, would extend the extraordinary protections of the fair housing bill to AIDS patients. Under the fair housing bill, a landlord would have the burden of proving that the AIDS patient is a danger to the health of others.

While AIDS is, of course, difficult to transmit except through intimate con-

tact, and of course there is some concern about whether that is absolutely correct, many opportunistic infections which AIDS patients have are clearly more casually transmitted, such as infectious tuberculosis and others.

Mr. Speaker, this amendment I think is very important and I hope that the House will see its wisdom. The fact of the matter is, as I have said before, Mr. Speaker, we are putting a burden of proof on the landlord that he cannot live with. He simply cannot decide whether or not a person is contagious.

The broadening of this term will cause a multitude of problems, and for that reason this amendment is very, very important and I urge its passage.

The SPEAKER. Does the gentleman from California [Mr. EDWARDS] seek recognition in opposition to the motion to recommit?

Mr. EDWARDS of California. Yes, Mr. Speaker, I do.

The SPEAKER. The gentleman from California [Mr. EDWARDS] is recognized for 5 minutes.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding and again congratulate him for his efforts on this bill. I rise in strong opposition to this amendment.

First of all, think of what the proponent of the motion to recommit has just said. The landlord cannot meet this burden, he cannot make a determination. So whether or not an individual is contagious, that individual in question could be discriminated against arbitrarily and capriciously. For that reason alone this amendment ought to be rejected.

But let me point out to my colleagues what the Watkins Commission report said because the gentleman offers this motion to recommit in the name of the health of the Nation. Admiral Watkins and the commission says this amendment is exactly the kind of an amendment that will undermine the health of the Nation.

Let me read from chapter 9 of that report. "HIV-related discrimination is impairing this Nation's ability to limit the spread of the epidemic."

He goes on to say, "However, public health officials will not be able to gain the confidence and cooperation of infected individuals or those at high risk for infection if such individuals fear that they will be unable to obtain the medical and support services they need because of discrimination based on a positive HIF antibody test."

He goes on to say and concludes:

Therefore, discrimination against persons with HIV infection in the workplace setting, or in the areas of housing, schools and public accommodations, is unwarranted because it has no public health basis.

This is the commission appointed by the President of the United States. Vice President BUSH has said there ought to be a guarantee of antidiscrimination in order to protect the public health.

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

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank my friend for yielding, and there is very little I can add to the eloquence of the gentleman from Maryland [Mr. HOYER] in speaking against this motion to recommit.

Simply put, if passed it would say that someone with AIDS is not a handicapped person so they would not be protected in the sale of rental of property. As we know, there is no proof that AIDS is a contagious disease except in the most intimate of circumstances.

As the gentleman has already alluded to, the President's HIV Commission, chaired by Admiral Watkins, called for Federal antidiscrimination protection, including protection in housing, and I think our colleague should be reminded that we are dealing with a bill concerning fair housing. People with AIDS have a right to decent housing, and this motion should be resoundingly defeated.

Mr. HOYER. In the furtherance of public health, we ought to defeat this motion to recommit with instructions.

Mr. EDWARDS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, the gentleman from Indiana [Mr. BURTON] had 5 minutes. Has he consumed all of that 5 minutes?

The SPEAKER. The gentleman from Indiana was required to use that time or lose it The Chair does not have a record of the time consumed.

Mr. BURTON of Indiana. Mr. Speaker, I cannot reserve the balance of my time?

The SPEAKER. The gentleman from Indiana cannot reserve time on a motion to recommit.

The question is on the motion to recommit.

The Chair will announce that if a recorded vote is ordered on the pending question, it is the intention of the Chair, pursuant to the provisions of clause 5, rule XV, that any vote on final passage, if ordered, will be a 5-minute vote.

The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

□ 2015

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 63, noes 334, not voting 34, as follows:

[Roll No. 215]

AYES—63

Archer
Armey
Bartlett
Barton
Bennett
Bentley
Boulter
Brown (CO)
Burton
Callahan
Coble
Combest
Craig
Crane
Dannemeyer
Daub
DeLay
Dickinson
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Gallegly
Gekas
Gingrich
Hansen
Hastert
Hefley
Herger
Holloway
Hunter
Kyl
Latta
Livingston
Lott
Lowery (CA)
Lukens, Donald
McCandless
McEwen
Meyers
Molinari
Nelson
Nielson
Packard
Petri
Regula
Roth
Schaefer
Sensenbrenner
Shumway
Shuster
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stump
Sundquist
Swindall
Walker
Weber
Young (FL)

NOES—334

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent

Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Robert (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—34

Anderson
Badham
Biaggi
Boucher
Cheney
de la Garza
Dixon
Gejdenson
Gray (PA)
Hayes (IL)
Jones (NC)
Jones (TN)
Kemp
Konnyu
Leath (TX)
Lewis (CA)
Mack
MacKay
Madigan
McCollum
Mica
Moody
Myers
Nagle
Oakar
Ray
Roe
Saiki
Spence
St Germain
Stratton
Sweeney
Weiss
Wilson

□ 2033

Mr. JOHNSON of South Dakota and Mr. DORNAN of California changed their vote from "aye" to "no."

Mr. EDWARDS of Oklahoma and Mrs. MEYERS of Kansas changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376 nays 23, not voting 32, as follows:

[Roll No. 216]

YEAS—376

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—23

Archer
Armey
Bartlett
Barton
Boulter
Burton
Combest
Crane
Dannemeyer
DeLay
Dreier
Fields
Hansen
Hunter
Livingston
Lukens, Donald
McCandless
McEwen
Miller (OH)
Nielson
Shumway
Stump
Swindall

NOT VOTING—32

Anderson
Badham
Biaggi
Boucher
Cheney
de la Garza
Dixon
Gejdenson
Hayes (IL)
Jones (NC)
Jones (TN)
Kemp
Konnyu
Leath (TX)
Lewis (CA)
Mack
MacKay
Madigan
McCollum
Mica
Moody
Myers
Nagle
Oakar
Ray
Saiki
Spence
St Germain
Stratton
Sweeney
Weiss
Wilson

□ 2044

Mr. NIELSON of Utah changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. 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. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1158, FAIR HOUSING AMENDMENTS ACT OF 1988

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1158, the Clerk be directed to make such technical corrections as may be necessary to reflect the action of the House.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

□ 2045

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate. The Clerk read as follows:

S. CON. RES. 130

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns at the close of business on Thursday, June 30, 1988, pursuant to a motion made by the majority leader of the House, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Wednesday, July 6, 1988, or until 12 o'clock meridian on the second day after the Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first, and when the Senate recesses or adjourns at the close of business on Wednesday, June 29, 1988, pursuant to a motion made by the majority leader of the Senate or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 o'clock meridian on Wednesday, July 6, 1988, or until 12 o'clock meridian on the second day after the Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House, and the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

FAIR HOUSING AMENDMENTS ACT OF 1988

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EDWARDS of California. Mr. Speaker, I would like to comment briefly on a modification that was made to one of the provisions in the bill last week. My colleague from Massachusetts offered an amendment to make it clear that nothing in this act requires a dwelling to be made available to an individual whose tenancy would result in substantial physical damage to the property of others. As my friend Mr. FRANK pointed out, we had discussed this issue in the full Judiciary Committee and we had agreed to make this clarification in the bill on the floor.

I believe it would also be useful to clarify the parameters of this particular provision. As is clear from the provision, we intend that there would have to be some substantial physical damage to property for this exception to apply. Thus, for example, the normal wear and tear on a residence that might be expected on the part of an individual who uses a wheelchair, such as the nicking of doorframes or of walls, would not come within this provision. In addition, the individual's tenancy would have to be shown to cause substantial physical harm to significant pieces of property. Thus, the fact that a person might damage some minor piece of property would also not allow this provision to take effect.

As we noted when we adopted the underlying provision which this amendment modified, the purpose of including these provisions is simply to allay any unnecessary fears on the part of landlords or owners. The bill as it stands covers all people with disabilities: people who use wheelchairs, people with cerebral palsy, people with AIDS and people infected with HIV, and people with mental impairments. It is understandable, although not justified, that landlords and owners may experience some fear and concern in extending housing protection to such individuals. The purpose of this provision, therefore, is to meet the real and legitimate concerns of landlords and owners, without allowing fear, stereotype, and prejudice to govern housing decisions.

PRISON OVERCROWDING

(Mr. ORTIZ asked and was given permission to address the House for 1 minute.)

Mr. ORTIZ. Mr. Speaker, yesterday I introduced a bill designed to assist State and local governments in addressing one of the most pressing problems facing our country.

I am talking about the dilemma of prison overcrowding. Throughout our Nation this problem has reached crisis proportions. It is no longer an emergency, it is a disaster.

From one end of the country to the other, the population of many prisons is at record levels and most correctional facilities are seriously overcrowded.

And, at the same time, new and tougher drug enforcement laws have increased these pressures in recent years.

The negative consequences of this problem are many and varied.

But one of the most troublesome aspects of this crisis is that too often criminals must be released after serving only a portion of their sentence. And sometimes, those convicted of crimes cannot be sent to jail at all.

Courts must become overreliant on alternatives such as probation, restitution, and community service because imprisonment is a limited sentencing option.

The problem of prison overcrowding can hit home with devastating effect.

Earlier this year, in Bexar County, TX, a man suspected of making death threats against several people was not arrested due to lack of space in local jails.

A few days later he was charged with murder in the brutal stabbings of three teenage girls and their 11-year-old brother.

This is a tragic example of what can happen when we are forced to compromise the enforcement of our laws due to overcrowded prisons.

It is extremely difficult, particularly in this time of severe budgetary restraints, to keep up with the ever-increasing prison population.

In addition, the much-needed passage of new and tougher drug enforcement laws further taxes our overburdened prison systems, particulary in areas on the frontline of the war against drugs.

While we in Congress have attempted to address this problem through a variety of Federal funding programs and grants, the crisis remains.

However, I believe we can successfully deal with this difficult issue and we can do so without unnecessarily compromising the peace and safety of our families, homes, and communities.

This is why I have introduced a bill which would deal with this problem in a logical and cost-effective manner.

Under current law, local law enforcement agencies are entitled to a share of the proceeds when they cooperate with Federal officials in drug arrests and related property seizures.

This is known as equitable sharing and utilizes moneys held in the U.S. Department of Justice Assets Forfeiture Fund and the U.S. Customs Assets Forfeiture Fund.

Often, the amount of funds our State and local law enforcement agencies are entitled to through equitable sharing is quite large. These funds are then put to good use in future drug enforcement efforts.

This is an excellent way of encouraging local cooperation and increasing the effectiveness and efficiency of our drug enforcement efforts.

But while we increase drug enforcement and strengthen our laws, we must be sure that we pay attention to the burden this places on the penal facilities at which these criminals are incarcerated, for various amounts of time.

This is why the legislation I have proposed would mandate that 50 percent of funds secured through equitable sharing be made available to local governments to be used for prison construction, expansion, maintenance, and operation.

Local governments would be able to determine their own priorities regarding prison funding and law enforcement by requesting lesser percentages if they so desire.

In this way we can enforce our laws thoroughly and, most importantly, do our best to keep the criminals who break them behind bars.

And, just as importantly, we can do so without calling on the taxpayer to once again foot the bill for the prison overcrowding problem.

Mr. Speaker, I believe that this bill is extremely timely as a new omnibus Anti-Drug Abuse Act makes its way through the Congress.

As we consider this legislation we must be mindful of the increased burden that fervent enforcement of drug laws can place on the States and localities.

As a former sheriff and current member of the Select committee on Narcotics Abuse and Control, I can tell you that State and local officials are eager to work with the Federal Government to eradicate the devastating plight of illicit drugs.

While law enforcement assistance may capture headlines, the direct effect of tough laws and tough enforcement on the prison overcrowding problem cannot be ignored.

By tying prison funding directly to drug enforcement efforts we can live up to this responsibility.

In addition, we can be sure that those areas on the frontline of the war against drugs will receive their fair share of such assistance.

We have the funds available, we only need apply them intelligently.

I do not claim that this bill completely solves the prison overcrowding problem. However, I believe it is a step in the right direction.

By addressing prison overcrowding in this way, I believe we can make substantial progress in assisting State and local governments with this critical problem.

I ask my colleagues to join me and support this much-needed legislation.

GROWING OLD—A TIME OF OPPORTUNITY

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. PEPPER. Mr. Speaker, on the 25th of May of this year I had the honor to attend commencement exercises of the University of Massachusetts Gerontological Institute and to receive an honorary doctor of laws degree. This was an exciting occasion for me, but even more exciting was the commencement exercises of a graduating class of the Gerontological Institute, the average age of which was 67 years.

Mr. Speaker, on that occasion a very eloquent and moving address was delivered by the Honorable Elsie Frank, Massachusetts Association of Older Americans president, which pointed out to the elderly that this is not an occasion when the old would look down upon the young receiving their honorary degrees or their degrees of graduation. This is an occasion when the young were looking upon the old who were receiving their graduate degrees and beaming their blessings upon them.

This address by this moving lady, able and eloquent as it was, is an inspiration to all of the older people of America not to accept old age as a time of becoming idle and indolent, but as a time of taking hold of new opportunities in life, going to school, getting a better education, taking better training, sharing the motivation of a dynamic country.

So Mr. Speaker, I include the address of Mrs. Frank, the lovely mother of our distinguished colleague, the gentleman from Massachusetts [Mr. FRANK] in the RECORD immediately following my remarks:

GREETINGS TO GRADUATES—UNIVERSITY OF MASSACHUSETTS GERONTOLOGY INSTITUTE

(By Elsie Frank, President)

As I stand before you this evening, participating in this memorable occasion, having been accorded the honor to offer greetings; when I have the privilege of sharing a platform with Congressman Pepper; when I have the pleasure to publicly congratulate the graduates, as well as those receiving other awards: Then I have to tell you that a longer life is a great gift!

I take this occasion to once again acknowledge my joy in the reversal in role models that we have at University of Massachusetts Gerontology Institute graduations. Instead of proud parents beaming lovingly and proudly at their children, we have children and grandchildren beaming lovingly and proudly and taking pictures of their parents and grandparents.

We are in the midst of a demographic revolution that will affect every aspect of our society and the revolution is the aging of the population. University of Massachusetts Gerontology Institute has begun the adjustments that have to be made—especially in attitudes towards elders, in standards and expectations, changes in attitudes that exceed the imagination. Congratulations graduates—you are contributing to a positive view of the aging population, rather than the negative outcome of intergenerational competition. You are proving that all age groups have something to contribute to society; that we need each other; have reciprocal responsibilities and together constitute a viable national community.

I see you before me vigorous, mentally alert and still young in outlook. When I meet some of you in the lunchroom at the Gerontology Institute, the conversations are so stimulating, so exciting about the future. In short, we are not at all the same people as the elderly of previous times. You are resisting the notion that a particular calendar age is an inevitable cutoff point in life. Instead, to quote Dr. Alan Pifer, "You are experiencing a period of rebirth, with the awakening of new interests and enthusiasm for life, and new possibilities for being productive." More and more, our country will need the contributions its older citizens are making.

Education is no longer exclusively for the young and with your cooperation U/Mass Gerontology Institute is demonstrating flexibility in reaching out to adult learners—accelerating the trend toward higher education for an aging society. By taking advantage of the opportunities offered by the institute, you have overcome the negative stereotype that education is not appropriate in later years. You are now ready to demonstrate that in addition to invaluable life experiences and the seasoned judgment that comes with age, people can continue to learn and continue to be productive; that you are ready, willing and able to be involved and active in all areas of society. Activism is an excellent way to keep our brains oiled, to remain mentally alert, to be in the mainstream and to be involved with the political, social and economic life of our country. So, graduates, you are now an important force in the future because here at U/Mass Gerontology Institute you have gained the social service skills and advocacy skills which will lead to political skills.

You have grabbed the opportunity to keep active, to be recognized as a strength in society and at the same time fulfill the need we all have to make our lives meaningful by standing up on our own, with a better idea of what to do with the rest of your lives. As a matter of fact, the prospect is bright that an aging society holds the potential for becoming a society that is more humane and more caring than ever before in history.

I salute you.

H.R. 4937—REVIEWING THE SAFETY OF PESTICIDES

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

Mr. ROBERTS. Mr. Speaker, we have a real need to return the policies and processes that govern the safety of pesticide residues in our Nation's food supply. As a farm State Representative, nothing troubles me more than the apparent lack of consumer confidence in the products that my farmers grow and sell.

Yesterday, I introduced a bill that addresses this issue head on. H.R. 4937 would implement a list of well publicized recommendations developed by a panel of experts at the National Academy of Sciences. The bill mandates an aggressive schedule for reviewing the safety of pesticides, and institutes tough new safety standards for pesticide residues in food products. Last, this bill establishes an energetic program for research and education for perfecting integrated pest management systems.

The agriculture community has always been committed to the safest, soundest food supply possible—this bill advances that commitment.

The regulations, laws, and the agencies that govern the manufacture, sale, and use of pesticides lack credibility in the eyes of the American public. In short the American people believe that the processes and institutions that protect the safety and soundness of our food supply do not last or are broken. The public's diminished confidence coupled with the complexity of

the issues, make pesticide residues in food an easy mark for charges of risk. Far too often, I have seen the press give considerable weight to various and recurrent aspersions of the integrity of our food supply, rather than the simple fact oft repeated by the regulatory agencies of this town: The United States has the safest and soundest food in the greatest supply, of any nation in the world.

Fortunately, the public's perception of dietary risk from pesticide residues is far out of proportion to actual risks. This failure of public confidence is not an indictment of the capabilities of individuals or the leadership of the Environmental Protection Agency, the Food and Drug Administration, and the U.S. Department of Agriculture, instead the failure of confidence is attributable to a failed process.

In May 1987, the National Academy of Sciences [NAS], released a report, Pesticide Residues in Food: the Delaney Paradox. This report explicitly detailed the regulatory gridlock facing EPA due to a disconnect between two statutes—the principal pesticide regulatory law, the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], and the Federal, Food, Drug, and Cosmetic Act [FDCA], the main statute governing the safety of food products, drugs, and medical devices. The authors of the report reconfirmed the safety and soundness of our food supply, but concluded that EPA was severely hindered in applying a consistently rational standard of regulations for pesticide residues.

The NAS report made several conclusions and recommendations which constitute the intention of the bill I am introducing today. I would like to relate two of the most pertinent insights from that report:

> Pesticide residues in food, whether marketed in raw or processed form or governed by old or new tolerances, should be regulated on the basis of consistent standards. Current laws and regulations governing residues in raw and processed food are inconsistent with this goal (p. 11).
>
> A negligible risk standard for carcinogens in food, applied consistently to all pesticides and to all forms of food, could dramatically reduce total dietary exposure to oncogenic pesticides with modest reduction of benefits (p. 12).

I am confident the NAS report's conclusions and recommendations would help EPA and FDA garner a higher, broader level of public confidence in Federal regulatory activities.

The purpose of my bill is twofold: to implement the NAS report with respect to pesticide registration and tolerance setting, and to accelerate USDA's research and extension efforts in integrated pest management [IPM]. A renewed national commitment to IPM, the content of title III of my bill, is clearly the best way the Government can begin to help free our farmers from the recurrent threat of economic disaster brought on by unanticipated, unpredictable chemophobia, which is only rarely justified by a scientifically sound assessment of pesticide risks.

Title II of the bill is a direct and streamlined effort to amend the FDCA consistent with the findings of the NAS report: the regulation of pesticide residues should be consistent across all food products.

The NAS panel pointed out that pesticide residues which concentrate in processed food are regulated under section 409 of the FDCA. Section 409 permits absolutely no consideration of a pesticide's benefits, even if they are extraordinarily high, and without exception prohibits tolerances for pesticides that have been found to induce cancer in man or animal, even when the risk of cancer, from a scientific perspective, is essentially nil. Pesticide residues on raw agricultural commodities, on the other hand, are regulated under section 408 of the FDCA, which permits consideration of benefits, as well as the actual safety of a pesticide for humans. My bill would unify the two standards, to provide for a consistently strict standard of safety for pesticide tolerances under section 408.

The NAS panel found that the consistent application of a one-in-a-million standard of safety, known as negligible risk, for all pesticides—new and old—and to all forms of food, could dramatically reduce dietary exposure to potential carcinogens with modest loss of benefits. My bill implements this finding by establishing under section 408 a consistent standard of safety for pesticide chemicals, which according to validated tests and other evidence raise prudent concerns of risk. The bill further facilitates this consistent treatment of oncogenic risk by addressing the inconsistency of regulation for old and new chemicals.

For example, title I assures that a reregistration of an older pesticide under FIFRA is the functional equivalent of an initial registration for a new pesticide, and it mandates that sound scientific data needed to carry out risk assessments on both new and old pesticides will be submitted to the agency and reviewed in a timely manner. In other words, my bill eliminates the bias against new chemicals by requiring applicants for reregistration to sustain the same burden, based on equally complete and modern data, as applicants for a new registration.

The efficacy of the bill's stringent standard of food safety is embodied in the negligible risk concept of title II of the bill. It is patterned on the risk standard applied by the U.S. Food and Drug Administration in regulating the safety of food additives. FDA has concluded that it is possible, using conservative methods of quantitative risk assessment and taking into account all relevant scientific evidence, to identify levels of exposure to oncogenic residues that are safe under the protective standard embodied in the FDCA's section 409. It is, of course, never possible to establish scientifically the absolute absence of risk for any food substance or, for that matter, any chemical exposure or other human activity. FDA's judgment, however, is that upperbound risks of one in a million over the lifetime of the exposed population, when calculated using currently accepted, conservative methods of risk assessment, is the functional equivalent of no risk at all. That is the concept we adopt in this bill.

In its final recommendation, the NAS panel pointed out that much of the potential exposure to oncogenic residues in processed food is concentrated among a relatively small number of compounds, many of which were registered prior to 1978. The subsequent advances of technology available to pesticide regulators, and more stringent standards of risk suggest that the safety data for these older chemicals be reviewed. The panel thus recommended that EPA focus its energies on reducing actual and potential risks from the most worrisome pesticides on the most consumed crops. My bill helps EPA in this area by specifically authorizing the Agency to promulgate tolerances posing somewhat greater than negligible risk if such action allows the Agency to substantially reduce other risks to man or the environment posed by another, frequently older pesticide chemical used to control the same pest on the same crop. The bill also helps by more fully integrating the food safety provisions of FIFRA and the FDCA. In fact, it goes further by mandating important changes in the reregistration process which should finally provide EPA the tools and authorities needed to bring the persistent backlog of older pesticides into compliance with contemporary scientific risk assessment methods and health protection standards.

Lastly, my bill acts on another unmistakable reality. Mother Nature and her pests will continue to challenege producers for the food on our table. This bill authorizes an important new integrated pest management research and education initiative targeted toward crops that may be minor in terms of acreage grown, but which can be major in terms of a balanced, healthy diet, as well as potential dietary exposure to residues in food. The American Farm Bureau Federation has endorsed the IPM concept as another pest control system to enhance both the variety and flexibility of tools available to the agricultural producer.

I know of no industry more responsive to consumer demands than production agriculture. As the wealth of nations has increased, so has the

demand for a diversity of foodstuffs—meats, breads, fruits, and vegetables—as well as the availibility of those products. In large part the variety and availibility of food products, is directly attributable to production practices that depend upon the prudent use of pesticides. It is ironic that the tools responsible for this cornucopia of goods now constitute a marketing liability. The American public demands a reduction of dietary risk associated with pesticide residues. No group of people stands more really to satisfy that demand than the agriculture community. The concerns of my farmers for the safety and quality of their product do not end at the farm gate, their concern for the integrity of the product on the dinner table is second to none.

A failure of this Congress to recognize and draw upon the resources that the agriculture community can bring to bear to improve the safety and quality of our food products, would only result in an inadequate solution to a very serious problem.

CARIBBEAN REGIONAL DEVELOPMENT ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

Mr. CROCKETT. Mr. Speaker, I am today joining my distinguished colleagues, the Honorable DON BONKER, chairman of the Subcommittee on International Economic Policy and Trade, the Honorable DANTE FASCELL, chairman of the Committee on Foreign Affairs, and nine other Members in introducing a bill to promote equitable and participatory development, national and regional economic integration, and food security and self-reliance in the Caribbean through responsive aid and development policies and programs.

This bill has been nearly a year in the making. It is principally the product of two consultations that the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, and the Subcommittee on International Economic Policy and Trade sponsored in Barbados in September 1987 and February 1988 with a broad cross-section of Caribbean government and society.

What we heard in those consultations was that our aid is not getting to and benefiting the people who need it. Our consultations produced a series of guidelines for U.S. aid policy that would more effectively promote equitable and just development in the Caribbean.

Our bill would mandate an economic aid program for the Caribbean that would promote—

Greater food self-sufficiency through increased staple food production for domestic consumption;

Integrated rural development efforts designed to increase farm employment opportunities, enhance the quality of rural life, and retard rural-urban migration;

Small- and medium-scale, locally owned cooperative and community-based agro-industries engaged in the processing of indigenous resources for local consumption and for export;

Provision of the necessary credit to small- and medium-sized farm and manufacturing enterprises;

The expansion of tourism and the increased development impact of tourism through its fuller integration into the local economy;

Fuller and more effective use of and support for Caribbean regional institutions;

Upgrading of the managerial and technical skills of the Caribbean people;

More environmentally conscious development practices, and the protection of worker rights and public health;

An increased emphasis on women's role in development;

Continuing consultation with the governments and people of the Caribbean in the formulation and implementation of U.S. assistance programs; and

More effective evaluation and reporting to Congress.

We believe that this bill points the way both toward the more effective use of scarce foreign aid dollars, and toward a more effective process of foreign aid programming through increased consultation with the intended recipients and beneficiaries.

The Caribbean region is extremely important to the United States—not only because of its strategic significance, but also because we are inextricably linked together by extensive patterns of migration. Yet this vital region remains the stepchild of the U.S. hemispheric policy, receiving a mere pittance compared to the aid we lavish on Central America. It is time for us to stop thinking of the Caribbean as our back door, and realize that it is in fact our front door. We neglect poverty and hopelessness in this region at our peril.

To address these concerns, our aid must reach the people and respond to their aspirations. This bill would accomplish that objective. I hope it will receive the support of my colleagues.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous committment I missed several votes. Had I been able to vote, I would have voted for approval of the Journal, against the amendment of Mr. DURBIN, for final passage of H.R. 4794, for House Resolution 485, for final passage of H.R. 4867 and against the amendments of Mr. MCCOLLUM, Mr. HYDE, Mr. GEKAS, Mr. SENSENBRENNER, Mr. DANNEMEYER and Mr. SWINDALL to H.R. 1158.

I appreciate having this opportunity to state my position on these measures.

AUTHORIZATION TO FUND THE RESTORATION OF THE PACIFIC WAR MEMORIAL ON THE ISLAND OF CORREGIDOR

The Speaker pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today, I and 35 of my colleagues are introducing legislation to direct the American Battle Monuments Commission [ABMC] to restore, operate, and maintain the Pacific War Memorial and other historical and memorial sites on the island of Corregidor in the Republic of the Philippines.

Our bill authorizes an appropriation of $6 million, the projected cost of the restoration, and authorizes the American Battle Monuments Commission to receive private and corporate contributions to offset this cost. Funds collected in excess of the authorized amount would be reverted to the U.S. Treasury.

This legislation is conditioned on an agreement to be finalized between the governments of the United States and the Republic of the Philippines, that would allow the American Battle Monuments Commission to oversee the restoration and maintain the memorial. As you know, the ABMC does a fine job of maintaining memorials and cemeteries worldwide.

Mr. Speaker, in April 1987, I was privileged to lead a congressional delegation to Corregidor to investigate reports that the Pacific war memorial, as well as other historical sites on the island, had fallen prey to neglect and vandalism. My distinguished colleagues, J. ROY ROWLAND, of Georgia, and CLAUDE HARRIS, of Alabama, as well as leaders of the Disabled American Veterans Service Organization, accompanied me on the trip.

Sadly, we found the reports to be true. There was almost total desecration of the site. A once magnificent monument to American and Filipino veterans was near complete ruin.

The memorial was surrounded by stagnant water, its walls were cracked, and there were holes in its flooring as well as in the roof of the adjacent museum where artifacts had been destroyed by the weather. Most buildings had been reduced to skeletal frames or rubble. The grounds were in need of much repair and the island and its access roads had been overrun with vegetation. Nearby artillery emplacements had been ravaged by scavengers who had stolen and sold the metal for scrap. There was no electrical power. We all knew immediately that we had a job to do.

Following our visit to Corregidor, our delegation met with Philippine President Corazon Aquino and other government officials to discuss security on the island and other aspects of the restoration proposal. President Aquino and her staff shared our concern and have been very cooperative. Security has been placed on the island and our two governments are in the process of finalizing the agreement.

The Disabled American Veterans committed $100,000 to the project on the spot, and later presented then-Navy Secretary James Webb with an initial $34,000 for materials and supplies to be used by Navy Seabees for preliminary repairs on the memorial and museum. On January 22, 1988, the Seabees completed a 1-month project on the island that included roof, ceiling and wall repairs in the museum. A new water tank was installed, walkways were replaced, and the marble wall panels of the memorial were cleaned. The seabees also painted and conducted other general maintenance.

I returned to Corregidor in April of this year to witness these major improvements, and I can tell you that the work of the Seabees and the work of the Philippine Government has vastly improved both the site and the facilities. But there is much more to be done.

In my 22 years in the Congress, no project has fallen into place like this one. The spirit of cooperation between Capitol Hill, the military, the State Department, private organizations, and the Philippine Government has been great. This bill will enable us to continue the work that we've begun. All that remains is for a final agreement to be reached that will allow the American Battle Monuments Commission to complete the restoration. Just recently, Gen. Fidel Ramos, Chief of Staff of the Philippine Armed Forces, met with me in my office and assured me that his government is working hard to finalize the agreement. He felt we could be receiving an official response from the Philippine Government regarding the agreement within the next few weeks.

Mr. Speaker, the Pacific War Memorial and other historic landmarks on Corregidor must not be allowed to deteriorate further. It is important that they be restored and maintained. The spirit of the Americans and Filipinos who fought side by side on Corregidor against tremendous adversity should not be allowed to fade into history. Freedom was put to a severe test on Corregidor and emerged the victor. It is important that we remember what happened there. As one veteran put it: "Too much blood was shed on Corregidor to ever forget it, ever dismiss it, or ever demean it."

I'm sure my colleagues share my feelings that the Pacific War Memorial should be restored and properly cared for.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAY (at the request of Mr. FOLEY) for today and the balance of the week on account of illness.

Mr. CHENEY (at the request of Mr. MICHEL) for today on account of medical reasons.

Mr. WEISS (at the request of Mr. FOLEY) for today and the balance of the week on account of illness.

Mr. MYERS of Indiana (at the request of Mr. MICHEL) on account of official business.

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. RHODES) to revise and extend their remarks and include extraneous material:)

Mr. SUNDQUIST, for 60 minutes, on July 12.

Mr. QUILLEN, for 60 minutes, on July 12.

Mr. HEFLEY, for 5 minutes, today, and 5 minutes, on June 30.

(The following Members (at the request of Mr. GARCIA) to revise and extend their remarks and include extraneous material:)

Mr. CROCKETT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. MFUME, for 15 minutes, on June 30.

Mr. LOWRY of Washington, for 60 minutes, on July 7, 11, 12, and 13.

Mr. OBEY, for 60 minutes, on July 7, 11, 12, and 13.

Mr. GONZALEZ, for 60 minutes, on June 30 and July 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FROST, following remarks of Mr. JONES of North Carolina on his amendment to H.R. 4867 in the Committee on the Whole today.

Mr. AUCOIN, following the vote on passage of Interior Appropriations bill, in Committee of the Whole today.

(The following Members (at the request of Mr. GARCIA) and to include extraneous matter:)

Mr. SKELTON in two instances.

Mr. SMITH of Florida in two instances.

Mr. FAUNTROY.

Mr. MONTGOMERY.

Mr. STARK.

Mr. HAMILTON.

Mr. LANTOS.

Mr. FRANK.

Mr. YATRON.

Mr. BONIOR.

Mr. DONNELLY.

Mr. MATSUI.

Mr. MARKEY.

Mr. VENTO.

Mr. MACKAY.

Mr. SIKORSKI.

Ms. PELOSI in two instances.

(The following Members (at the request of Mr. RHODES) and to include extraneous matter:)

Mr. GEKAS.

Mr. BROOMFIELD.

Mr. CRANE in three instances.

Mr. MCEWEN.

Mr. SOLOMON in two instances.

Mr. RITTER in two instances.

Mr. MCCANDLESS.

Mr. MARLENEE in two instances.

Mr. FISH.

Mr. WELDON.

Mr. PORTER.

Mr. COURTER.

Mr. RIDGE.

Mr. COBLE.

Mr. ROWLAND of Connecticut.

Mr. HASTERT.

Mr. WOLF.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 128. Concurrent resolution expressing the sense of the Senate concerning His Majesty King Bhumibol Adulyadej of Thailand; to the Committee on Foreign Affairs.

SENATE ENROLLED BILL SIGNED

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

S. 2188. An act to amend section 307 of the Federal Employees' Retirement System Act of 1986.

ADJOURNMENT

Mr. GARCIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, June 30, 1988, at 10 a.m.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3895. A letter from the Secretary of Transportation, transmitting the views of the Department on the proposed inclusion of the text of H.R. 1101 in the Department's 1989 appropriations bill, H.R. 4794; to the Committee on Appropriations.

3896. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "University of the District of Columbia President's Discretionary Fund FY 1987 Annual Report," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3897. A letter from the Acting Director, Department of Housing and Community Development, Government of the District of Columbia, transmitting a copy of a report compiled by the Office of the Inspector General entitled, "Audit of the Home Purchase Assistance Fund for the Fiscal Year Ended September 30, 1987," pursuant to D.C. Code section 45-2205(b); to the Committee on the District of Columbia.

3898. A letter from the Secretary of Education, transmitting a copy of final regulations—National Institute on Disability and Rehabilitation Research—Field—Initiated Research, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3899. A letter from the Secretary of Health and Human Services, transmitting the sixth report on the status of health personnel, pursuant to 42 U.S.C. 295h-2(c); to the Committee on Energy and Commerce.

3900. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of reports of political contributions by John Florian Kordek, of Illinois, Timothy Lathrop Towell, of Ohio, and Harry E. Bergold, of Flordia, Ambassadors-designate and members of their families,

pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3901. A letter from the Records Officer, U.S. Postal Service, transmitting notice of a computer matching program between the Postal Service and the State of Florida Office of the Auditor General, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3902. A Communication from the President of the United States, transmitting notification of his designation of Anne E. Brunsdale as Vice Chairman of the U.S. International Trade Commission, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

3903. A letter from the Director, Office of Alcohol Fuels, Department of Energy, transmitting notification that the report on the use of alcohol fuels, due on April 1, has been delayed inasmuch as the availability of the data has become less timely and will be delivered as soon as possible this year, pursuant to 26 U.S.C. 4041 note; to the Committee on Ways and Means.

3904. A letter from the Secretary of Health and Human Services, transmitting the interim reported entitled "Development of Prospective Payment Methodology for Outpatient Hospital Surgical Services," pursuant to Public Law 99-509, section 9343(f) (100 Stat. 2041); to the Committee on Ways and Means.

3905. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

3906. A letter from the General Counsels, Departments of Education and the Treasury, transmitting a draft of proposed legislation to establish a College Savings Bond Program and to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from certain savings bonds the proceeds of which are used to pay certain postsecondary educational expenses, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 4352. A bill to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes; with amendments (Rept. 100-718, Pt. 2). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4481. A bill to provide for the closing and realigning of certain military installations during a certain period; with amendments (Rept. 100-735, Pt. 3). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2513. A bill to require that a study be undertaken regarding the fishery resources and habitats of the Russian River (California) basin; with an amendment (Rept. 100-740, Pt. 1). Ordered to be printed.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 4351. A bill to amend the Stewart B. McKinney Homeless Assistance Act to extend the housing and shelter programs for the homeless; with amendments (Rept. 100-741). Referred to the Committee on the Whole House on the State of the Union.

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. SIKORSKI (for himself and Mr. WAXMAN):

H.R. 4939. A bill to amend the Safe Drinking Water Act to control lead in drinking water; to the Committee on Energy and Commerce.

By Mr. STOKES (for himself, Mr. BUSTAMANTE, Mr. DYMALLY, Mrs. BOGGS, Mrs. COLLINS, Mr. GONZALEZ, Mr. WHEAT, Mr. ROYBAL, Mr. HAYES of Illinois, Mr. RANGEL, Ms. OAKAR, Mr. TOWNS, Mr. FRANK, Mr. BEVILL, Mr. LEWIS of Georgia, Mr. CLAY, Mr. FAUNTROY, Mr. CHAPMAN, Mr. ROE, Mr. TORRES, Mr. OWENS of New York, Mr. HAWKINS, Mr. GARCIA, Mr. DIXON, Mr. CONYERS, Mr. FAZIO, Mr. NOWAK, Mr. AKAKA, and Mr. BLAZ):

H.R. 4940. A bill to amend the Public Health Service Act with respect to improving the health of individuals who are members of minority groups and who are from disadvantaged backgrounds by providing for an increase in the number of such individuals in the health professions; to the Committee on Energy and Commerce.

By Mr. KOLTER:

H.R. 4941. A bill to provide that certain regulations not be used in administering the Trade Adjustment Assistance Program; to the Committee on Ways and Means.

H.R. 4942. A bill to extend the period in which a certain notification under subchapter A of chapter 2 of title II of the Trade Act of 1974 is in effect; to the Committee on Ways and Means.

By Mr. CROCKETT (for himself, Mr. BONKER, Mr. FASCELL, Mr. LELAND, Mr. DE LUGO, Mr. TOWNS, Mr. FAUNTROY, Mr. DYMALLY, Mr. RICHARDSON, Mr. BROWN of California, Mr. BUSTAMANTE, and Mr. WEISS):

H.R. 4943. A bill to promote equitable and participatory development, national and regional economic integration, and food security and self-reliance in the Caribbean through responsive aid and development policies and programs; to the Committee on Foreign Affairs.

By Mr. DERRICK:

H.R. 4944. A bill to amend title XVI of the Social Security Act to permit an individual receiving SSI benefits who becomes entitled to OASDI benefits or veterans' compensation or pension and, as a result, ceases to be eligible to receive such SSI benefits, to be treated as receiving SSI benefits for purposes of determining eligibility to receive Medicaid benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DINGELL (for himself (by request), Mr. MARKEY, Mr. LENT, and Mr. RINALDO):

H.R. 4945. A bill to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement; to the Committee on Energy and Commerce.

By Mr. JEFFORDS (for himself, Mr. BOEHLERT, Mr. GUNDERSON, Mr. HOPKINS, Mr. HOUGHTON, Mr. OBEY, Mr. MARTIN of New York, Mr. MCHUGH, Mr. GILMAN, Ms. SNOWE, and Mr. ROTH):

H.R. 4946. A bill to revise the authority of the Secretary of Agriculture to set the price at which milk will be supported as a result of the 1988 drought disaster; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself and Mr. MCCANDLESS):

H.R. 4947. A bill to amend title 18, United States Code, to preserve personal privacy of individuals with respect to certain library use and use of services involving the rental or purchase of video tapes, and for other purposes; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. SOLOMON, Mr. APPLEGATE, Mr. HAMMERSCHMIDT, Mr. MICA, Mr. WYLIE, Mr. DOWDY of Mississippi, Mr. STUMP, Mr. EVANS, Mr. MCEWEN, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. PENNY, Mr. BURTON of Indiana, Mr. STAGGERS, Mr. BILIRAKIS, Mr. ROWLAND of Georgia, Mr. RIDGE, Mr. FLORIO, Mr. ROWLAND of Connecticut, Mr. GRAY of Illinois, Mr. DORNAN of California, Mr. KANJORSKI, Mr. SMITH of New Hampshire, Mr. STENHOLM, Mr. DAVIS of Illinois, Mr. HARRIS, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. SOLARZ, Mr. STRATTON, Mr. LAGOMARSINO, Mrs. BYRON, Mr. GONZALEZ, Mr. BENNETT, Mr. DE LA GARZA, Mrs. LLOYD, and Mr. DYSON):

H.R. 4948. A bill to direct the American Battle Monuments Commission to restore, operate, and maintain the Pacific War Memorial and other historical and memorial sites on Corregidor in the Republic of the Philippines; to the Committee on Veterans' Affairs.

By Ms. PELOSI:

H.R. 4949. A bill to require the Secretary of Health and Human Services to develop and implement specific criteria for determining the eligibility of individuals with symptomatic human immunodeficiency virus infection for disability-related benefits under titles II and XVI of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. HERTEL (for himself, Mr. RIDGE, Mr. BENNETT, Mr. HOCHBRUECKNER, Mrs. BOXER, Mr. HUCKABY, Mr. DAVIS of Michigan, Mr. STAGGERS, Mr. FORD of Michigan, Mr. TRAXLER, Mr. BILBRAY, Mr. DICKS, Mr. AUCOIN, Mr. LOWRY of Washington, Mr. WOLPE, Mr. BONIOR of Michigan, Mr. BRUCE, Ms. SLAUGHTER of New York, Mr. PERKINS, Mr. ATKINS, Mr. TALLON, Mr. HUGHES, Mr. CAMPBELL, Mr. KLECZKA, Mr. CARR, Mr. COLEMAN of Texas, Mr. THOMAS A. LUKEN, Mr. SABO, Mr. BEILENSON, Mr. HAYES of Illinois, Mr. GRAY of Illinois, Mr. FOGLIETTA, Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mr. DONNELLY, Mr. ROWLAND of Connecticut, Mrs. LLOYD, Mr. KILDEE, Mr. TRAFICANT, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. MFUME, Mr. BRYANT, Mr. SWIFT, Mr. PENNY, Mr. RODINO, Mr. DELLUMS, Mr. FEIGHAN, Mr. COYNE, Mr. ACKERMAN, Mr. NOWAK, Mr. MATSUI,

Mr. SCHEUER, Mr. VENTO, Mr. DELAY, and Mr. DENNY SMITH):

H.R. 4950. A bill to amend title 10, United States Code, to establish in the Department of Defense a Defense Acquisition Agency to perform all acquisition functions of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. STARK:

H.R. 4951. A bill to amend the Internal Revenue Code of 1986 to require employers to provide health benefits plans to employees; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 4952. A bill to amend the Federal Election Campaign Act of 1971 to require that all contributions in elections for Federal office be subject to that act; to the Committee on House Administration.

By Mr. VANDER JAGT:

H.R. 4953. A bill to reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission; to the Committee on Interior and Insular Affairs.

By Mr. BOULTER (for himself, Mr. CRANE, Mr. BARTON of Texas, Mr. FIELDS, Mr. DELAY, Mr. COBLE, Mr. SMITH of Texas, and Mr. SCHAEFER):

H. Con. Res. 326. Concurrent resolution to request that the President submit a report to Congress regarding the stability of the Government of Panama; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

MEMORIALS

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

427. By the SPEAKER: Memorial of the Legislature of the State of Florida, relative to a proposed amendment to the Constitution to require a balanced Federal budget; to the Committeee on the Judiciary.

428. Also, memorial of the Legislature of the State of Florida relative to the allocation of funds for the Cape Canaveral sand transfer plant; to the Committee on Public Works and Transportation.

429. Also, memorial of the Legislature of the State of New York, relative to extending the State of New York Mortgage Agency's program authority through the year 1992; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 485: Mr. LAFALCE.

H.R. 639: Mr. DYMALLY and Mr. HALL of Texas.

H.R. 640: Mr. THOMAS of Georgia and Mr. WEISS.

H.R. 772: Mr. LIPINSKI.

H.R. 1078: Mr. ANDREWS, Mr. MATSUI, and Mr. SMITH of Florida.

H.R. 1270: Mr. WEBER, Mr. WYDEN, Mr. ALEXANDER, Mr. BRENNAN, Mr. GIBBONS, Mr. CARR, and Mr. WOLPE.

H.R. 1580: Mr. VENTO, Mr. JONTZ, Mr. LEHMAN of California, Mr. DURBIN, Mr. WILLIAMS, and Mr. COYNE.

H.R. 1769: Mr. TORRES, Mr. MAVROULES, and Mr. WHEAT.

H.R. 2148: Mr. DAVIS of Michigan and Mr. DE LUGO.

H.R. 2229: Mr. DAVIS of Michigan and Mr. HERTEL.

H.R. 2532: Mr. TRAFICANT and Mr. LAGOMARSINO.

H.R. 2626: Mr. GORDON.

H.R. 2776: Mr. BATEMAN and Mr. GRANT.

H.R. 2926: Mr. ROE and Mr. CHAPMAN.

H.R. 3068: Mr. NEAL.

H.R. 3132: Mr. GARCIA.

H.R. 3182: Mr. BOULTER, Mr. CLAY, Mr. MOAKLEY, Mr. SMITH of Texas, Mr. OBERSTAR, Mr. SKELTON, Mr. CHAPMAN, Mr. THOMAS of California, Mr. MOORHEAD, Mr. GALLEGLY, Mr. BEILENSON, Mrs. SAIKI, Mr. SKAGGS, Mr. ANDREWS, Mr. BARTLETT, Mr. PACKARD, Mr. WHEAT, Mr. NEAL, Ms. SLAUGHTER of New York, and Mr. HASTERT.

H.R. 3245: Mr. MACKAY, Mr. CRAIG, Mr. ROWLAND of Connecticut, Mr. LIPINSKI, Mr. MCCURDY, Mr. COELHO, Mr. CARR, Mrs. SMITH of Nebraska, Mr. BILIRAKIS, and Mr. MCMILLEN of Maryland.

H.R. 3314: Mr. GALLEGLY, Mr. MOODY, and Mr. LEVINE of California.

H.R. 3490: Mr. SMITH of Texas.

H.R. 3664: Mr. DAVIS of Michigan, Mr. ROWLAND of Connecticut, Mr. HAYES of Louisiana, Mr. BATES, Mr. RAY, Mr. STALLINGS, Mr. CARPER, Mr. BOSCO, Mr. MOAKLEY, Mr. COOPER, Mr. NIELSON of Utah, Mr. TAUKE, Mr. SYNAR, Mr. MINETA, Mrs. BOXER, Mr. HOLLOWAY, Mr. SUNDQUIST, Mr. HILER, Mr. GORDON, Mr. BOUCHER, Mr. CRAIG, Mrs. MORELLA, Mr. CONTE, Mr. DEFAZIO, and Mr. AUCOIN.

H.R. 3726: Mr. OWENS of New York, Mrs. COLLINS, Mr. ESPY, Mr. FOGLIETTA, Mr. FAZIO, Mr. NEAL, Mr. HAYES of Illinois, Mr. GRAY of Illinois, Mr. SAVAGE, Mr. KOLTER, Mr. DELLUMS, and Mr. FAUNTROY.

H.R. 3845: Mr. CRAIG.

H.R. 3978: Mr. DWYER of New Jersey, Mr. GARCIA, Mr. ROE, Mr. STUDDS, and Mr. SUNIA.

H.R. 3999: Mr. BOEHLERT, Mr. SUNDQUIST, Mrs. MORELLA, and Mr. DAVIS of Illinois.

H.R. 4074: Mr. BOULTER.

H.R. 4142: Mrs. BOXER.

H.R. 4178: Ms. KAPTUR, Mr. VENTO, and Mr. ACKERMAN.

H.R. 4190: Ms. SLAUGHTER of New York and Mr. CHAPMAN.

H.R. 4198: Mr. LEHMAN of Florida and Mr. MARTINEZ.

H.R. 4277: Mr. SHAW and Mr. DREIER of California.

H.R. 4302: Mr. BURTON of Indiana, Mr. EDWARDS of Oklahoma, Mr. RHODES, Mr. ARMEY, and Mr. MOLINARI.

H.R. 4373: Mr. MACKAY, Mr. OWENS of New York, Mr. BUSTAMANTE, and Mr. CLEMENT.

H.R. 4377: Mr. TOWNS.

H.R. 4384: Mr. STARK and Mr. MANTON.

H.R. 4437: Mr. DEFAZIO and Mr. DENNY SMITH.

H.R. 4441: Mr. OWENS of New York, Mr. DELLUMS, Mr. MCCOLLUM, Mr. RAVENEL, Mr. SPRATT, Mr. DERRICK, and Mr. AKAKA.

H.R. 4478: Mr. MICA, Mr. MYERS of Indiana, Mr. FRANK, and Mr. SCHUETTE.

H.R. 4511: Mr. SMITH of Texas and Mr. JOHNSON of South Dakota.

H.R. 4516: Mr. RAVENEL.

H.R. 4599: Mr. ASPIN.

H.R. 4657: Mr. FRANK.

H.R. 4691: Mr. HUGHES, Mr. FROST, Mr. ARMEY, Mr. BROWN of California, Mr. MCEWEN, and Mr. MOLLOHAN.

H.R. 4694: Mr. COELHO.

H.R. 4708: Mr. TALLON, Mr. LANTOS, Mr. STUDDS, and Mr. DIOGUARDI.

H.R. 4763: Mr. SAWYER.

H.R. 4793: Mr. KENNEDY, Mr. WEISS, Mr. CROCKETT, Mr. FOGLIETTA, Mr. HANSEN, Mr. TORRES, Mr. GOODLING, Mr. AKAKA, and Mr. DWYER of New Jersey.

H.R. 4866: Mr. GARCIA, Mr. SABO, Mr. TOWNS, Mr. ROE, Mr. GILMAN, Ms. PELOSI, Mr. FAUNTROY, Mrs. BOXER, Mr. SMITH of Florida, Mr. STARK, Mrs. COLLINS, Mr. BEVILL, Mr. FAZIO, and Mr. RANGEL.

H.R. 4870: Mr. LEWIS of Florida, Mr. RINALDO, Mr. ROBINSON, Mr. STANGELAND, Mr. WILLIAMS, Mr. CLARKE, Mr. BLAZ, Mr. GUNDERSON, and Mr. ROWLAND of Connecticut.

H.R. 4896: Mr. ALEXANDER, Mr. AKAKA, Mr. BEVILL, Mr. DINGELL, Mr. HENRY, Mr. KILDEE, Mr. LIGHTFOOT, Mr. ROE, Mr. SCHUETTE, and Mr. TOWNS.

H.J. Res. 342: Mr. BAKER, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. BROWN of Colorado, Mr. FASCELL, Mr. HILER, Mr. KANJORSKI, Mrs. LLOYD, Mr. LIVINGSTON, Mr. MARTIN of New York, Mr. MYERS of Indiana, Mr. NEAL, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. TAUZIN, Mr. WALGREN, and Mr. WAXMAN.

H.J. Res. 441: Mr. GALLEGLY, Mr. LUNGREN, Mr. BUECHNER, Mr. SYNAR, Mr. LANTOS, Mr. WYDEN, Mr. FAZIO, Mr. SISISKY, Mr. WATKINS, Mr. WOLPE, Mr. BIAGGI, Mr. NEAL, Mr. SOLOMON, Mr. ENGLISH, Mr. HOCHBRUECKNER, Mr. VENTO, and Mr. INHOFE.

H.J. Res. 452: Mr. KASICH, Mr. DE LA GARZA, Mr. BUNNING, and Mr. BEVILL.

H.J. Res. 540: Ms. PELOSI.

H.J. Res. 543: Mr. LEWIS of Florida, Mr. HERTEL, Mr. SMITH of Florida, Mr. WEBER, Mr. BUECHNER, Mr. LAFALCE, Mr. MORRISON of Washington, Mr. SKAGGS, Mrs. PATTERSON, Mr. GRAY of Illinois, Mr. HANSEN, Mr. SPRATT, Mr. JONES of North Carolina, Mr. HUTTO, Mr. KASICH, Mr. HEFLEY, and Mr. HENRY.

H.J. Res. 544: Mr. ERDREICH and Mr. EARLY.

H.J. Res. 554: Mr. FLORIO and Mr. LIVINGSTON.

H.J. Res. 555: Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. SWINDALL, Mr. BLILEY, Mr. PORTER, Mr. BEVILL, Mr. GALLEGLY, Mr. HOLLOWAY, and Mr. DAVIS of Illinois.

H.J. Res. 557: Mr. NEAL, Mr. ATKINS, Mr. ROWLAND of Connecticut, Mr. FLORIO, Mrs. MORELLA, Mr. LELAND, Mr. MCCLOSKEY, Mr. YATRON, Mrs. KENNELLY, Mr. FOLEY, Mr. LOTT, Mr. LANTOS, Mr. YOUNG of Alaska, Mr. CLAY, and Mr. MCDADE.

H.J. Res. 569: Mr. BROWN of Colorado, Mrs. MARTIN of Illinois, Mr. ANTHONY, Mr. WELDON, Mr. SMITH of Florida, Mr. RANGEL, Mr. BONIOR of Michigan, Mr. DINGELL, Mr. FOLEY, Mr. MURTHA, Mr. GORDON, Mr. DERRICK, Mr. BILBRAY, Mr. FLAKE, Mr. MANTON, Mr. SHAYS, Mr. KENNEDY, Mr. ASPIN, Mr. MONTGOMERY, Mr. MOODY, Mr. WEISS, Mr. WAXMAN, Mr. NAGLE, Mr. AUCOIN, Mr. TORRES, Mr. AKAKA, Mr. BEILENSON, Mr. GALLO, Mr. GRANDY, Mr. LENT, Mr. SMITH of New Jersey, Mr. VANDER JAGT, Mr. JACOBS, Mr. DE LUGO, Mrs. KENNELLY, Mr. GREEN, Mrs. MORELLA, Ms. OAKAR, Mr. MCGRATH, Mr. PACKARD, Mr. LUNGREN, Mr. SHAW, Mr. FLORIO, Mr. OLIN, Mr. ORTIZ, Mr. HUGHES, Mr. HERTEL, Mr. RUSSO, Mr. GUARINI, Mr. MINETA, Mrs. LLOYD, Mr. LELAND, and Mr. FASCELL.

H.J. Res. 570: Mr. DEFAZIO, Mr. BRENNAN, Mr. ROBINSON, Mr. BILBRAY, Mr. HAYES of Louisiana, Mr. TALLON, Mr. HOLLOWAY, Mr. HARRIS, Mr. DYMALLY, Mr. SPRATT, Ms. KAPTUR, Mr. ATKINS, Mr. FAUNTROY, Mr. AKAKA, Mr. NIELSON of Utah, Mr. YATRON, Mr. MATSUI, Mrs. LLOYD, Mrs. BOXER, Ms. PELOSI, Mr. LAGOMARSINO, Mr. MCEWEN, Mr. WALGREN, Mr. THOMAS of Georgia, Mr. BONKER, Mr. BARTLETT, Mr. HENRY, Mr. RANGEL, Mr. TRAXLER, Mr. MOAKLEY, Mr. LOWRY of Washington, Mr. CARR, Mr. WOLPE, Mr. BERMAN, Mr. MCCLOSKEY, Mr. HALL of Texas, Mr. BLAZ, Mrs. BENTLEY, Mr. COLEMAN of Texas, Mr. VOLKMER, Mr. MACK, Mr. OWENS of New York, Mr. FAZIO, Mr.

CHAPMAN, Mr. ROE, Mr. BIAGGI, Mrs. COLLINS, Mr. LANCASTER, Mr. DWYER of New Jersey, Mr. BEVILL, Mr. MCDADE, Mr. LELAND, and Mr. LANTOS.

H.J. Res. 571: Mr. FOLEY, Mr. BENNETT, Mr. BERMAN, Mr. COURTER, and Mr. DYMALLY.

H.J. Res. 578: Mr. DAVIS of Michigan, Mr. NOWAK, Mr. HAYES of Louisiana, Mr. ROE, Mr. MOAKLEY, Mr. ANDERSON, Mr. GUARINI, Mr. HENRY, and Mr. CHAPPELL.

H.J. Res. 583: Mr. LUNGREN, Mr. OWENS of New York, Mr. BEVILL, Mr. MCHUGH, Mr. MRAZEK, Mr. MURTHA, Mr. DARDEN, Mr. DAUB, Mr. BATES, Mr. FAWELL, Mr. RODINO, Mr. SAWYER, Mr. GARCIA, Mr. NATCHER, Mr. SCHEUER, Mr. DE LA GARZA, Mr. GUNDERSON, Mr. HAYES of Illinois, Mr. JONES of North Carolina, Mr. HYDE, Mr. KOLTER, Mr. HUGHES, Mr. BIAGGI, Mr. MCCLOSKEY, Mr. MATSUI, Mr. MURPHY, Mr. NIELSON of Utah, Mr. OWENS of Utah, Mr. MOAKLEY, Mr. RAVENEL, Mr. FIELDS, Mr. FRENZEL, Mr. GALLO, Mr. SAVAGE, Mr. CLAY, Mr. SKELTON, Mr. CONYERS, Mr. AKAKA, Mr. HOYER, Mr. KASICH, Mr. KANJORSKI, and Mr. SPENCE.

H. Con. Res. 232: Mrs. KENNELLY.

H. Con. Res. 263: Mr. PENNY, Mr. DENNY SMITH, Mr. NEAL, and Mr. BALLENGER.

H. Con. Res. 266: Mr. SCHUETTE and Mrs. MEYERS of Kansas.

H. Con. Res. 303: Mr. SMITH of New Jersey, Mr. DAUB, Mr. TOWNS, Mr. MARTINEZ, Mr. CONTE, Mr. BLAZ, and Mr. LANTOS.

H. Con. Res. 320: Mr. OWENS of New York, Mr. SAVAGE, Mr. FOGLIETTA, Mr. HAYES of Illinois, Mr. MILLER of California, Mr. RANGEL, Mr. FRANK, Mr. MOODY, Mr. EDWARDS of California, Mr. ATKINS, Mr. WYDEN, Mr. BROWN of California, Mr. PANETTA, Mr. MATSUI, Mrs. COLLINS, Mr. STUDDS, Mr. BATES, Mr. MOAKLEY, Mr. DORGAN of North Dakota, Mr. WHEAT, Mr. KENNEDY, Mr. FAZIO, and Mr. KOLTER.

H. Res. 411: Mr. MCGRATH, Mr. TOWNS, Mr. ATKINS, Mr. WAXMAN, Mr. MRAZEK, Mr. BORSKI, Mr. LIPINSKI, Mr. DWYER of New Jersey, Mr. FROST, Mr. STOKES, Mr. CHAPMAN, Mr. WEISS, Mr. SWINDALL, Mr. KONNYU, Mr. SIKORSKI, Mr. WOLPE, Mr. WEBER, Mr. BOULTER, Mr. MCEWEN, Ms. SLAUGHTER of New York, and Mr. BURTON of Indiana.

H. Res. 462: Mr. DAVIS of Illinois, Mr. GINGRICH, Mr. BUECHNER, Mr. SWINDALL, Mr. ARMEY, and Mr. NIELSON of Utah.

H. Res. 467: Mr. MACK, Mr. SCHAEFER, Mr. WHITTAKER, Mr. SHARP, Mr. ROE, and Mr. LEWIS of Florida.

H. Res. 471: Mr. PENNY, Mrs. MORELLA, Mr. FROST, Mr. BUSTAMANTE, Mr. SMITH of Florida, Mr. GLICKMAN, Mr. RUSSO, Mr. WEBER, Mr. UPTON, Mr. WAXMAN, Mr. FASCELL, Mr. LANTOS, Mr. ATKINS, Mr. TOWNS, Mr. FAWELL, Mr. EVANS, Mr. OWENS of Utah, Mr. ARMEY, and Mr. FAZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII,

203. The SPEAKER presented a petition of the Bar Association of Montgomery County, MD, relative to the creation of a southern division of the U.S. district court, H.R. 1596; which was referred to the Committee on the Judiciary.