HOUSE OF REPRESENTATIVES—*Wednesday, August 10, 1988*

The House met at 10 a.m.

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

We pray for the leaders of our Nation, O God, those women and men who are called to serve all the people. As they experience the strains of leadership and the dilemmas of decision, may Your spirit of reconciliation and truth set upon them and give them those qualities of justice and mercy that will enable them to lead our Nation to be a place where justice is truly established and mercy is practiced through the land. 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. MARLENEE. 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. MARLENEE. 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 272, nays 113, not voting 45, as follows:

[Roll No. 272]

YEAS—272

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

NAYS—113

Badham
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gregg
Hastert
Hawkins
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lungren
Marlenee
Martin (IL)
McCandless
McMillan (NC)
Miller (OH)
Moorhead
Morella
Morrison (WA)
Murphy
Oxley
Parris
Pashayan
Penny
Porter
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (CT)
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
Visclosky
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—45

Armey
AuCoin
Bates
Bevill
Bilbray
Boulter
Chappell
Clay
Conyers
DeFazio
Dowdy
Ford (MI)
Gray (PA)
Hatcher
Johnson (CT)
Kemp
Kleczka
Konnyu
Leath (TX)
Leland
Lewis (CA)
Livingston
Lowery (CA)
Lukens, Donald
Mack
MacKay
Madigan
McCollum
McCurdy
McDade
McGrath
Meyers
Mica
Molinari
Moody
Murtha
Neal
Rangel
Ridge
Ritter
Savage
Shuster
Spence
Valentine
Williams

□ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

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

H.R. 3431. An act to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL;

H.R. 3880. An act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years;

H.R. 4676. An act to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such Act;

H.R. 4754. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes;

H.R. 5174. An act to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.J. Res. 417. Joint resolution designating May 1989 as "Neurofibromatosis Awareness Month"; and

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 17, 18, 24, 30, 51, 56, 57, 58, 62, 64, 70, and 75 to the above-entitled bill.

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

S. 1236. An act to reauthorize housing relocation under the Navajo-Hopi Relocation Program, and for other purposes.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT PROVIDING FOR CONSIDERATION OF OMNIBUS DRUG ABUSE AMENDMENTS OF 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report providing for the consideration of an unnumbered bill relating to the omnibus drug abuse amendments of 1988.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MICHEL. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of making it abundantly clear that the distinguished majority leader making a unanimous-consent request to file a rule with respect to consideration of the drug bill, while Members are well aware that there are a number of committees involved in that rather comprehensive piece of legislation, the Speaker's burning interest in it, having delegated to the majority leader and the gentleman on this side of the aisle to coordinate this activity, the distinguished majority leader and I met last night for nearly 2 hours going over the number of contentious amendments and considerations here.

Of course we want to proceed in a bipartisan way and in order to do that there are obviously some of those contentious, argumentative amendments that ought to be discussed by this House and let the House then work its will.

Before conceding to the gentleman's request, might I have his assurance that what agreement we arrived at last night during our lengthy meetings with respect to the numbers of amendments that would be offered is generally in accord with what we talked about last night.

Mr. FOLEY. Mr. President, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, yes, we did reach a general understanding about the recommendation to be made to the Committee on Rules on both sides of the aisle with respect to the bill.

As the House may know, there was something in the general vicinity of 150 proposed amendments to the legislation submitted to the Committee on Rules. And while I agree with the gentleman that there should be broad opportunity for the House to consider various approaches to the drug legislation, we are interested in doing that in a way that permits the efficient handling of the legislation which we are now proposing to take up the week of our return on September 7.

So I would say to the gentleman that, yes, we have a general understanding about our joint proposals to the Committee on Rules.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker, while I know, Mr. Speaker, you would have liked to have added the total consideration of the drug bill, that is the rule, general debate and even amendments, resolved before our break here, I appreciate your having deferred to the fact that we have a number of Members on our side who would be instrumental in waging the verbal debate here who are away at our platform hearings. And then we were originally talking about part of the general debate today and then leaving some until after we return, along with all amendments.

Now it is my understanding that because of the time restraints here that there will only be consideration of the rule, itself, on the drug bill and then the entire debate and amending process will take place after we return. Is that not correct?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. I thank the gentleman.

With that kind of assurance from the distinguished majority leader, in combination with our earlier conversation with the Speaker, I think Members on our side, while not everybody is going to get every small amendment he wants, there are a significant number that are going to be granted under the rule.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Chair would like to state that on this matter, the drug bill, a matter of this importance, has come this far in a very bipartisan way and the Chair would like to express his appreciation to the majority leader and to the minority leader for the manner in which they have worked together, and to reassure both that the Chair desires to support the agreements reached between the two of them, to see that a modus operandi is achieved wherein the will of the majority of the Members of the House will be worked.

Mr. MICHEL. I thank the Speaker.

The SPEAKER. They are important amendments.

□ 1030

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4783 DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 1989

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, August 10, 1988, to file a conference report on the the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHEL. Reserving the right to object, Mr. Speaker, and only for that purpose, if I might first inquire of the distinguished chairman of the committee, the gentleman from Kentucky [Mr. NATCHER], if I understand correctly that the conference report, while it will have a number of technical amendments to it, will bring back only one significant amendment in disagreement with respect to the abortion matter?

Mr. NATCHER. Mr. Speaker, the minority leader, the gentleman from Illinois [Mr. MICHEL], is correct. We had 256 amendments in disagreement. All of them were resolved, Mr. Speaker, with the exception of section 204, the abortion matter. We bring that one back in through disagreement.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker.

So what this indicates is that the Members of the House will have an opportunity to speak specifically on that issue in addition to making their judgment on the conference report.

Mr. NATCHER. The gentleman from Illinois [Mr. MICHEL] is correct.

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

Mr. MICHEL. Mr. Speaker, I am happy to yield to my distinguished ranking member on my subcommittee, the gentleman from Massachusetts [Mr. CONTE], for whatever comment he might wish to make on my observation.

Mr. CONTE. Mr. Speaker, I am glad the gentleman from Illinois [Mr. MICHEL] yielded.

I will not be here. Unfortunately I have an appointment tomorrow at Johns Hopkins at 12:15, but I asked the gentleman from Michigan [Mr. PURSELL] to handle the bill. That will be the only major amendment, and it will be debated in full. We are bringing that amendment back in disagreement.

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

Mr. MICHEL. I am happy to yield to the distinguished gentleman from Illinois.

Mr. HYDE. Mr. Speaker, do I understand that tomorrow we are going to have a full-dress debate on abortion and we are going to deal with South Africa? And those of us who are down trying to do something with our convention, our leaders who should be down there with the Rules Committee, the platform committee, are just going to have to come back or we are going to get a lopsided vote on two important, major issues, contentious and emotional issues, and we have got to do it tomorrow? Is that correct?

Mr. NATCHER. Mr. Speaker, of course that is a matter that would be up to the leadership of the House on both sides.

Let me say to the gentlemen this:

This is a good bill. We believe on this side and on the gentlemen's side that the President will sign this bill. It is a good bill. We worked on it for many months. We would like to call it up tomorrow in the House and in the Senate. This will be a matter for the leadership. We are ready to call it up.

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

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

Mr. HYDE. Mr. Speaker, I do not object to Mr. NATCHER's proposal at all. It just seems to me that the two of them on 1 day is overkill on some very difficult issues, and I am just pleading with the leadership to consider putting South Africa over until after our convention so we can be here, and I just am concerned that a lot of important people cannot be here on a very tough day.

Mr. MICHEL. Mr. Speaker, I subscribe to the comments of the distinguished chairman that overall the bill is compatible with what I suspect or have a hunch the President would agree with provided, of course, that the one agreement, the true disagreement, is also favorably resolved.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4867, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on 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.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman's motion is to file and has nothing to do with possible consideration tomorrow; is that correct?

Mr. YATES. Mr. Speaker, if the gentleman will yield, the gentleman from Pennsylvania is correct.

As far as I know, the bill has not been scheduled as yet.

Mr. WALKER. I thank the gentleman from Illinois.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4387, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. STOKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, disagree to the Senate amendment thereto, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

The Chair hears none, and appoints the following conferees: Messrs. STOKES, BEILENSON, KASTENMEIER, ROE, MCHUGH, DWYER of New Jersey, WILSON, Mrs. KENNELLY, Messrs. GLICKMAN, MAVROULES, RICHARDSON, HYDE, CHENEY, LIVINGSTON, MCEWEN, LUNGREN, and SHUSTER.

For consideration of matters within the jurisdiction of the Committee on Armed Services under clause 1(c), rule X: Messrs. ASPIN, STRATTON, and DICKINSON.

MOTION TO DISCHARGE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves to discharge the Committee on Armed Services from further consideration of H.R. 4264.

MOTION TO TABLE OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves to lay on the table the motion to discharge.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. WALKER. 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 239, nays 163, not voting 28, as follows:

[Roll No. 273]

YEAS—239

Ackerman	Boxer	Dellums
Akaka	Brennan	Derrick
Alexander	Brooks	Dicks
Anderson	Brown (CA)	Dingell
Andrews	Bruce	Dixon
Annunzio	Bryant	Donnelly
Anthony	Bustamante	Dorgan (ND)
Applegate	Byron	Downey
Aspin	Campbell	Durbin
Atkins	Cardin	Dwyer
AuCoin	Carper	Dymally
Barnard	Carr	Dyson
Bates	Chapman	Early
Beilenson	Clarke	Eckart
Bennett	Clement	Edwards (CA)
Berman	Coelho	English
Bevill	Coleman (TX)	Erdreich
Bilbray	Collins	Espy
Boggs	Conyers	Evans
Boland	Cooper	Fascell
Bonior	Coyne	Fazio
Bonker	Crockett	Feighan
Borski	Darden	Flake
Bosco	de la Garza	Flippo
Boucher	DeFazio	Florio

Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Ray
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—163

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lott
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—28

Boulter
Chappell
Clay
Dowdy
Hatcher
Johnson (CT)
Lehman (CA)
Levine (CA)
Lewis (CA)
Lipinski
Livingston
Lowery (CA)
Mack
MacKay
McCollum
McCurdy
McGrath
Meyers
Mica
Molinari
Moody
Rangel
Ridge
Shuster
Smith (FL)
Spence
Sweeney
Williams

□ 1059

The Clerk announced the following pairs:

On this vote:

Mr. Levine of California for, with Mr. Boulter against.

Mr. THOMAS of California and Mr. HOUGHTON changed their vote from "yea" to "nay."

Mr. PANETTA and Mr. SAVAGE changed their vote from "nay" to "yea."

So the motion to lay the motion on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore (Mr. KANJORSKI) laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 15, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Room H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to advise you that, pursuant to sec. 8002 of the Internal Revenue Code, the Honorable Guy Vander Jagt (R., Mich.) a Member of the Committee on Ways and Means, has been designated to fill the vacancy created by the death of the Honorable John J. Duncan (R., Tenn.) on the Joint Committee on Taxation for the remainder of the 100th Congress.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

LEGISLATION PROVIDING PAYMENT OF OPERATING EXPENSES OF FEDERAL ELECTION COMMISSION FROM THE PRESIDENTIAL ELECTION CAMPAIGN

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

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to provide that the operating expenses of the Federal Election Commission be paid from the Presidential Election Campaign Fund.

This fund is supported by voluntary designations by taxpayers on their 1040 income tax returns, and brings in $30 to $40 million a year from the 25 percent of the taxpayers who so designate.

The fund is used to help pay the costs of Presidential nominating conventions and the subsequent Presidential campaigns. My bill would simply add to that the costs of operating the Federal Election Commission, which manages the fund and disburses the money.

There is no reason why the general revenues of the United States should be used for this purpose. Since all the money is turned over to the FEC, it just makes good sense to pay the FEC operating costs from it.

As the result of voluntary designations, the FEC will have $200 million to distribute to the parties and the Presidential candidates, win or lose. The FEC can operate on about 5 percent of this amount; not an unreasonable overhead in any business.

My bill would take about $10 million off the Federal budget and consolidate the financing and operations of the FEC into a single Presidential Election Campaign Fund. It does not affect our present authority to authorize the FEC operations, nor our oversight responsibility.

That makes fiscal sense, and it makes management sense.

Mr. Speaker, I urge my colleagues to support this bill.

MR. GREENSPAN, TRY A DAY ON MAIN STREET

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

Mr. MARLENEE. Mr. Speaker, I hope my colleagues will join me in sending a message to the Federal Reserve Board, a message that says it is unconscionable to drive up interest rates while a huge section of the country is laboring to pay off debts and make a recovery.

Mr. Greenspan, Middle America is trying to desperately to survive, and interest rates are the dagger in the

heart, being driven into the heart, of businesses from Billings, MT, to Dodge City, KS.

My request to you, Mr. Greenspan, is quit focusing on Wall Street and try a day on Main Street. I will roll up my sleeves and join you for a day of selling insurance, selling hardware, selling tractors, real estate, or groceries in Middle America. Maybe then, maybe then you will understand why there are no jobs in States like mine, why so many stores are closed, why homes are selling at 30- to 40-percent below value.

Mr. Greenspan, do not devastate, do not devastate business in Middle America by driving up interest rates so the big banks can cover their bad loans in South and Central America.

PALESTINIANS ARE ALSO GOD'S CHILDREN

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

Mr. TRAFICANT. Mr. Speaker, the situation in the West Bank and the Gaza Strip is getting worse. Palestinians continue to die in that region.

Mr. Speaker, Congress cannot remain silent over the abuses still being committed by Israel. They include indiscriminate beatings, bulldozing of homes and the use of live ammunition and, to boot, the deportation of Palestinian activists, which is a violation of international law.

I agree with our State Department today that Israel's handling of the uprising will in the long run jeopardize Israel's own security. We must urge the Palestinians and the PLO to renounce terrorism and recognize Israel's right to exist but, on the other hand, we must rise to condemn Israel's abuses.

We cannot forget here in this body that the Palestinians are also God's children. They have a right to self-determination, and, Members of this body, they have a right to freedom themselves.

THE LAST TEMPTATION OF CHRIST

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

Mr. DANNEMEYER. Mr. Speaker, the German theologian, Martin Niemoeller has said:

> In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Mr. Speaker, I believe this is a time to speak up.

As early as Friday, a much publicized, much scrutinized, anything but sanitized, Universal Studios' production of "The Last Temptation of Christ" is scheduled to be released in specific locations throughout the country.

This Hollywood portrayal of the Savior of all Christiandom has been the subject of controversy within the Christian community. And in the face of opposition, the good people at Universal, the liberal conscience of Hollywood, have decided to release the movie a month early to take advantage of all the attention.

The film could potentially offend the deeply held beliefs of many religious Americans. Would Universal Studios consider making a movie based on the anti-Semitic tract "The Protocols of the Elders of Zion"? How would the Hollywood crowd react to a movie based on the life of Nelson Mandela called "Cry Communism"?

Mr. Speaker, my colleagues BOB DORNAN and CLYDE HOLLOWAY have joined me in introducing House Resolution 517 expressing the sense of the House that Universal Studios cancel the release of "The Last Temptation of Christ" and, barring this action, that those individuals who find the film objectionable ask their local theaters and film distribution companies not to show the film and refuse to patronize Universal Studios and those businesses that are associated with the film. I invite those who oppose the action of Universal Studios to join my colleagues and I in supporting House Resolution 517.

TRIBUTE TO HARRY LEE WATERFIELD

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

Mr. HUBBARD. Mr. Speaker, I certainly agree with my friend and colleague from California, Mr. DANNEMEYER, regarding the movie "The Last Temptation of Christ." I ask that my name be added as a cosponsor to House Resolution 517.

Mr. Speaker, Harry Lee Waterfield, twice Kentucky's Lieutenant Governor, 1955-59 and 1963-67, died last Thursday at Frankfort, KY, at age 77.

Harry Lee Waterfield, a native of Tobacco in Calloway County, KY, his pretty and talented wife Laura and their three outstanding children—Rose Gayle, Nancy, and Harry Lee II—lived for many years at Clinton, KY.

Governor Waterfield also served six terms as State representative for the First District in far western Kentucky from 1938 to 1948 and 1950 to 1952. Harry Lee Waterfield was elected House speaker for the Kentucky General Assembly in 1944 and 1946.

For several years and until his death Governor Waterfield was chairman of the board of a very successful insurance company he started—investors Heritage Life Insurance Co. in Frankfort, KY.

My wife Carol and I were among the hundreds who filled Frankfort's First Christian Church last Saturday for Governor Waterfield's funeral. Among those in attendance were five former Governors of Kentucky.

Harry Lee and Laura Waterfield were classmates of my parents at Murray State Teachers College in the early 1930's. Among the many places in Kentucky where Harry Lee Waterfield is loved and admired is Murray State University where the main library on campus is named for him.

I extend to Laura Ferguson Waterfield, Rose Gayle Waterfield Hardy, Nancy Waterfield Walton, Harry Lee Waterfield II, and to the eight grandchildren and one great-grandchild of Harry Lee Waterfield my sympathy upon his death last Thursday.

CROP DIVERSIFICATION AND THE NEBRASKA MILKWEED PROJECT

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

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today holding a lovely warm comforter in the middle of August to draw attention to and cosponsors for my bill, H.R. 1197.

This "Go Big Red" comforter, made in my district, looks and feels like a conventional comforter, but, in reality it is the first new product introduced by Nebraska Comforters filled with milkweed plant fibers being developed by Natural Fibers Corp. of Ogallala, NE.

Enterprising Nebraskans initiated this new product and are busy turning the previously scorned milkweed into a valuable drought-resistant crop with almost limitless demand. But they will need Federal assistance to augment the State and local efforts to expedite the process.

Congress can speed crop diversification like this by approving my bill, H.R. 1197. My bill would establish an institute to identify, fund, and promote research on promising new crops and new uses for existing crops. It would create new jobs and new prosperity in the depressed rural economy.

This comforter's insulating material is 60 percent processed milkweed floss. The material is light and thin, but tests show, milkweed floss is warmer than down, which is mostly imported, or synthetic insulating materials.

The House version of the 1989 Agriculture appropriations bill includes my amendment providing $50,000 for milkweed research.

The State of Nebraska has already invested $100,000 in the Natural Fibers Corp. The company hopes to create 60 to 80 jobs and have sales of around $5.3 million within 5 years.

Cosign H.R. 1197 and join in our efforts to expand agriculture's role in today's modern industrial society through renewable resources like milkweed.

CIVIL WAR DEAD DESERVE MORE THAN PAVING OVER THEIR GRAVES

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

Mr. MRAZEK. Mr. Speaker, today we will be voting on a bill designed to preserve a piece of ground in northern Virginia which is directly across Route 29 from the Manassas National Battlefield Park. But, make no mistake about it, it is not next to the battlefield, it is the battlefield. It was here on this land that Robert E. Lee chose to make his headquarters and where General Longstreet launched the important counterattack that led to the Southern victory, where 19,000 men were killed or wounded in a 3-day period and where the greatest living historian on Manassas, John Hennessey, says there are dozens of soldiers, both Union and Confederate, buried on that land to this day.

Mr. Speaker, I think it is important to remember what was at stake when we talk about the price of preserving our heritage.

Mr. Speaker, I think Michael Shaara, who won a Pulitzer Prize for a book called "The Killer Angels," summed it up best when he described the Union Army in the following way:

> If you look at history, you will see that men have fought for pay and they have fought for land. They have fought because a king makes them or just because they like killing. But they were here for something that had not happened anywhere before. They were an army going out to set other men free.

I think it is worth our paying a price to preserve this heritage, this hallowed ground, where so many soldiers fought and died for a cause they believed in so much. I think they are owed more than having their graves paved over with a Burger King or a Bloomingdale's.

LINCOLN-DOUGLAS DEBATE SITE REDEDICATION

(Mrs. MARTIN of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, 130 years ago, two men stood on a platform in Freeport, IL, debating the question of slavery. One of those men would win reelection to the U.S. Senate later that year. The other man, although defeated in his quest for a Senate seat, would be elected President of our soon to be divided Nation, 2 years later.

Those two men were Stephen A. Douglas and Abraham Lincoln. Their series of debates throughout Illinois in 1858 would become a historical high point in the annals of American political history. The question of slavery they debated would help set the stage for the Civil War, pitting brother against brother, father against son, in a war that would decide the fate of our then young Nation.

Since 1858, many of our Presidential candidates have debated the governing course our Nation should follow. Kennedy-Nixon, Carter-Ford, Reagan-Carter, Reagan-Mondale, all were debates that helped or hindered the chances of these men in their quest for the Oval Office.

One hundred and thirty years ago, two men stood on a platform in Freeport, IL, debating the question of slavery. Thirty years ago, this body passed a concurrent resolution commemorating their historic debate.

Mr. Speaker, last week I was joined by my colleagues from Illinois in introducing House Concurrent Resolution 349 to commemorate the 130th anniversary of this famous debate and the rededication of the Lincoln-Douglas debate site in Freeport, IL, on August 27.

I urge my colleagues to join us in commemorating the historic Lincoln-Douglas debate by cosponsoring House Concurrent Resolution 349.

□ 1115

PEACE IN THE MIDDLE EAST

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

Mr. LEVINE of California. Mr. Speaker, I happened to hear, unfortunately, a very oversimplified analysis of the situation in the Middle East. Let me briefly address the House to state that it is sad to hear analyses as oversimplified and, frankly, as unhelpful as occasionally are presented to this Chamber.

The fact is, Mr. Speaker, there is one essential obstacle to peace in the Middle East, and the obstacle to peace is the continued unwillingness of any of the representatives of the Palestinian people to sit down and talk peace with the State of Israel. We are seeing a tragic situation in that region unfold, Mr. Speaker. As we approach an Israeli election in November of 1988, the same month as our own elections, we can hear and see an agonizing debate in Israel about how to make peace with their Arab neighbors.

While the Israeli debate is focused upon the question of how to make peace, unfortunately, the Arab nations and the Palestinians have not yet come to the mountain on whether to make peace.

Mr. Speaker, the essential question that is facing the peoples of the region, where so much sadness, and so much tragedy and so much bloodshed has unfolded over the years, is whether or not there will be an Arab spokesman other than the representatives of the state of Egypt willing to sit down and live in peace with their neighbors in Israel. Until that happens, Mr. Speaker, and until the PLO ceases to rely upon terror and is willing to alter its convenant, which still refers to the elimination of the State of Israel, and until the PLO recognizes that peace requires the acceptance of the State of Israel as a long-term, secure and stable neighbor, distractions such as the ones that we have heard which take our eyes off the ball are not helpful and are not constructive.

We should be urging the peoples of the Arab world to agree to live in peace with the State of Israel and we should not be misled by the simplistic and inaccurate analysis we recently heard on this floor.

HERE COMES GEORGE

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

Mr. LUNGREN. Mr. Speaker, here comes GEORGE. The Gallup polls today show that that tremendous double digit lead that the Democratic nominee for President had has closed from 17 points to 7 points in a single week.

Over the last couple of weeks we have heard Members of the other side of the aisle tell us that the Republicans are in trouble, the Vice President is in trouble, that the Democrats are going to a smashing victory. Now we see the momentum changing, much like last night where the Democrats took an early lead, were in fact out ahead 11 to 4, ahead by 7 runs, the Republicans staged a tremendous comeback and won in the final inning 14 to 13. That bodes well for the fall.

We may have been down by 7 in the third inning last night, but we won in the seventh inning. GEORGE BUSH may be down by 7 points today. Tomorrow is another inning and November is when it really counts.

Keep watching. We are going to win.

TEXAS ASSOCIATION OF SCHOOL BOARDS OPPOSES MANDATED FAMILY LEAVE

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

Mr. BARTLETT. Mr. Speaker, we have not heard much about the mandated parental leave bill over the past few months. As a result of the silence, many of us felt that this particular bad idea's time had not come. But yesterday I received a "Dear Colleague" which mentions that this particular bad idea would be scheduled for House consideration during the week of September 14.

Over the last year or so I have received, as has everyone in this House, a great deal of correspondence about this bill. But the one letter from the Texas Association of School Boards really did catch my eye as an effective set of arguments as to why this is a bad idea. Here is how the school board sees the issue.

First, this bill is a new, unfunded Federal mandate, reduced to its basics, through which the priorities and terms of individual employee benefits would be set by congressional politics rather than by individual choice.

Second, the legislation will negatively impact on the education of the Nation's schoolchildren at a time when the public wants to increase the quality of education.

Third, the public schools already have leave policies which reflect locally determined priorities, and which allow for sensible variations among the Nation's 15,000 local school districts. This bill would mandate and homogenize that process.

Fourth, in schools, the burden of this bill would fall on the children in the classroom whose learning would suffer from unreasonable turnover of teachers and disruption caused by teachers who would choose to take part-time leave.

Last, this is reduced at its basic to a yuppie bill. The beneficiaries of this legislation would only be a very small group of relatively upper income employees, since leave without pay would not be a viable option for families who rely on both parents' incomes to meet living expenses.

This particular bad idea ought to stay off the House Calendar for this year.

RESOLUTION REAFFIRMING CIVILIAN SPACE PROGRAM AS A NATIONAL PRIORITY

(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, BUDDY MACKAY and I are proud to introduce a resolution today that reaffirms this Nation's commitment to make our civil space program a national priority.

While the American space program enjoyed immense popularity and respect in its glory days of the Apollo expeditions, the last 15 years have been a dwindling commitment to space.

We stand now at the verge of a new resurgence in space. After a long period of evaluation and reevaluation in the obscurity of the years after the *Challenger* disaster, the new space shuttle *Discovery* is expected to launch in a few months, signaling the rebirth of American dreams in space, and with it, the rebirth of solid commitment to an improved space program.

In fact, earlier this morning, NASA conducted a successful test firing of *Discovery's* main engines and yesterday afternoon this Chamber passed a HUD appropriations conference report which contained $900 million for the manned space station.

This resolution recognizes the contributions our space program has given the American people and the American scientific community, not only the solid achievements of space exploration, and the promising discoveries of the potential of a weightless environment, but a return of billions of dollars' worth of technological spinoffs.

I want to thank BOB ROE, chairman of the Science, Space, and Technology Committee, and BILL NELSON, the chairman of the Space Subcommittee, as well as the other cosponsors who lent their names to this legislation.

BIOPHARM, U.S.A., THE NATION'S ONLY LEECH FARM

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

Mr. RAVENEL. Mr. Speaker, I would like to announce that we celebrated the historic opening of the Nation's only leech farm, Biopharm, U.S.A., in Charleston, SC, on July 2, past. This venture, an outgrowth of Biopharm, U.K., Ltd., is a reflection of international cooperation and trade.

We are pleased to recognize Dr. Roy Sawyer, a native of Sumter, SC, currently living in Wales, and his wife, Lorna, for their pioneering work with leeches and their application to modern medicine. These leeches will be shipped all over our country to be used in research on the anticoagulent effects of leech saliva. This research holds interesting promise for the treatment of heart disease. The leeches will also be used to improve blood circulation following surgery to reattach body parts after traumatic amputation.

THE LAST TEMPTATION OF CHRIST

(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, today would have been the 93d birthday of my uncle, Jack Haley, who played the Tin Man in the "Wizard of Oz." When Jack died in 1979 he was a third order Franciscan, and he was playing what he called the "Communion breakfast circuit." He used to tell me when I was very young, and again when I was not so young, that he had never told a dirty joke or blasphemed God, and that he would have turned down any movie script that asked him to do that. He said that was the easy way out for an actor who could not act, or a writer doing a script who could not write.

MCA Universal has turned a new page in the history of show business. They are blaspheming Jesus Christ in film they are rushing into release 5 weeks early called "The Last Tempation of Jesus."

If my colleagues do not think that is a blasphemy, Mr. Speaker, because we have not yet seen the film, just read the August 18, 1988, issue of Time magazine. The article starts out in the opening paragraph: "Jesus has brief on-screen sex with his first wife, Mary Magdalene and later commits adultery," with Martha, after he was married to Martha's friend, Mary, one of the three Marys in the Testament. "Judas is a hero, the strongest and best of the Apostles. Paul is a hypocrite and liar."

It goes on to say there are a billion people, around the world, including myself, who worship Jesus as the Son of God.

Mr. Speaker, I include for the RECORD at this point the Sunday, August 7, 1988, Gospel reading of St. John 6:51-52:

> The Jews started to murmur in protest because Jesus claimed, "I am the bread that came down from heaven." They kept saying: "Is this not Jesus the son of Joseph? Do we not know his father and mother? How can he claim to have come down from heaven?"
>
> "Stop your murmuring," Jesus told them. "No one can come to me unless the Father who sent me draws him; I will raise him up on the last day. It is written in the prophets: 'They shall all be taught by God.' Everyone who has heard the Father and learned from him comes to me. Not that anyone has seen the Father—only the one who is from God has seen the Father.
>
> "Let me firmly assure you, he who believes has eternal life, I am the bread of life. Your ancestors ate manna in the desert, but they died. This is the bread that comes down from heaven, for a man to eat and never die. I myself am the living bread come down from heaven. If anyone eats this bread he shall live forever; the bread I will give is my flesh, for the life of the world."

Jesus is the only religious leader in all of history who had a following and who claimed to be the Son of God. This blasphemy should not be released on the screen this Friday, and I can tell Universal that they have bitten off more than they can chew. I, for one, am going to take them on with every ounce and fiber of strength in my being.

WELCOME TO LEV SHAPIRO, SOVIET EMIGRE

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

Mr. LEVIN of Michigan. Mr. Speaker, today the Hill is privileged to have here Lev Shapiro. Lev was in Leningrad a few years ago when the gentleman from Ohio [Mr. FEIGHAN] and I and our spouses were there. He had been waiting for many, many years with his wife and two children to be able to leave the Soviet Union.

He had applied for an exit visa. He had been refused because of the alleged argument that he had state secrets.

He waited. He acted. He protested. He worked for the freedom of others, waiting for the freedom for his own family.

Last December that freedom at last came. He was granted an exit visa and now is living his dream of a life in Israel with his family, including his elderly parents.

We welcome him. I know he would want me to thank everybody in the House and in the Senate, the National Conference on Soviet Jewry, everybody who worked together, the White House, all of the officials there on a bipartisan basis to obtain his freedom and to express his hope that all others in the Soviet Union who would wish to join him and his family will soon have that opportunity.

THE LAST TEMPTATION OF CHRIST

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

Mr. HOLLOWAY. Mr. Speaker, Universal Pictures will release a movie entitled "The Last Temptation of Christ" next week. I rise in strong protest against this blasphemous portrayal of the life of Jesus Christ.

This movie has many controversial scenes. In one such scene Jesus invites the angels to watch as he and Mary Magdalene have sex.

We cannot dictate morality in this House, we cannot legislate it, and in one way I guess I am glad that we cannot because I might be afraid of what the result would be.

But the people of this country have to be the ones who stand up and protest against a parent company like MCA putting a movie out that really betrays the people. We just cannot imagine as Americans this demeaning, inaccurate movie with our Savior, Jesus Christ.

I ask the Christian people of this Nation to stand up and boycott Universal Studios. I do not care if it is rated a "G" movie, let us protest and stay away from their movie theaters. Let us protest the parent corporation and show that we as a people are the only ones who can make a difference in this and show that we will not tolerate it in the future.

Then we will let other companies know that we as Americans do still have morality and we as Americans will say what morality and taste should be in this country.

□ 1130

PROVIDING AMOUNTS FROM CONTINGENT FUND OF THE HOUSE FOR FURTHER EXPENSES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN SECOND SESSION OF 100TH CONGRESS

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 500) providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the 2d session of the 100th Congress, and asked for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 500

Resolved, That for further expenses of investigations and studies by the Committee on Standards of Official Conduct (hereinafter in this resolution referred to as the "committee"), there shall be paid out of the contingent fund of the House not more than $300,000, any of which may be used for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

SEC. 2. Payments under this resolution shall be made on vouchers authorized by the committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 3. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning on the date on which this resolution is agreed to and ending immediately before noon on January 3, 1989.

SEC. 4. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under the first section of this resolution, if necessary to comply with an order of the President issued under section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section.

Mr. GAYDOS [during the reading]. Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute:

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof the following:

That for further expenses of investigations and studies by the Committee on Standards of Official Conduct (hereinafter in this resolution referred to as the "committee"), there shall be paid out of the contingent fund of the House not more than $350,000, any of which may be used for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

SEC. 2. Payments under this resolution shall be made on vouchers authorized by the committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 3. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning on the date on which this resolution is agreed to and ending immediately before noon on January 3, 1989.

SEC. 4. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. The Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under the first section of this resolution, if necessary to comply with an order of the President issued under section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section.

Mr. GAYDOS [during the reading]. Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. BADHAM], the ranking minority member of the subcommittee on accounts, for purposes of debate only, pending which I yield myself such time as I may consume with the understanding that any additional time which I may yield will

be subject to the specific limitation for debate purposes only.

The committee amendment provides $350,000 for further expenses of investigations and studies by the committee on standards of official conduct in the 2d session of the 100th Congress. Any of this amount may be used for the procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946. These additional funds would be available to the Committee on Standards of Official Conduct for the period beginning on the date on which this resolution is agreed to and ending immediately before noon on January 3, 1989. It should be noted that House Resolution 500, as amended, was ordered reported favorably to the House by the full Committee on House Administration at its meeting on August 3 by a vote of 17 to 0.

The total amount of additional funds—$350,000—to be provided by this committee amendment, will be used for the purpose of assuring that the Committee on Standards of Official Conduct has adequate financial reserves to use in discharging any additional responsibilities that may arise during the remainder of this session of Congress. The need for additional funds was unforeseen when that committee submitted its original primary expense resolution for consideration by the Committee on House Administration. Due to the inherent nature of the Committee on Standards of Official Conduct, its workload is not subject to either predictability or its own control.

It is imperative for the House to have the necessary resources to police itself, and, accordingly, the Committee on Standards of Official Conduct should be authorized sufficient funds to enable it to discharge its important institutional responsibilities.

Finally, I urge my colleagues to vote in favor of the committee amendment in the nature of a substitute and the resolution.

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

Mr. Speaker, I rise in support of this resolution (H. Res. 500). I would like to thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. GAYDOS], for his courtesy and the fine way in which he has handled this resolution. I will also advise him that I have, besides myself, three additional speakers who will consume some time.

This resolution does provide for an additional $350,000 in supplemental funding for the Committee on Standards of Official Conduct.

Each year when our Accounts Subcommittee reviews the request for funding of the committees of the House we recognize the fact that this particular committee's request is based on what only can be currently known and projected needs at that time. However, recent events with which we are all familiar have required the committee to seek additional funding this year. The resolution was approved by all the membership of the Committee on Standards of Official Conduct and by a 17- to-0 vote in the full Committee on House Administration. It was additionally unanimously approved by the Subcommittee on Accounts. I believe that this funding measure is necessary to ensure that the Committee on Standards of Official Conduct will be able to meet all, and fully meet all of its responsibilities to this House.

Mr. Speaker, I yield 15 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

I do not think I will take all of that time. I might like to reserve a little bit of it to respond to my colleagues who may want to respond to what I am about to say.

I want to recommend that every Member vote "yes." I think we should finance this. I think it is a legitimate first request and I suspect there may be more following.

But I want to take a few minutes to talk about what I think is frankly an inadequate response by the committee. I do not mean this in terms of any of the members of the committee. I think that they are trying very, very hard to do a very, very difficult job. But I think we are in a period of transition. I think the rules, the systems, the procedures that used to apply do not apply because times are changing. And I think in particular that there are some assumptions about how one investigates somebody as powerful as the Speaker of the House that are just not appropriate to what is going on.

When it was announced that we would have independent counsel, Common Cause chairman, Archibald Cox, urged the Ethics Committee to publicly establish the authority and independence of outside counsel for the inquiry.

At that time I had expressed some concerns about the counsel who was chosen, not as an individual but because it seemed to me there were some general questions that deserved to be looked at and deserved to be answered.

I then sent a letter to the chairman of the Ethics Committee asking a series of questions. I did not, to the best of my knowledge, get a letter back personally. We did get a "Dear Colleague" of August 4 signed by both the chairman and the ranking member. The essence of the letter on August 4 was that they were not going to answer Common Cause's questions. But in fact they were going to generalize about the issue and they made several assertions that I want to focus on.

Let me say first that this is not an isolated set of questions invented by NEWT GINGRICH. You can look at editorials from the Cleveland Plain Dealer, you can look at National Review. You could look at the Wall Street Journal, the Washington Times, the Boston Herald, the San Diego Union, the San Antonio Express News, the Washington Post, the Arizona Republic; all have raised questions. Common Cause has raised questions and I think that if you look at the background of Archibald Cox's experience, summarized in the San Diego Union an editorial on August 1 which said the following:

> These constraints prompted an outcry from former Special Prosecutor Archibald Cox, the chairman of Common Cause, a nominally liberal citizens lobby that led demand for a fullscale probe of Mr. Wright's wheeling and dealing. Mr. Cox speaks from personal experience. He was fired in 1973 after insisting that President Richard Nixon turn over the now-famous White House tapes that had a direct bearing on the Watergate investigation. Mr. Cox's call for the committee to ensure that Mr. Phelan has the authority and independence to conduct a credible investigation carries real weight. Consider for example the outside counsels who were hired by the Ethics Committee for the Koreagate and Abscam investigations only to resign in protest because of the strict limits placed on them.

That is the San Diego Union.

Now the letter which was sent out, may I say with all due respect, attempts in significant ways to trivialize the questions being raised by Common Cause and the questions I raised in my letter of July 28.

For example, it was suggested that I object to Mr. Phelan exercising his "right as an American citizen to support individuals of a particular party."

I did not say that at all. I did raise the question that a man who would raise between $50,000 and $100,000 in this Presidential cycle and was a delegate to a convention this summer is a little active. This is more than your "right as an American citizen." This is an active partisan Democrat.

Had anyone suggested, "Let's investigate Ed Meese, William French Smith is available," it would have been a joke. I was simply saying it seemed to me sad that the committee could not look out in America and find a single independent or a single nominal Democrat who was not actively raising money or, even, radically, a Republican. None of those were found. But a man who is an active Democrat—and I am not questioning Mr. Phelan's integrity, but I am saying as a matter of public propriety, even though Mr. Phelan may be a superb attorney, that that raised a question.

I said, second, in a press conference that when I talked to former U.S. attorneys they had said unanimously they thought it was useful to have prosecutorial background.

In fact, I have been told by people who know Mr. Phelan, he is a superb

investigator, he will do a fine job, he is a systematic researcher. And I am not raising any objection to Mr. Phelan. But again I would suggest in a case which involves tracking down leads, trying to understand the meaning of conversations and documents and accounting systems that somebody who came out of a prosecutorial background might have been a more appropriate choice and one more inclined to automatically sense, intuit, if you will, where it is going.

But for the letter to suggest that anyone is questioning the right of an American citizen to support individuals of a particular political party is to trivialize the issue.

Second, the letter suggests on page 1 that somebody is impugning the integrity, not only of the committee but the individual himself. That is not true. One can question wisdom without impugning integrity. One can believe sincere and well-meaning and decent and committed people just were not wise; that it was not the right choice to reassure the American people, to reassure those who are worried about ethics in the House.

The committee goes on to say, I believe on page 3, that the Committee on Standards of Official Conduct essentially is bound by the rules of the Committee on Standards of Official Conduct. There are two answers to that.

First, is that committees can interpret rules very broadly and can delegate enormous power within those rules; and the second is committees can come back to the House and say, "In this case for the purpose of this investigation we recommend changes."

To abide by the rules and then claim that you are trapped by the rules you abide by is simply, I think, not responsive. It is clearly possible for the committee to recommend changes if it thinks changes are necessary.

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

Mr. GINGRICH. I am glad to yield to the gentleman from Texas.

Mr. FROST. I thank the gentleman for yielding.

Mr. Speaker, I would only ask the gentleman—and this was mentioned previously, just a few moments ago, where it was pointed out that this committee is made up of six Democrats and six Republicans, an equally divided committee. The decision was unanimous.

Mr. Speaker, does the gentleman have a quarrel with the Republican members of this committee? Is there something wrong with the Members of his own party who serve on the committee?

Mr. GINGRICH. Yes, if I may reclaim my time. Let me point out to the gentleman that, in fact, we have no way of knowing as a House what reservations or what discussions went on prior to unanimity. We have no way of knowing what misgiving members of the committee might have had because they are bound by secrecy.

So I suggest to the gentleman that we are trapped in the situation where the committee cannot tell us because it is secret, so we do not know.

Mr. FROST. But the six Republicans voted for this. Was there something wrong with the judgment of the six Republicans on this committee that they voted for this?

Mr. GINGRICH. I think that the pressures of being in the room are trying to reach a bipartisan agreement can legitimately lead members of the committee to reach a conclusion different than those that are seen by people who are not in that room.

Mr. FROST. Well, is the gentleman concerned that the Republican members will not stand up and vote their convictions, that they will not cast the dissenting vote if they feel strongly about a matter,

Mr. GINGRICH. I am simply trying to communicate that for those who have no idea what was happening in secret, it is reasonable to raise questions and that today, before voting on the authorization of the expenditure of $350,000 is the appropriate time to say to the committee members on both sides—I did not mention partisanship—the committee members on both sides, all 12 of them that there are concerns that Common Cause has, that there are concerns that 10 or 12 newspapers have, there are concerns that citizens have and that the committee members should be aware of those concerns and furthermore that the letter which is a public document—not secret—and which was not responsive.

Mr. FROST. And which was signed by the ranking Republican.

Mr. GINGRICH. Again, I am not raising the question of partisanship, the gentleman is.

Mr. FROST. My only point is that this is one of the few committees in Congress that is equally divided between Republicans and Democrats. There cannot be any serious argument that the minority is being steamrollered when you have equal representation on this committee. And if what the gentleman says is true, then it seems that at least one or two of the Republican members would have dissented on this.

Mr. GINGRICH. Let me reclaim my time and make the point that I made at the beginning. We are in a time of change. There was a report issued by this committee 1 year ago which I am confident, were it issued now, it would include sanctions. The rules are getting tougher, the investigations are getting tougher; the public awareness of corruption was in the New York times yesterday, a request for the committee to investigate yet another member. This is all building. The committee itself is in transition. That is good. I simply want to lay out the record that there are two things to be looked out.

Two last points: For the committee to suggest that there is any "represents an assault upon the foundation of our system of representative government," again, I think, obscures the underlying key issue.

□ 1145

The fact is that the investigation of the second most powerful official in America and the man second in line to the President is different than anything the committee has ever done. The entire integrity, I think, of the House is at stake. It is a very difficult situation, and I think the committee should feel itself obligated not simply to be bound by the rules as they exist but, if necessary, to come back to the House and say, "We think we need to change some things, we think we need to open some things up." To be told that it has to be secret because the rule says it has to be secret, and that, by the way, we are not going to recommend changing it, is to say that we like it to be secret.

Common Cause asked some questions that are not answered by the letter. I have asked some questions that are not answered by the letter. In fact, the letter says quite specifically they are not going to try to answer the questions. I think the people of the United States have the right to have answers to these questions, and I think we have a right to know that there will be a systematic process of investigation and reporting which is at least as open as the Iran-Contra process, and that we are not going to protect politicians' secrets any more than we protected America's allies or America's national security secrets.

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

Mr. GAYDOS. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the chairman of the Committee on Standards of Official Conduct, the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I thank the chairman of the subcommittee for yielding this time to me.

First, Mr. Chairman, I would like to thank the members of the Committee on House Administration for the expeditious way in which they handled this resolution. I appreciate the gentleman from Georgia saying that he will support this resolution, and I respect his right to take time out to raise issues of concern.

The gentleman from Georgia indicates and uses the term, "independent counsel." I think we should make it clear that there is no statutory authority for independent counsel, that

all the authority that any counsel, whether staff or special outside counsel, has flows from the authority of the committee. That is that neither special outside counsel nor staff counsel has the right to issue subpoenas but, rather, in our committee those are signed by the chairman and ranking member.

If the gentleman from Georgia wants to have outside counsel in the future in some case, it is his right to introduce legislation to do that, and we can debate that issue. However, at the present time let us not be confused by the term that he uses, "outside counsel."

I am sorry that the gentleman from Georgia did not receive the letter from me. Our committee has been very thorough in its conduct of business and correspondence with the gentleman from Georgia [Mr. GINGRICH]. As a matter of fact, I have said in this well several times that we are pen pals. On July 28, he did repeat and parrot the Common Cause letter expressing his concerns. That is his right. On August 3, we sent to his office a response to his letter. I am sure it is not adequate for him.

There is an employee on his payroll by the name of Mary Anne Farmer. At 10:28 on August 3, she received and signed for the letter. Not only that, I saw the gentleman from Georgia [Mr. GINGRICH] on the floor on that particular day. He said to me, "You owe me some correspondence." My response was that I sent it that morning.

So I apologize to him if we have not been thorough enough, but I would suggest to him that he go back and check and see if in fact an employee in this office received a letter on August 3.

This committee, as has been pointed out by the gentleman from Texas and others, is a nonpartisan committee in the sense that there are six Republicans and six Democrats on the committee. Those six members of the Republican Party and those six Democrats selected an outside counsel. I never anticipated that the gentleman from Georgia [Mr. GINGRICH] would agree to anyone we selected. The gentleman from Georgia [Mr. GINGRICH] is the moving party here. There is no one more biased on this floor. The gentleman from Georgia [Mr. GINGRICH] has signed a complaint that to the best of his belief certain allegations against a Member of this House are true. So the gentleman from Georgia [Mr. GINGRICH] is the last person that I would ever want to judge outside counsel.

As it relates to the newspaper articles, we cannot run this institution based on what the Chicago papers say or on what the San Diego Union says. We must run this House on what the rules of the House say.

The gentleman from Georgia [Mr. GINGRICH] would suggest to us that because the investigation at hand involves the Speaker of the House, there should be some different standard. As far as I am concerned, the Speaker of the House is no better or no worse than the other 434 Members of this House. He should live up to every code, rule, and regulation. We cannot set a standard for one Member of the House that all other Members of this House should not have to live up to.

So we should ask ourselves, why in this particular case is the issue of some special standard raised? The issue raised for a special standard is a politicization of this issue, and I am proud of the fact that notwithstanding the many special orders that this Member has taken out, in fact all 12 members on all decisions in these matters have withstood political pressure.

So, Mr. Speaker, we should not be persuaded by what Common Cause thinks. It is their right and their responsibility as a citizens' group to speak out. It is our right to adhere to the rules of the House, and it is the responsibility of our committee to do what we think is proper, and in this case each member of the committee agrees.

Mr. BADHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I really had not intended to make any comments this morning. I think the request of the Committee on Standards of Official Conduct is self-explanatory.

I do want to thank the Committee on House Administration, the committee chairman, the gentleman from Illinois [Mr. ANNUNZIO], the ranking member, the gentleman from Minnesota [Mr. FRENZEL], as well as both the subcommittees here and their chairmen and ranking members and the entire membership of the House Administration Committee, for helping us.

I am going to speak rather briefly about the request we have made. It is not out of order for this committee to make this kind of request this late in the session. As was said earlier, we do not dictate our schedule. That is brought upon us by what happens from the membership and what the requests are that we receive. So we do not really control the amount of money we spend to that extent.

The special request comes not just because of one complaint lodged against one Member of the House of Representatives. The Committee on Standards of Official Conduct has a number of cases pending right now that may well require additional funds. I want to emphasize again that this is not just solely because we have a complaint against the Speaker of the House. There are a number of cases pending before this committee.

The committee does have a very special responsibility. Our committee is different than any other committee of this House. We are dealing with people's careers. I guess there is hardly a day goes by that we do not receive in some fashion or some form a request to investigate either another Member of this House or a staff member or at least a suggesting that there is wrongdoing.

If this committee, dealing with the careers of Members, started to make public every letter we receive and every complaint we receive, we would have a lot more trouble around here than we have. We do not treat these things lightly. We examine the accusations made, and it takes time. We have our own counsel and our own investigators that do this, and it goes on constantly. Just because we are concerned about whether we want to protect one political party or another, that has absolutely nothing to do with it. We are going to protect the integrity of the House and the reputations of Members until we find otherwise and until it is necessary to take some other action. But it just cannot be done in public.

I know that the media, of course, is in the business of selling newspapers and getting headlines, whether we are dealing with the electronic media or the printed media. Of course, they are not going to like the fact that they do not have access every day to what is going on in the Committee on Standards of Official Conduct. They would like to have it. I cannot fault them for that. I have a daughter and a son-in-law in the media, and they would love to have all this, too. We cannot fault them for that.

But it is the responsibility of this committee to do what is right, and this is what we are doing here. I can assure all the Members here who are concerned about this special request that the Ethics Committee is not going to spend one more penny than is absolutely necessary. I hope this money will not be necessary. My estimate is that some of it will be necessary between now and the close of this session, and we felt it necessary to have that money available late in the session when we have other business so we can take care of it now. But I can assure the Members none of this money will be spent unless it is absolutely necessary.

The committee is doing its work, and it is not an easy job. It is one that any one of us would be glad to give up to some of the rest of the Members. But until you wear these shoes, you will find it is not as easy as you might think. We are charged with the responsibility of protecting the integrity and continuing the reputation of the

House of Representatives. I think that is our primary responsibility.

As far as partisanship is concerned, as has been said, we all know that this committee is composed of six Democrats and six Republicans. It is the only committee in the House that is so divided; it is politically blind, and we must be. We are going to do the right job regardless of how the politics might shuffle out.

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

Mr. MYERS of Indiana. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Speaker, this is a thoughtful time in our process here, and as a former member of the Ethics Committee, let me say it is an assignment that most Members do not want, to watch their fellow colleagues and peers. But irrespective of this particular case, perhaps it is appropriate that we ought to be thinking as a House about giving a major responsibility of this committee to an outside panel.

It is very tough for doctors to look at doctors or for dentists to look at dentists. It is difficult for lawyers to review lawyers or for others, whether it is professional or nonprofessional, to be a judge and jury of their own peers.

I think the public is generally suspect of whatever we do, rightly or wrongly. Maybe it is appropriate that we consider some legislation that would establish a retired district judges' panel or some representative body that could serve to review Members of Congress as an outside group.

Mr. Speaker, I just think that is a thoughtful idea that some people have discussed. I like it myself, and I just wondered what the gentleman's thoughts might be on that.

The SPEAKER pro tempore (Mr. RUSSO). The time of the gentleman from Indiana [Mr. MYERS] has expired.

Mr. BADHAM. Mr. Speaker, I yield 2 additional minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, this discussion about changing the rules of the House has been had both by the committee through the years and by other Members. Constitutionally, the House of Representatives has the sole responsibility of investigating itself and of disciplining itself, and so we would have to somehow, statutorily or otherwise, circumvent the Constitution of the United States. That is not an easy job to do, but it has been considered.

But this involves more than just this particular case, and I am not talking about any one particular case now that is on the platter before the Committee on Standards of Official Conduct. This has been discussed, but this is not the case to talk about it today. In the future, if that needs to be done, if that be the wish of the House of Representatives, it may be in order to make such an adjustment.

I was here in 1969 and 1968 when the whole thing was changed, when we created the Committee on Standards of Official Conduct, and the discussion was had then. Constitutionally, we have to have the authority within the House itself to investigate ourselves. There is no provision, statutorily or otherwise, or by rule, to have an independent outside counsel, one who works independently. I think I am correct in saying that no committee of this House can delegate its authority to subpoena, as a example.

Mr. PURSELL. But, Mr. Speaker, if the gentleman will yield further, I think we have to find a way to have some objectivity regardless of the case, maybe by use of an advisory group, at least, through the Ethics Committee or through the House. Maybe there is a way out of this to see that we get objectivity so that the general public can trust our decisions and know they are not political decisions to protect our colleagues. That is really the bottom line concern here.

Mr. MYERS of Indiana. Now, Mr. Speaker, that is the reason this committee has frequently chosen to select a special outside counsel, not independent, because we do not have the authority to do that, but this person will be independent to make his own investigation. That is what is going on right now in several cases. In one case right now we have a special outside counsel.

Mr. PURSELL. That is a step in the right direction.

Mr. MYERS of Indiana. Mr. Speaker, that is the reason we created the special outside counsel.

The SPEAKER pro tempore. The Chair will state that the gentleman from California [Mr. BADHAM] has 6 minutes remaining, the gentleman from Pennsylvania [Mr. GAYDOS] has 23 minutes remaining, and the gentleman from Georgia [Mr. GINGRICH] has 4 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. GAYDOS].

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

□ 1200

Mr. BADHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL], the ranking member of the Committee on House Administration.

Mr. FRENZEL. Mr. Speaker, the minority on the committee agrees with the distinguished gentleman from Pennsylvania [Mr. GAYDOS] and the committee's ranking member, the gentleman from California [Mr. BADHAM], that all Members should vote for this resolution.

We believe that the committee has acted responsibly, that it is fulfilling the duties set out for it by the House, and that the members of the Committee on Standards of Official Conduct, are going to do their duty. We are giving them this amount of money as a vote of confidence in the committee.

On the other hand, I think we cannot ignore the complaints of the gentleman from Georgia that we expect when we give this money and this authority to the committee that it is going to do the job thoroughly. We expect it is going to let its independent counselor follow where the trail leads. It should not give him a hunting license, but on the other hand it should allow him the necessary tools to do his job.

Our committee also has no objection to the selection of the counsel. He is apparently a highly qualified person. In this resolution we confirm that committee's confidence in him. We on the minority side do note in passing a substantial difference between how the House investigates its own and how we insist, under other laws, that independent counsels go after members of the executive.

We do note further that our Members are in a protected status compared to members of the executive departments. We believe the House method is preferable, and suggest that a single standard would be more appropriate.

Again, Mr. Speaker, I urge all Members to vote for the bill.

Mr. BADHAM. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH] for the remainder of his time.

The SPEAKER pro tempore (Mr. RUSSO). The Chair will state that the gentleman from Georgia has 4 minutes remaining and 4 minutes remains on the balance of the time for the gentleman from California.

The gentleman from Georgia [Mr. GINGRICH] is recognized for 8 minutes.

Mr. GINGRICH. Mr. Speaker, let me first of all thank the gentleman from Illinois [Mr. ANNUNZIO], the chairman, and the gentleman from Minnesota [Mr. FRENZEL] for the time they have given me and for the work we have done together. I want to thank the gentleman from Pennsylvania [Mr. GAYDOS] and the gentleman from California [Mr. BADHAM] for the work they do on the Subcommittee on Accounts, and I also want to just take a minute to thank the gentleman from California [Mr. DIXON], the chairman, and the gentleman from Indiana [Mr. MYERS] and the fact is that to some extent I know that I am occasionally a bur under their saddles, and I know that I make life more difficult than it might be, but I appreciate what an extraordinarily difficult job they have tackled.

I think this is hard, but I want to share just for a couple of minutes as

we close why I am taking this so seriously, why I am insisting on bringing it to the floor. I could not agree more when it was said earlier, and I wrote it down, that, "you've been very thorough in dealing with Mr. GINGRICH," and it is known that Karen van Brocklin on my staff and I have bothered the staff probably more than any other 12 Members combined, and this staff has been very gracious in trying to work with us given the restrictions.

I was looking through this morning a new report that came out from the New York State Organized Task Force on Corruption and Racketeering in the New York City construction industry. I read recently the charges filed against the Teamsters Union by Mr. Giuliani, and I was really struck with the reality that however tough it is, and the gentleman from Indiana [Mr. MYERS], I think, spoke from the heart in commenting on how tough it is to judge your friends, your colleagues, people riding in the elevator, people in the same committee. However tough that job is, we face a very new and a very different reality in this House, and we have not quite yet confronted it. That is the absolute fact that in 1986, 98.4 percent of the incumbents who ran for reelection were rehired, that with $1,200,000 a cycle we now give ourselves to spend of the taxpayers' money we are virtually invulnerable, that the job of purging those who fail can no longer be done by the American people.

The job of being tough on those who are unethical is almost impossibly done now by the American people because a smart staff, a shrewd expenditure of $1,200,000, and one can survive almost anything.

And we face a very real and a very deep crisis in this institution. There are by my latest count 19, or 20 or 21 Members, depending on how you judge it, in the newspapers, and I agree that the newspapers are not the only source of information, but they are an important source. There are two convicted felons, one of whom resigned in the last few days, the other who will resign before October 4. This should sober and sadden and at the same time increase the determination of every Member of this House because either we are going to be tough on ethics, or in the long run corruption is going to be very tough on the innocent and the weak.

If my colleagues have any doubt about that, read the New York State Task Force on Organized Crime. Read the filing on the Teamster Union. The Members should ask themselves what will happen to this House if corruption ever sinks in here and becomes normal.

Remember, this is not a city council. This is not a State legislature. This is a body that supervises the Central Intelligence Agency, the Federal Bureau of Investigation, the Internal Revenue Service.

Mr. Speaker, the morning that we are less than vigilant in rooting out unethical behavior, and again I draw a distinction between human weakness, which every one of us has, human error, which every one of us makes, and those behaviors that cross the line, and so it is frankly sad. It is not happy, it is not funny, it is not easy or nice to be the person who stands in this well, and I share the burden that is carried by the chairmen and their committee members.

I would like to suggest without, hopefully, it being too self-serving, but this has not been all that much fun on my side of the speech either. But, if we are not tough and vigilant in a world where for all practical purposes incumbents cannot be defeated, we will have within a decade a House which resembles this kind of a report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] has 23 minutes remaining.

Mr. GAYDOS. Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and on the resolution.

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

Mr. FRENZEL. On what, Mr. Speaker?

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. BADHAM. Mr. Speaker, I did not yield back the balance of my time.

The SPEAKER pro tempore. The Chair will state that it was the understanding of the Chair that the gentleman from California [Mr. BADHAM] had yielded his remaining time to the gentleman from Georgia [Mr. GINGRICH].

Mr. BADHAM. Mr. Speaker, if I might respond to the Chair?

The SPEAKER pro tempore. Will the gentleman from California allow the Chair to state the process?

Mr. BADHAM. Absolutely, Mr. Speaker.

Mr. GAYDOS. Mr. Speaker, I yield 5 minutes to my colleague the gentleman from California [Mr. BADHAM].

The SPEAKER pro tempore. The gentleman from California [Mr. BADHAM] will cease while the Chair states the question here.

The gentleman from California, as the Chair recalls, yielded the balance of his time to the gentleman from Georgia [Mr. GINGRICH]. At that point the Chair then made a statement that the gentleman from Georgia had 4 minutes remaining on his time and the 4 minutes that the gentleman from California had yielded, which meant that the gentleman from Georgia had been recognized for 8 minutes. The gentleman finished his time, and at the finish of his statement he yielded back the balance of his time, which was all the time he had remaining to the chair, which was about 3 minutes, but he yielded back the balance of his time, which included the 4 minutes the gentleman from California [Mr. BADHAM] had yielded to him.

The Chair will then state to the gentleman from Pennsylvania [Mr. GAYDOS] that if the gentleman from Pennsylvania will withdraw his motion for the previous question, the gentleman from Pennsylvania still has 23 minutes remaining, at which point he could yield time to the gentleman from California [Mr. BADHAM].

Mr. GAYDOS. Mr. Speaker, I withdraw my previous motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] has 23 minutes remaining.

Mr. GAYDOS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Speaker, I am thankful for the kindness and graciousness of the Chair, of the Speaker, and the chairman of the committee. I certainly did not want to appeal the ruling of the Chair whether I thought it was wrong or not.

I merely did want to say in closing our side of the debate that I appreciate the fact that the debate was held, and I certainly give my greatest respect, I think, to the chairman of the Committee on Standards of Official Conduct, and the ranking member and all the members of that committee for the tireless work they do and the difficult job that they do, and I encourage all Members to vote for this resolution as being absolutely essential to the conduct of this House, and I commend also the gentleman from Georgia [Mr. GINGRICH] for raising the level of this debate to the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GAYDOS. Mr. Speaker, at this time I think it is imperative that I thank the chairman of the full committee, the gentleman from Illinois [Mr. ANNUNZIO], also the minority, for their specific cooperation, and to emphasize a matter of record that this procedure that the Subcommittee on Accounts has just concluded as always follows statutory requirements. We have not changed it one iota. What we have done before and probably will do in the future is governed by the statutory authorization to the committee as to what we can handle and under what conditions we can and what rules and regulations the Committee on House Administration has set into effect.

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

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

Mr. PASHAYAN. Mr. Speaker, I should just like to offer the observation as a member of the Committee on Standards of Official Conduct that not only is it a very hard-working committee, but it does its job very, very well indeed, so well indeed that I should hope in the very near future the House would consider making all the committees even in their ratios of Republicans and Democrats, and perhaps that would solve a lot of other problems in this body as well.

Mr. GAYDOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. FRENZEL. 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 408, nays 0, answered "present" 1, not voting 21, as follows:

[Roll No. 274]

YEAS—408

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
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
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
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
Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
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
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
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
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

ANSWERED "PRESENT"—1

Murphy

NOT VOTING—21

Aspin
Bentley
Boulter
Dowdy
Edwards (OK)
Hatcher
Johnson (CT)
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Molinari
Ridge
Shuster
Smith (NJ)
Spence
Weber

□ 1230

Mr. MURPHY changed his vote from "nay" to "present."

So the resolution, as amended, 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. GAYDOS. 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 500, the resolution just agreed to.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., FRIDAY, SEPTEMBER 2, 1988, TO FILE SUNDRY REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until 6 p.m. on Friday, September 2, 1988, to file sundry reports.

This request has been cleared by the minority.

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

There was no objection.

AUTHORIZING CORRECTIONS IN ENROLLMENT OF S. 328, PROMPT PAYMENT ACT AMENDMENTS OF 1987

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the concurrent resolution (H. Con. Res. 351) to correct errors in the enrollment in the bill (S. 328) to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

The Clerk read the title of the concurrent resolution.

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

Mr. HORTON. Reserving the right to object, Mr. Speaker, and I will not object, I just want to ask the chairman to indicate what this is.

As I understand it, these are just technical corrections for the Prompt Payment Act for some errors made in the printing.

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

Mr. HORTON. I am happy to yield to the gentleman from Texas.

Mr. BROOKS. Specifically, Mr. Speaker, I inform my distinguished friend, the gentleman from New York [Mr. HORTON], the purpose of this resolution is to correct the enrollment of S. 328, the Prompt Payment Act Amendments of 1988, which passed the House on July 26, by a vote of 394 to 0.

Specifically, Mr. Speaker, the resolution makes grammatical corrections, corrects cross references to the United States Code, and clarifies the effective dates.

I am informed by the sponsors of the bill in the other body that they intend to act this week to send the bill to the President.

Mr. HORTON. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 351

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 328) to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes, the Secretary of the Senate should make the following corrections:

(1) In section 3901(c) of title 31, United States Code (as added by section 2(c)(1) of the bill), strike out "3907" and insert "3906".

(2) In section 14(a) of the bill, strike out "sections 2," and insert "sections 2(a), 2(b),".

(3) In section 14(c) of the bill, strike out "section 3(c)" and insert "sections 2(c) and 3(c)".

(4) In section 14(a) of the bill, strike out the comma after "Act".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1988

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4526) to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and amendment made in order by this resolution and which shall not exceed one hour, with fifty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with ten minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 515 is an open rule providing for the consideration of H.R. 4526, the Manassas National Battlefield Park Amendments of 1988. H.R. 4526 is a legislative response to the controversy surrounding a proposed shopping mall to be constructed on a site adjacent to the existing boundaries of Manassas National Battlefield Park. The proposed shopping mall would cover the site of Gen. Robert E. Lee's headquarters and the staging area for General Longstreet's decisive counterattack on Union forces during the Battle of Second Manassas. The proposal to construct a mall on this site has been protested in recent weeks by local preservationists and by Civil War historians from around the country.

Mr. Speaker, House Resolution 515 waives points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of House rule XI. Clause 2(1)(6) of rule XI prohibits the consideration of any bill until the report of the committee or committees reporting the bill has been available for three calendar days. While H.R. 4526 was referred to the Committee on Interior and Insular Affairs when introduced, the committee reported amendment in the nature of a substitute was sequentially referred to the Committee on Public Works and Transportation for the consideration of section 4 of the amendment. The Committee on Public Works did not mention section 4; however, the committee did file a report stating its views on that section and because that report has not been available to the House for 3 calendar days, the waiver of clause 2(1)(6) of rule XI is necessary. The Committee on Rules recommends this waiver because it is technical in nature and because if will expedite the business of the House and allow the consideration of this most important legislative initiative prior to the recess of the House for August district work period.

Mr. Speaker, House Resolution 515 provides for 1 hour of general debate, 50 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and 10 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The rule also provides that when the bill is considered for amendment under the 5-minute rule, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs which is printed in the bill as an original bill for the purpose of amendment. The rule further provides that each section of the bill shall be considered as read.

Mr. Speaker, the rule waives three points of order against the substitute. The first waives points of order for failure to comply with the provisions of section 302(f) of the Budget Act. Section 302(f) prohibits the consideration of measures that would cause the appropriate subcommittee level, or program level, ceiling to be exceeded for a fiscal year. The second waiver, waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill.

H.R. 4526 provides for a legislative taking of privately held properties in Prince William County, VA, and directs the Secretary of the Interior to pay just compensation to the owners of the property. The expenditures as-

sociated with the legislative taking would create new budget authority for fiscal year 1988 which would cause subcommittee allocations to be exceeded in this fiscal year and would result in direct spending by the Secretary of the Interior. As Members know, the development of the tract is currently proceeding and the Committee on Interior and Insular Affairs has recommended this urgent action in order to preserve a priceless and invaluable historical site. The Committee on Rules has recommended the waivers of section 302(f) of the Budget Act and clause 5(a) of rule XXI because of the urgency of the need for the U.S. Government to take possession of this parcel of land.

Finally, the rule waives clause 7 of rule XVI, the germaneness rule, against the substitute. This waiver is necessitated because the amendment in the nature of a substitute reported by the Interior Committee includes two provisions which were not included in the introduced bill and which are not germane to the introduced bill. The first provides that the Secretary of the Interior shall work with State and local governments to encourage preservation of the scenic viewshed of the battleground; the second directs the Secretary to conduct a study on the possible relocation of two highways which run through the existing national park. The Committee on Rules concurs with the Interior Committee that these amendments to the introduced bill will enhance the preservation of this historical site and for that reason recommends this germaneness waiver against the substitute.

Mr. Speaker, the rule also provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. Finally, Mr. Speaker, House Resolution 515 provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, I strongly support the efforts of the Interior Committee and my colleague from Texas, Mr. ANDREWS, to save the 600-acre Prince William tract for the enjoyment and education of future generations. H.R. 4526 is a reasonable response to a clear and present threat to the preservation of a valuable piece of American history. While the means of acquiring this property may provide some of my colleagues some question, the Committee on Interior and Insular Affairs has weighed these questions carefully and recommends this action as the most expedient way to preserve an important part of our proud national heritage.

Mr. Speaker, if I may make a personal observation, my family and I have visited many of the Civil War battlesites surrounding Washington, and I believe these visits have been of great value in teaching my children about the struggles of our Nation to ensure freedom and liberty for all our citizens. No dollar value can be placed on such a lesson and for that reason, I urge adoption of this open rule so that the House may proceed to the consideration of this most important legislative initiative.

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

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

Mr. Speaker, I appreciate the importance of protecting nationally significant lands and adding those not now a part to our national parks.

However, the land in question in this bill is not of such significance that it merits the extraordinary legislative-taking procedure or the large amounts of money that are being proposed in this bill.

Mr. Speaker, we should remember that the boundary of Manassas National Battlefield Park has been expanded twice by Congress since the establishment of the park in 1940. The lands proposed to be added to the park by this bill were studied for addition to the park the last time it was expanded in 1980. Mr. Speaker, not one of the five House-passed versions of the expansion bill in the late 1970's proposed addition of this tract. Mr. Speaker, it is very strange that this tract of land which is outside the main battlefield area has suddenly become so important. If this was such a crucial piece of land, why was it not included in 1980?

Mr. Speaker, the extraordinary procedure being used to acquire this land, called a legislative taking, means that ownership of the land would pass to the Government upon enactment. The Secretary of the Interior would then be directed to compensate the current owners of the land. The amount of such compensation, including interest, would be determined by negotiation or by the courts. While it is impossible to know what the final figure will be, the administration estimates that the cost could be up to $100 million.

Mr. Speaker, this cost is equal to several years of National Park Service land acquisition funding nationwide. These additional costs would also violate the limitations on direct spending contained in the bipartisan budget agreement reached last year between the Congress and the President.

Mr. Speaker, the proponents of this bill will argue that this legislative taking method is the fairest and quickest resolution to the issue. However, as noted in the dissenting views in the report of the Committee on Interior and Insular Affairs, past practice does not bear this out. Recent experience at Redwood National Park indicates that this approach is neither timely nor inexpensive. At Redwood National Park, private landowners have yet to be fully compensated 10 years after the taking and the final cost is now estimated to be in excess of 1,300 percent of the original estimate.

In addition to problems with the bill, I should note that the rule providing for consideration of this bill includes four different waivers of points of order, one of which is a waiver of the Budget Act. Section 302(f) of the Budget Act is violated because this bill proposes the spending of money which was not allocated to the Interior Committee under the most recent budget resolution.

Mr. Speaker, I oppose this rule because of the Budget Act waiver, and I oppose this bill because the likely cost is far greater than the limited benefit to be derived from it.

□ 1245

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, H.R. 4526 comes to this House under the guise of a historical preservation bill. Its sponsors speak piously of historical significance, but that significance was undiscovered until development plans began to threaten the residential serenity of local residents.

In the first place, the National Park Service and the Department of the Interior have not exactly been salivating over the property. As a matter of priority, this parcel seems to be off the bottom of their scale. The Park Service has other land it would like to acquire. As a preference, if we are rolling in money, the Park Service would prefer to use additional funds to improve the management of the land it already controls.

Does the land have significance? Of course it does. It is hard to find a square foot in the area that does not. Do the Civil War buffs want the land? Of course they do. They want lots of other land, too.

But, for an outsider, or as to one whose committee jurisdiction does not include such matters, it appears that this 600 acres is a target of opportunity, rather than a target of priority.

Only when groups began to object to development which appeared to disrupt the local residential tranquility, did the matter assume national prominence. That prominence, and the national interest in a key historical event in the country's history, has transformed the normal chauvinistic desires of local people to protect their inter-

ests into some kind of historical crusade.

Members may note that the rule requires another Budget Act waiver. While our open-handed Rules Committee has made waivers a regular routine, a $100 million waiver is not routine. The rule itself should be defeated.

One hundred million dollars is a lot of taxpayer dollars. The Park Service could do many wonderful things with $100 million. So could every other department of Government. But, this bill appears to say that $100 million must be used to protect a handful of local people from a mall they don't want.

If the $100 million is divided on a per capita basis, I suspect the taxpayer cost per protected local resident is pretty high. On a square-foot basis, it may not be in a class with downtown Tokyo, or beach front Oahu, but 4 bucks a foot is pretty steep; $100 million would buy miles of virgin forests, snow capped peaks, or assorted rocks and rills.

At best, H.R. 4526 is a squandering of taxpayers' money on a low- or no-priority matter. At worst, it is squandering national taxpayers' money to protect the narrow, chauvinistic interests of a handful of people.

It will ultimately be vetoed. But the House should defeat it now and save all that fuss.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. 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. GRAY of Illinois). The question is on the resolution.

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

Mr. MARLENEE. 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 302, nays 101, not voting 27, as follows:

[Roll No. 275]

YEAS—302

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—101

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Brown (CO)
Bunning
Burton
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
Dickinson
Dreier
Dymally
Edwards (OK)
Fish
Frank
Frenzel
Gallegly
Gallo
Gekas
Goodling
Grandy
Gregg
Hammerschmidt
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Houghton
Ireland
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Lewis (FL)
Lightfoot
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCrery
McEwen
Michel
Miller (WA)
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Porter
Pursell
Rhodes
Ridge
Roberts
Roukema
Saxton
Schulze
Sensenbrenner
Shumway
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stump
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Valentine
Vucanovich
Walker
Weber
Whittaker
Williams
Young (AK)
Young (FL)

NOT VOTING—27

Aspin
Badham
Bentley
Boehlert
Boulter
Brown (CA)
Dowdy
Gingrich
Hatcher
Hutto
Johnson (CT)
Kemp
Konnyu
Lewis (CA)
Livingston
Lujan
Mack
MacKay
McCloskey
McCollum
McGrath
Meyers
Mica
Molinari
Shuster
Spence
Udall

□1310

The Clerk announced the following pair:

On this vote:

Mr. Udall for, with Mr. Boulter against.

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

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

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.

The SPEAKER pro tempore. Pursuant to House Resolution 515 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4526.

□ 1313

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 consideration of the bill (H.R. 4526), to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, with Mr. ECKART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 25 minutes; the gentleman from Montana [Mr. MARLENEE] will be recognized for 25 minutes; the gentleman from California [Mr. ANDERSON] will be recog-

nized for 5 minutes; and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 5 minutes.

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

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in strong support of this bill and want to report to the House and to the Members this legislation, the merits of it, the history of it. This is about history and it is about our cultural heritage, a heritage that I think ought to be preserved and I think the majority of the Members feel should be preserved by virtue of the fact that there are nearly 300 sponsors on legislation that in one form or another supports resolution. It is an argument, really, between whether we have the ability to preserve that history or whether we have to turn this historic ground into making a dollar in northern Virginia, which was one of the most important battles of the U.S. Civil War.

□ 1315

It is a question of whether that consecrated ground in that area ought to be permitted to be turned into a development which is unnecessary and unwarranted. The fact is there are two sets of history. I do not think anyone can question the historical value of the Battle of Manassas, either the first battle or the second battle. I think the fact is that the ground we are talking about, the 600 acres we are talking about adding, includes the headquarters of General Lee. It includes some of the major actions during some of the major battles in which thousands of American soldiers, both on the part of the Confederacy and the Union, died in that area.

There are field hospitals there. There are undoubtedly many soldiers who are buried in this area because of the location of the field hospitals, notwithstanding the type of trumped up archeological report that was presented to us by the developer to suit his arguments as to the development of this ground.

But the more recent history is probably more important to the Members of the House, because we are going to hear today that during the 1970's this issue came up and the fact is that Congress did not act at that time to take this parcel of land into the park. The fact is that the issue did come up, and there was an amusement park proposed for this area, and after developers backed off in terms of the amusement park, there were assurances that a compatible type of development would take place in this Williams tract. But the fact is that in recent years, in spite of the fact that the county board approved a general type of zoning, there was always an understanding that compatible development would take place on this tract.

But what has occurred, of course, in the last year is that we found out dramatically through the committee hearing process that nobody, including the county board, approved a shopping mall. The developer even claimed not to know that shopping mall was going to be constructed on this site, and certainly the National Park Service did not know a shopping mall was going to be there. In other words, nobody knew that a 1.2-million-square-foot shopping mall was going to be built there, not the developer, not the zoning authority, not the National Park Service, and not the U.S. Congress. In fact, there were assurances that any type of development that occurred there would be compatible with the substantial national historic park that is there comprising some 4,500 acres.

The National Government has a big investment in terms of preserving the cultural heritage in this area, not just this 600 acres. We are talking about the integrity of the entire Manassas Battlefield. The fact is that there has been a lot of scare tactics used on this floor and throughout this debate. The scare tactic is that somehow this is going to cost $100 million. The developer paid less than $10 million for it 2 years ago. The Congressional Budget Office reports the assessed valuation is $13.6 million, and even with the type of improvements we are talking about, this particular cost will not be $100 million. That simply is a scare tactic to help make an argument for the opponents of this proposal.

The question is: Do we put a cost or a price on our national heritage? The fact is that we have some $6 billion in the land and water conservation fund and some $1.5 billion in the historic preservation fund. It is available to deal with these problems. It ill behooves this administration, which has objected to using any dollars from those funds, to come here and suggest that this will take money away from other projects. It has sought no funds for such projects, in fact it has recommended the close out of these programs.

Mr. Chairman, they are not in favor of this project, and they are not in favor of any project in regard to our national parks and public land management agencies.

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

Mr. Chairman, with all due respect, I must say to the chairman of the Subcommittee on National Parks and Public Lands that we have covered this ground before, and I must say: My, my, my, trumped up allegations by the developer? Does the gentleman think that we are stupid? Is the board of supervisors stupid?

When the gentleman says, "scare tactics," the term, "scare tactics," and his utilization of those words appear to me to be a scare tactic.

To call this legislation a "turkey," is a compliment. Rarely has a Trojan horse been ridden onto the floor of the House of Representatives that affects more Members of Congress and their districts without their really knowing what is happening. Members' constituents should be mad. They should object, and Members should object to this piece of legislation.

I object to this body, the U.S. Congress, being used to settle a local land zoning dispute. That is what this amounts to. I object to this body writing a blank check that will be far in excess of $100 million to settle this dispute, a local dispute, I might add.

I object to the acquisition of a largely nondescript piece of property that the Park Service does not want and one that this Congress, this very body, passed over in 1980 when acquiring more land, more property for Manassas. I object to spending more for one piece of property than we have spent in 3 years of combined spending for the Park Service acquisitions. I object to saying that with reference to every other park or potential park in the United States of America, Manassas moves to the head of the line because Congress will be the bully and will move it there regardless of the merits or regardless of the dire needs of those other parks, 42 other priority parks and national monuments that the Park Service has on its list.

I object to setting a precedent and saying that any time we consider property adjacent to a park or a historic site, all 360 of them, because something may not be to the liking of a local nongovernmental group—and I emphasize "nongovernmental group"—then we, the U.S. Congress will step in and confiscate private property and the taxpayer will write a check for it.

I object to the confiscation of private property that is entailed in this bill, and I object to an additional purchase when we have not even acquired or paid for what was designated in the expanded boundary of this park in 1980. We have still not paid for it.

Mr. Chairman, this legislation should be defeated very soundly. Our constituents, our taxpayers, should object vehemently to the spending of this kind of money and writing blank checks for this legislation.

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

The CHAIRMAN. Under the rule, the gentleman from California [Mr. ANDERSON] is recognized for 5 minutes.

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume, and I rise to engage in a colloquy with the gentleman from Minne-

sota [Mr. VENTO], the manager of the bill H.R. 4526, Manassas National Battlefield Park Amendments of 1988 in order to clarify the provisions of section 4 of the bill.

On August 3, 1988, the Committee on Public Works and Transportation reported the bill, H.R. 4526, which provides for the preservation of the historical integrity of the Manassas National Battlefield Park and the addition of approximately 600 acres to the park.

The first three sections of the bill deal exclusively with items under the jurisdiction of the Committee on Interior and Insular Affairs that cover the size of the park, the addition of the property and the visual protection for the park.

Section 4 of the bill deals with highway relocation, a matter under the jurisdiction of the Committee on Public Works and Transportation. As a result of the addition of section 4, the Committee on Public Works and Transportation was given a sequential referral to consider that section only and complete its work by August 5, 1988. The section provides for a study by the Secretary of the Interior, in consultation with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, dealing with the relocation of Federal-aid Highways 29 and 234 and a determination as to whether or not segments of the highways which transect the park should be closed. The study must be completed within a year after the date of enactment of this legislation. The funding for the provision is authorized to be appropriated out of the general fund of the Treasury to the Secretary of Interior and will not be assigned to the Secretary of Transportation or appropriated from the highway trust fund. The Committee on Interior and Insular Affairs has confirmed the committee's understanding of this provision through an exchange of correspondence. A Federal share of 75 percent and a State and local government matching share of 25 percent is provided for the construction and improvement of highway projects; $30 million is authorized for the study and construction of alternative routes.

Mr. Chairman, the Committee on Public Works and Transportation is deeply concerned and primarily interested in assuring proper committee consideration of any legislative proposals that affect the jurisdiction of the Committee on Public Works and Transportation.

My question to the gentleman from Minnesota [Mr. VENTO] is this: Is it the understanding of the gentleman from Minnesota that it is the intent of the Committee on Interior and Insular Affairs that the amounts authorized to be appropriated for the study and the construction for the alternative routes will not be assigned to the Secretary of Transportation or be appropriated from the highway trust fund?

Mr. VENTO. Mr. Chairman, if the gentleman will yield, the gentleman from California has correctly explained the understanding between the committees. The Committee on Interior and Insular Affairs will request funding for the provisions of H.R. 4526 through annual appropriations legislation for the programs under the jurisdiction of our committee.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman for clarifying the intent and understanding of the committee as it relates to section 4 of the bill.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Chairman, a source of great frustration for me during my nearly 16 years off and on as a Member of this body has been the evolution of our system of representative government to a point where there is a serious imbalance between the pressures for a Member of Congress to vote on the side of political expediency based frequently on media hype and disinformation, or the necessity that a Member take a considerable political risk and vote to do the right thing based upon the facts, the short- and long-term impacts and the pertinent ancillary issues that influence many of these important matters which come before us almost daily for a decision.

The decision with which I am faced today represents the culmination of that conflict. Let me ask my colleagues a rhetorical question concerning the position we must all take today on this bill to further expand the Manassas National Battlefield Park, H.R. 4526.

Is there any Member of this body who is opposed to the preservation of the Manassas National Battlefield Park and other historical properties which represent important facets of the history and heritage of this Nation and the Commonwealth of Virginia? Certainly not. This Member, for one, is second to none in the recognition of and appreciation for the history and heritage of our great Commonwealth.

If that question were the only one facing us on this issue, the vote would be an easy one—but it is not. Although groups like "Save the Battlefield" don't talk about them, there is much more to this debate than would ever see the light of day in the media. I would like to talk about some of those issues.

I have had to ask myself a question which you too must ask. Have circumstances changed since this bill was first filed and considered? The answer is "yes." One-half-mile of 4-lane road has been constructed, a tunnel under I-66—providing sewer and water service—has been constructed, utilities are available, and 200 of 500 residential lots are now on record and have a market value of $40,000 a piece. That's $20 million for just 25 percent of the property. This proposal has clearly become a lot more costly than it originally appeared.

This bill provides for a "legislative taking" of the 600 acres which make up the William Center site. What is not specifically mentioned in the bill, however, is the cost to the Federal Government should we pass this legislation. Current estimates as to the property's worth run from $60 to $100 million. Before you approve this measure, you must ask yourselves, "have all other alternatives been exhausted?" The answer is an unequivocal "No," they have not.

If that is true, then why, you might ask, is the Congress prematurely considering such a drastic action? The answer is quite easily summed up as political pressure. Allow me to elaborate on that.

The issue of singular importance to my constituents in poll after poll is transportation—the inability of our citizens to get from point A to point B without running into gridlock. The Manassas area is sorely lacking in the area of transportation infrastructure, and the population is growing every day. Into the picture step my two colleagues, Messrs. MRAZEK from New York and ANDREWS from Texas, who find it all too easy to demagog the issue without regard for the significant concerns of the local governing body or the local residents. These two Members then proceed to hold a gun to the heads of the citizens and the local government by saying either you don't develop this privately owned land, or else. The "or else" is that these two Members will take away two of the most important transportation improvements to come into northern Virginia in the last decade—the Route 234 bypass and a new I-66 interchange to serve it. Two projects which, if not completed, will turn the two roads bisecting the Battlefield Park into the Manassas National Battlefield parking lots. Not only is that wrong and irresponsible, its counterproductive and irrational.

So that's how my fellow northern Virginia colleagues and I found ourselves in the position of supporting the appropriation of as much as $100 million to buy these 600 acres for the park—so our friends from New York and Texas will let Virginia and Prince William County build local roads for local residents. I ask my colleagues, do you follow that rationale? I don't, and I hope you don't either.

Some of my colleagues have simply failed to acknowledge the concerns of the State and local governments in

this matter, I would like to call your attention to an OPED piece which was written by Kathleen Seefeldt, chairman of the Prince William County Board of Supervisors, which appeared in the Washington Post this past Sunday.

Mrs. Seefeldt says that although most historians agree that Gen. Robert E. Lee apparently kept his headquarters somewhere on Stuart's Ridge, a part of this site, for 1 day, "there are many compelling reasons not to acquire this site." She points out that a Federal taking of this property will reduce county residents' ability to develop a diversified tax base to finance the most basic of public services as well as local programs to help the homeless, the abused and the mentally ill. Because of the existing imbalance between households and businesses in the county, local residents pay some of the highest local taxes in the State. Even then there are no funds available for expanded library hours or additional books, nor is the county able to furnish transportation assistance for the elderly or handicapped or adult day-care programs. Mrs. Seefeldt points out that the county will need to provide for radical expansion of public services as its population is expected to swell by 50 percent over the next 10 years. The county chairman also makes the point that the Federal Government currently owns 20 percent of Prince William, for which it compensates the county 75 cents per acre per year—a severe loss of tax revenue which is directly subsidized by the residents of the other 80 percent of the county—which I also represent.

She closed with the following:

> While we are mindful of our heritage, we have a responsibility to educate our young, protect our citizens and care for our less fortunate. For this reason, the county government must oppose a legislative taking of the William Center site and will continue to work with interested parties to negotiate a settlement to this debate.

Let me ask you, does that sound like a sincere local elected official agonizing over a difficult decision? It certainly does. The chairman happens to be a Democrat—should that make a difference? No, I don't think it should—but at the same time, I hope it does influence some in the majority party.

I earlier suggested that we must all support the preservation of important pieces of property representative of our Nation's great heritage. Our country and our culture is built upon our heritage. Our past is an important part of our present, and our future. We cannot, however, confuse our historical perspective with living in the past—for if we fail to provide for the present, exercise foresight, and establish some priorities with an eye toward the future, then there will be no future.

Perspective, that is an important word—it is the key word here. One hundred million dollars is perspective. Keeping it all in perspective also means asking yourself, "Have all other alternatives to a legislative taking been exhausted"—No, they have not. "Is there a different and better solution then to a very complex and difficult situation?" There certainly is.

That solution is continued good-faith discussion about alternatives that would satisfy all interested parties and minimize the impact on an important historical location, but would at the same time promote the interests of the local governing body and the citizens that it and I have the privilege of jointly representing. A radical and excessively costly proposal such as that which we have before us today should not be considered unless and until all other alternatives have been exhausted—to do so is both fiscally and legislatively irresponsible.

I could, I suppose, take the politically expedient route and vote for this legislation. However, I was not sent to Capitol Hill to make the politically easy choice—I was sent here to represent the best interests of my constituents and the interests of good government. As a Virginian, as an avid student of history, and as a public servant for more than 25 years, I cannot in good conscience vote for this measure—not now.

While I hope I have made my position on this matter clear, I resentfully find myself in the position of not being able to vote against it either. The gentleman who owns this site has been a friend of mine for many years and there are those who have alleged a conflict of interest on my part. Such is public life. In deference to that consideration, however, I will cast a vote of "Present" on final passage of H.R. 4526. That vote and this statement leave me with a clear conscience and with a feeling in my heart that I know very well—a belief that I have done the right thing for my constituents, for my fellow Virginians and for the Nation.

In closing, I can only hope that my colleagues walk away today with that same feeling—that what they have done today is consistent with the goals I have discussed; namely, perspective and balance in a difficult world.

□ 1330

Mr. VENTO. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. ANDREWS], the major sponsor of the legislation in the House.

Mr. ANDREWS. Mr. Chairman, near a muddy little stream in northern Virginia called Bull Run fields of goldenrod will bloom knee high much as they did 126 years ago this month when Union and Confederate armies clashed in one of America's bloodiest battles. Names clouded by time: the Laurel Brigade of Virginia, the Iron Brigade of Wisconsin, the Pennsylvania Bucktails, the Louisiana Tigers. Men and boys from New York and New Jersey charged in waves against young men from Georgia and South Carolina who threw rocks when their ammunition was exhausted.

The climactic event of the battle, called Second Manassas in the South and Second Bull Run in the North, occurred when Gen. Robert E. Lee sent 30,000 crack troops against the left wing of the Union army—nearly destroying it. Three days of desperate fighting left 24,000 casualties; some of those young men are still buried there.

Gen. John Bell Hood, who led the Texas Brigade, described the combat:

> "The Confederates and Federals were so intermingled that commanders of both armies gave orders for alignment, in some instances, to the troops of their opponents* * *"

At stake was no less than the preservation of the Union.

This hallowed ground has become one of our country's most important national parks. Manassas National Battlefield Park is a very special place.

The recent actions of a major developer and a handful of local politicians, endorsed by the Secretary of the Interior, may dramatically change what has been protected as a national shrine for more than a century. They plan to construct a 1.2-million-square-foot shopping mall, the second largest in Virginia, an office complex, and a residential subdivision on a portion of the battlefield adjacent to the national park. The site is historicaly important; it was the staging area of Lee's final counterattack that won the battle.

The Virginia Department of Transportation projects that on weekends more than 80,000 cars a day will come to the mall. The developer plans to pave over part of the battlefield for a 4,000-car parking lot. The development will destroy a large portion of the battlefield and the impact on the park itself will be devastating. The national park will never be the same.

The issue presents a very fundamental political and constitutional question for the Congress: How to equipose the need to protect our national parks and our national heritage with the right of private property development and the right of local governments to regulate that development, in this case by zoning ordinances.

With constant urban growth across the country, there is a pressing need to create a national strategy that will protect our national park system. The Federal Government can neither purchase every historic site nor ignore the rights of local property owners.

At the same time there is an important responsibility to protect our national heritage and park lands for

future generations. Unbridled development of the fragile areas that are adjacent to our national treasures, such as Manassas, can spoil our parklands forever. Surely, there is another tract of land more appropriate for a regional shopping mall than on one of our country's most historic battlefields.

This issue is a national one—not to be decided solely at the local level. The forum of last resort is the Congress—the fate of Manassas will be decided here today.

In this instance there is only one solution that will preserve both the battlefield and the park: the purchase of the adjacent land by Congress. This legislation introduced with my colleagues, BOB MRAZEK of New York and FRANK WOLF of Virginia, has more than 210 members of the House as cosponsors. Every major preservation, park and veterans' group in the country supports our bill.

This legislation does three things: First, the 542 acres in question will be purchased by legislative taking; the title transfers immediately—that stops the ongoing destruction of the property by the developer. The Federal Government will then compensate the owner a fair market value for the property.

Second, the legislation directs the Secretary of the Interior, with the cooperation of the Commonwealth of Virginia, and other parties to promote scenic preservation of views from the park.

Finally, the bill directs a study, in consultation with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County regarding the relocation of highways in the vicinity of the Manassas National Battlefield Park. This is intended to reroute traffic that currently bisects the park and to eventually incorporate the two roads into the Manassas National Battlefield Park. To defer the cost of rerouting the traffic our bill authorizes no more than $30 million with at least 25 percent of the cost of road construction and improvements to be provided by the State and local governments.

What is ultimately needed to preserve the integrity of our national parklands is broader legislation that includes the Secretary of the Interior in local land use decisions that may adversely impact our national parks. We lack a national strategy on dealing with development in the fragile buffer areas that surround our national parks. Regrettably, Manassas is but one egregious example of several sites in our park system that are at great risk.

The War Between the States is the most important event in the growth of our Nation. That terrible conflict tested the very foundations of our Republic, our Constitution, and our values. Its consequences continue to touch and shape our time. Those who fought and died at places like Manassas, at Sharpsburg, and at Gettysburg have long since dedicated those battlegrounds far beyond our abilities. What we can do is preserve the fields on which they fought—to understand our past and to see our future.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank the gentleman from Montana [Mr. MARLENEE] for yielding this time to me.

Mr. Chairman, I hope the legislation is not adopted for a couple of reasons. First, I want to say that it seems to me a mistake to suggest that building housing or a shopping center near a battlefield somehow dishonors the battlefield. I do not think there is anything dishonoring about residences or other activities. I think it frankly trivializes the history and the experience of history to suggest that in preserving the actual park, having housing nearby undermines it. I literally do not understand what this is supposed to mean, and I do not understand how anyone could think that could demean a great event by having people going about their normal lives in an area that we decided originally was not necessary for the park.

But beyond that I suppose it would be nice if we could buy this land, and it would be nice if we could do a lot of other things, but I sat here all year, and for several years, and watched us deny people in desperate need of money that ought to have been spent. We passed the homeless bill, and we underfunded enormously. People fought hard for it. The gentleman from Minnesota [Mr. VENTO] who is here, no one fought harder than he. We have a welfare bill now where the Senate, in my judgment, is begrudging us the funds needed to provide minimal levels of assistance for the poor. There are priorities that have to be met, and for an extraordinary expenditure to come now, and I understand there is a disagreement about the range of the expenditure, but we are told it is in the tens of millions certainly, and how much of a multiple we will not know by the time we are all through. To do that without the Budget Act under a waiver at a time when we have been denying funds that are so desperately needed for people in need seems to me a mistake, and it has brought replications. This is not the only instance. So, at this point to take what is in the abstract a perfectly reasonable thing to do, to pull it out and give it all this priority and to put it ahead of so many needed priorities I think is a grave error.

Mr. Chairman, I hope the bill is defeated.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MRAZEK], also a major sponsor of the legislation before us.

Mr. MRAZEK. Mr. Chairman, how do you measure the value of the sacrifice of the 19,000 men who were killed or wounded in the 3 days of this particular conflict?

How do you measure the sacrifice of Col. John C. Upton who commanded the 4th Regiment of Hood's Texas Bridgade, one of the most remarkable citizen-soliders our Nation has ever produced, a very colorful man who used to go into battle, regardless of the time of year, stripped down to the waist and carrying a skillet in one hand and a sword in the other? At Second Manassas, his skillet didn't stop the bullet that found his heart and ended his life. If you could ask Col. John Upton why he was fighting in the Civil War, it was not because he owned slaves. He did not own slaves. And, he was not fighting to preserve slavery. He was fighting to preserve his rights and his State's rights because he, like so many others in the Civil War who fought for the Confederate side who did not own slaves, believed that the ultimate repository of power in this Nation rested in the States rather than in the Federal Government, as did their historic mentor, John C. Calhoun.

What is the measure of the sacrifice of Maj. Andrew Birney who came from a place where no black people lived in Otsego County, NY? He never saw a black man when he was growing up, but he believed in the Union, and he believed that slavery was wrong. He knew he was led by incompetent, corrupt generals, but he believed so much in his cause that he slowly rode his white horse ahead of his troops—a hundred yards in front—right up to the unfinished railroad cut, the embankment, where 30,000 Confederate troops were waiting for him, and he calmly and coolly walked the horse up that embankment and gave up his life. How do you measure that kind of sacrifice?

Is the answer to build a 1.2-million-square-foot shopping center on the unmarked graves of all the Union and Confederate soldiers who still lie on the Williams Center tract because that is where the Confederate side chose to put their field hospitals?

John Hennessey, the greatest living expert on Manassas, former historian at the National Park Service at that battlefield, says that there are dozens, if not hundreds, of Confederate and Union soldiers lying on that ground where they are putting in the sewer lines right now.

Well, some people do believe that the best way to preserve this particular hallowed ground is to build a shopping center and homes on top of those graves, but I suggest that the way that we should honor the sacrifice of the

John C. Uptons and the Andrew Birneys and all of the unknown soldiers who still lie there and who though their ultimate sacrifice made us who and what we are today as Americans, that the way to honor that sacrifice is to preserve that ground.

I think President Lincoln summed it up best at a different battlefield a year after the conflict of Gettysburg when he said, "But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hollow—this ground," he said. "The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

If we do not pass this bill, Mr. Chairman, and preserve this land, we in fact will be forgetting and trivializing what they did there.

□ 1345

Mr. MARLENEE. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Virginia [Mr. SLAUGHTER], who represents this district.

Mr. SLAUGHTER of Virginia. Mr. Chairman, we have before the House today legislation which comprehensively addresses the protection of the Manassas National Battlefield Park, which is located in Virginia's Seventh District, which I am privileged to represent.

The issue of how to protect the Manassas National Battlefield Park is very complicated and there are many aspects to this issue.

The Manassas Battlefield Park is located in Prince William County, VA, which is one of the fastest growing counties in the Nation. Therefore, the park is inevitably confronted by developments which have the potential to diminish the integrity of this battlefield which was the site of the First and Second Battles of Manassas during the Civil War.

In addition, the Park Service has stated that the traffic running through the park represents a grave threat to the Manassas Battlefield Park, with or without the proposed William Center or any other new development in the area. The Department of the Interior estimated that traffic volume on Route 234 which runs north-south through the park will increase by 150 percent in the near future. Route 29, which is a major east-west commuter road running through the park, is expected to see an increase in traffic by almost 60 percent in the next 20 years.

Finally, while the traffic threat to the park is real and critical, so are the transportation needs of Prince William County. Therefore, it would be a disservice to the citizens of this county to simply consider how we can better protect the park without also thinking about how such additional protections will affect the already severe transportation problems in this area.

For example, while closing Route 29 through the park would be of great initial benefit to the park, such a change would be to the detriment of the county—and would therefore have a long-term negative effect on the park itself—without a simultaneous widening of Interstate 66 to carry the resulting increase in east-west traffic.

Any consideration of legislation to protect the Manassas National Battlefield Park, therefore, should take into account all of the factors which have an impact on the park, the county, and the citizens of Prince William County.

I support and am a cosponsor of H.R. 4526 because it makes the decisions that are necessary for the Congress to make if the William Center tract of land is to be incorporated into the park.

First, this legislation provides for a "legislative taking" of this tract of land, allowing the Federal Government to immediately take title of the property upon enactment of this bill into law by Congress and the President. The value of the taken property will then be paid to its owners by the Federal Government. This portion of this legislation is crucial because acquisition of the land would be both prompt and thorough, rather than going through the authorization and appropriations process, which could result in delays of up to 10 years and cost millions of dollars.

H.R. 4526 further provides immediate authorization of up to $30 million in Federal funds, but not more than 75 percent of total costs, to conduct a study of the traffic problems in and around the park and to begin construction of the improvements recommended by the study.

This study will examine the possible closing of Routes 234 and 29 within the park, as well as the transportation improvements needed to effect such closings, including the construction of additional lanes on Interstate 66, a new 234 bypass, and an interchange between I-66 and the 234 bypass. The Secretary of the Interior, the Virginia Department of Transportation, the Federal Highway Administration, and the Prince William County government will participate in conducting this study and recommendations will be reported to the Congress within 1 year.

This legislation—by including provisions which promptly deal with the needs of the park, the county, and the citizens of the county—recognizes the valuable heritage the Manassas Battlefield Park represents to our country and makes the decisions Congress must make for the acquisition of additional land and for road improvements which are so important to the park.

It is important that Congress acts quickly on this legislation, and I urge my colleagues to support H.R. 4526.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEHMAN] a member of the committee.

Mr. LEHMAN of California. Mr. Chairman, I rise today in support of H.R. 4526, a bill to protect and preserve the integrity of Manassas National Battlefield Park by incorporating 600 acres of adjacent historical property. The property includes the site from which General Lee directed his soldiers to victory.

On the Manassas Battlefield itself, the site of 2 of the most notable conflicts of the Civil War, over 4,000 American men shed their blood. The First Battle of Manassas set the stage for the lengthy and bitter conflict that ensued. The Second Battle of Manassas marked the height of power for the Confederacy. Both battles had tremendous impact on the course of the war, and, yes, the course of history. They carved the names of General Lee and Stonewall Jackson into the American history books.

But the Battlefield of Manassas provides a much more vivid and thorough history lesson than any history book ever could. The monuments, the cemeteries, and the 30 miles of trails through the meadows, woods, and landscape that remain allow us to relive and experience the dramatic events that helped shape our Nation.

The Manassas Battlefield is an integral part of our cultural heritage, a heritage that is too valuable to be relinquished to a shopping mall or parking lot. Yet, that is precisely what threatens the integrity of the park today. Without H.R. 4526, the construction of a 1.2 million square foot mall will continue and the site of General Lee's Headquarters, as has been mentioned, will be sacrificed. Additionally, without H.R. 4526, traffic congestion on Highways 29 and 234 through the park will continue to diminish the visual and historical quality of the battlefield.

Mr. Chairman, it is always easy and expedient to destroy and desecrate places of historical significance, especially when substantial amounts of private profit are involved.

It is always difficult to preserve something whose only value seems to be a certain feeling and attachment to history that some people achieve there.

I believe this is an instance where we should make the effort. We can find other places than this neighborhood in this country to build parking lots, shopping centers, and housing, but we cannot create another Manassas Battlefield.

I am certain that future generations of Americans will have plenty of shopping centers, or their equivalent. Surely they ought to have a Manassas, too.

Mr. MARLENEE. Mr. Chairman, it is my pleasure to yield 4 minutes to my colleague, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in support of H.R. 4526 which incorporates provisions of legislation I introduced to protect and preserve the Manassas National Battlefield Park for future generations of Americans to enjoy.

H.R. 4526 is a balanced bill. It is a fair and honest approach that has been carefully crafted and comprehensively addresses the questions raised by the National Park Service, preservationists, and citizens groups. Most importantly, it does so in a way that protects the interests of all of the parties including the owner.

This legislation has three major provisions.

First, it calls for a legislative taking of approximately 600 acres known as the William Center tract in Prince William County, VA.

I've looked at this issue closely. I have talked with leading historians from across the country including John Hennessy, who served as a park service historian at the Manassas Battlefield; Brian Pohanka, who wrote much of the Time-Life Books' series on the Civil War; and Gary Gallagher, professor of history at Penn State University.

They all agree that the William Center tract is historically significant and should be made a part of the National Park System.

A legislative taking is fair to all of the parties involved and it is the fastest and least expensive way for the Government to acquire this tract.

H.R. 4526 also addresses the issue of visual protection of scenic views from within the park by directing the Secretary of the Interior to work with the Commonwealth of Virginia and Prince William County and others to develop a comprehensive plan that protects views throughout the park.

Last, H.R. 4526 addresses the problem of heavy automobile and truck traffic within the park.

The National Park Service has argued, and I completely agree, that if the Manassas Battlefield is to be protected and preserved, roads through the park must be closed to automobile and truck traffic and alternate routes outside the park provided.

The legislation before us directs four parties, the Department of the Interior, the Federal Highway Administration, Prince William County, and the Commonwealth of Virginia to develop a plan for closing roads through the park and for constructing alternate routes for traffic that would have used roads in the park.

In addition, $30 million is authorized from the Department of the Interior to construct these alternatives.

Mr. Chairman, I am sensitive to protecting the heritage embodied in our National Park System and to preserving our great Nation's history. As a former Deputy Assistant Secretary of Interior for Congressional and Legislative Affairs under Secretary Rogers C.B. Morton during a time when 33 new units were added to the National Park System, I understand the issues that are involved here and the concerns that some Members have raised.

First, let me make it clear that H.R. 4526 would not affect any acquisition projects in Members' districts. It would also not affect the Park Service's acquisition program.

Under a legislative taking, upon passage of the legislation title of the land transfers from the private owner to the Federal Government. The Government then begins the normal appraisal process. If the private owner does not accept the appraisal, the issue is taken to the courts and a judgment is handed down. That judgment is paid through a special fund at the Treasury Department designed to cover claims against the United States.

The money does not come out of the National Park Service acquisition budget. As a result, H.R. 4526 would not affect any Park Service acquisitions underway or planned for the future.

No national park in the Nation would suffer as a result of H.R. 4526.

Second, Members have asked why we need a legislative taking. Two reasons.

First, because the William Center tract has great historical significance and should be added to the National Park System in the most efficient manner possible.

If any of my colleagues doubts the historical significance of the tract, I urge them to look at the compilation prepared by historian John Hennessy or at some of the other research we have done on this issue.

Second, H.R. 4526 is our last chance to protect and preserve the Manassas National Battlefield Park. If we do not act today, we will forever lose an important part of our Nation's proud heritage. A legislative taking ensures that this part of our history is preserved.

Some Members have expressed concern that this is a local matter better left for local government. George Will, in a recent column in Newsweek wrote: "The protection of places that are part of our national patrimony is the responsibility of national, not local, government.

I think Mr. Will is absolutely correct.

In addition, Congressman SLAUGHTER, who represents the area affected by this legislation, and support this legislation.

Simply put, there is an historically significant tract of land adjacent to one of our Nation's great battlefields that should be made a part of the Park System. H.R. 4526 is the best way available to accomplish this and to address other threats to the park that have been identified by the National Park Service.

Mr. Chairman, H.R. 4526 is the result of a great deal of hard work and effort by a bipartisan coalition who cares very deeply about the history of our Nation. It is an honest approach. It is a fair and balanced approach and I hope Members will join me in supporting it.

Mr. Chairman, I include the following article by George Will:

WHERE MEN FOUGHT AND FELL

Beneath the broiling sun of July 3 the infantry marched into fields of fire in support of Pickett's flank. They tramped through the parking lots of Howard Johnson's, Kentucky Fried Chicken, McDonald's, Hardee's and the Home Sweet Home Motel. Those businesses were not there then but Gettysburg has grown some (from 3,000 to 8,000) in 125 years. Growth has spilled onto hallowed ground.

Gettysburg must accommodate visitors. Eighty million Americans live within 300 miles of it. It might have grown more had not the battlefield encircled a lot of the town like a noose. Much of the land adjoining the battlefield is not sufficiently protected from development. But at Gettysburg and other Civil War battlefields, growth is an intensifying problem. American industrialism received a sharp stimulus from the Civil War and today economic dynamism is bringing development—subdivisions, shopping malls—too close to what should be civic shrines.

Gettysburg never was a pristine battlefield in pastoral isolation. The two armies collided at a town that could not forever after be kept frozen as it was, like a fly in amber. But there is a difference between compromising with a community's life and abjectly surrendering to economic forces. Some commercial establishments should be bought and removed by the government because they are smack in the center of the crucial vista from the Union line. The government perhaps need not own, but should see to the continued agricultural use of the field behind the Union line where 6,000 horsemen clashed under the generalship of J.E.B. Stuart and George Armstrong Custer.

The problems of encroaching growth that came years ago to Gettysburg are coming now to Manassas and Antietam. When the war came to Manassas in the First and Second Battles of Bull Run (Southern call them the battle of Manassas, but to the winner goes the right to name battles) the place was well outside of Washington. Today the battlefield is within one of the nation's fastest growing areas. Washington's northern Virginia suburbs. Subdivisions and commuter arteries devour land and now a developer wants to build Virginia's second largest mall hard by the battlefield. This would bring incongruous sights, sounds and congestion. It would impair the park's peda-

gogic function, making it harder to take the imaginative journey back in time to empathy with the men caught in the events that churned and drenched the earth there.

The most interesting preservation issues concern America's most important battlefield, Antietam (As at Bull Run, Northerners named the battle after a creek. Southerners after a town—Sharpesburg.) The two sides suffered more than 23,000 casualties there Sept. 17, 1862, the bloodiest day in American history. Three generals were killed on each side. (General Custer, of course, lived to die more theatrically.) Abner Doubleday, who had little to do with the beginning of baseball but played a role in the beginning of the war at Fort Sumter, led a division at Antietam. Lt. George Washington Whitman, the poet's brother, fought there, as did Col. Fletcher Webster, Daniel's son, and Lt. Charles Francis Adams Jr., the grandson and great-grandson of presidents. The 23rd Ohio Regiment contained two future presidents, Col. Rutherford B. Hayes, and supply sergeant William McKinley. After the battle a Massachusetts captain was found wandering with a wound in his neck. He lived 73 more years, did Oliver Wendell Holmes Jr.

CONTESTED GROUND

Antietam battlefield offers visitors a superb immersion in the drama of the war. Supplemented by a good book on the battle—say, Stephen W. Sears' "Landscape Turned Red"—a trek around the contested ground gives a brisk introduction to the war that was the hinge of American history. Antietam was enough of a Union victory to enable Lincoln to proceed with the Emancipation Proclamation. Thereafter it was not merely a war for "union." The new battle cry was "freedom!"

Gettysburg, Manassas and Antietam, and other battlefields, present differnt preservation priorities and problems. Antietam was an especially important event and has been an especially pastoral place. However, a farm directly across the battlefield park entrance is for sale and there are no legal restrictions that would prevent intrusive development of the land. Fortunately, development was stopped that would have bordered Bloody Lane where corpses were stacked so thick a man could walk without touching ground. But developers are planning a shopping center adjacent to the Grove House where, after the battle, the noblest American, Lincoln, met with one of the least noble, General McClellan. The cornfield site of some of the fiercest fighting in American history, is not owned by the government. It should at least be restricted so as to be forever sown with corn.

Reasonable people can differ about what acquisitions and restrictions are needed near battlefields. But two principles are clear. The protection of places that are part of our national patrimony is the responsibility of national, not local, government. This is a conservative era, or so 'tis said. Conservatives like economic growth and local government; they dislike central government, government spending and regulation. But unless the name by which are known is meaningless, conservatives should be leading the charge on behalf of the conservation of battlefields.

The vast majority of Americans will never come close to combat. So it is important for them to try to sense the struggles and sacrifices that gave us our country. A reader can get some sense of combat from literature—from Tolstoy, Stendhal. Stephen Crane. It also is instructive to walk where men fought and fell. At least it helps if later generations have kept faith with the fallen by insisting on a certain faithfulness to the setting of their sacrifices.

The monetary price of such faithfulness is small. The moral cost of cheese-paring niggardliness in government's approach to preservation is steep. It is the irrecoverable loss of history and hence of memory. Lincoln said we cannot hallow such ground because the brave men who struggled on it hallowed it above our poor to add or detract. Alas, 125 years after Lincoln spoke we know we can detract from it by neglecting to cherish it. By so doing we subtract from our national dignity.

Mr. MARLENEE. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank my colleague for yielding this time to me.

Mr. Chairman, I think this is a very direct and a very straightforward issue from this standpoint. Many of us have friends who are Governors, who come to us and say, "Oh, you are legislators. You spend your lives talking and you spend your lives passing thousand-page bills, but you don't really ever do much. You can't put your finger on it, but we Governors do things."

Well, it seems to me today that we have a chance to do something. It is very simple. If we leave at the end of this year without having passed this bill, a large piece of American history is going to be gone, period. The mall will be built. The traffic will expand.

It will be gone. It will be over.

On the other hand, if we pass this bill, for the rest of our lives and the lives of our children and grandchildren we will be able to point to that site and that battlefield and say that we saved part of American history for all the future. It is that simple.

Those who think that part of American history is not worth saving, vote "no." Those who think that here is an occasion where we in the Congress can do something positive, do something real and make a difference, and if we are wrong, 30 years from now you can build a mall, but if we are right it is infinitely more expensive 10 years from now to tear down a mall. It is that simple.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY], a member of the committee.

Mr. MURPHY. Mr. Chairman, I thank my subcommittee chairman for yielding me this time.

Mr. Chairman, when the armies of northern Virginia and the army of the Potomac ranged up and down the east coast through the States of Virginia, West Virginia, Maryland, and Pennsylvania, they set foot on just about every parcel of ground. If we would set aside the entire area that those two vast armies of 100,000 men apiece trampled on or covered, we would be setting aside half of the State of Virginia, the western half and the middle parts of Maryland and great sections of Pennsylvania.

Actually, in 1980 when this matter was thoroughly reviewed by the Congress and by the National Park Service, it was decided that there would be almost 5,000 acres set aside for the Battle of Bull Run, as we Yankees refer to it.

□ 1400

Mr. Chairman, in those two very famous battles of Bull Run and Manassas, we decided that we would set aside that land. If it was so important to have all of the 20-mile radius, and that is how much that battle encompassed, a 20-mile radius, any other portions we felt that we would need to be set aside should have been done at that time.

Our job is to preserve an adequate amount of land to commemorate each of the important instances in our history. We have done that, and when I hear the pleas of the gentleman talking about graves of the soldiers and the consecrated ground, yes, those are the very pleas that touch our heart, but they are not quite accurate. We have already done that. We are not tampering with the part set aside to commemorate these two battles. We are not touching upon any part of that national park.

Mr. Chairman, I would hope that we could straighten out the traffic congestion, which would certainly make the park much more accessible and much more reasonable, but when we talk about the $100 million that now this developer has forced us to pay for 500 acres, we can certainly use that for the total development of the national parks.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MARLENEE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. MURPHY], a member of the committee.

Mr. MURPHY. Mr. Chairman, I thank the gentleman for yielding time to me so that I might conclude.

We do have a plan that we must follow in the development of our historical sites. That plan is there; it is in place. To say that we are going to take another $100 million from somewhere to upset that plan, could it be used in Wyoming to commemorate the Indian battles, in Pennsylvania where the Gettysburg National Park is far less in total area than the Manassas park is at the present time? It was a far greater battle fought there, and we just cannot say that legislatively we can upset local planning and the National Park Service planning.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I am opposed to the bill under consideration by the Committee. My reservations have to do with the precedent established by "legislative taking," at enormous cost, a site of debatable historic priority.

The cost estimates are frightening. With property values ranging from $50 to $75 million, and this bill authorizing an additional $30 million for design and construction, it's safe to say we're in the ballpark of at least $100 million.

As a Virginian, I revere the history of our Commonwealth. It is bathed in the blood of revolutionary and Civil War heroes. The Virginia landmarks register is a gold mine of opportunities for historic preservation.

Like Virginia, our entire Nation is blessed with opportunities for preserving sites associated with our natural and social history. We are all committed to a rational program of acquisitions.

I simply do not believe that acquiring a tract of land where soldiers camped and armies marched on the road to Manassas merits high priority when compared to other more necessary acquisitions throughout the United States.

Much has been made of the fact that Lee camped on Stuart's hill. But when I reviewed Bruce Catton's account of Second Manassas in "Mr. Lincoln's Army," I was shocked that General Lee's name was mentioned in only one sentence.

The fact that the land is on the historical, as well as geographical, periphery of Manassas Battlefield explains why acquisition of this tract has never been an Interior Department or congressional priority.

"Legislative taking" takes away the right of 205,000 people in Prince William County to decide what to do with their land. "Legislative taking" takes away jobs from 8,000 people who might otherwise be employed in William Center.

"Legislative taking" takes away the ability of Prince William County to provide quality education for their children by decreasing net tax revenue an estimated $87 million over the next 20 years.

The chairman of the board of supervisors said, "We have all the fundamental municipal needs, and we cannot continue to finance all those needs on the backs of homeowners." But "legislative taking" takes away the chance to do otherwise.

Is there an alternative? Yes. The Secretary of the Interior proposed to close roads through the park, restore them to Civil War era condition, and replace them with a bypass giving access to a less visually intrusive mall.

This makes sense to me. It was unanimously endorsed by the Prince William Board of Supervisors. But again, "legislative taking" took away the opportunity for compromise. What it does take—is a disorderly approach that will not solve the problem.

While the compromise provided an alternate traffic route, the current proposal directs the Department to study the issue and make recommendations. I am not satisfied that this protects Virginia from extraordinary outlays for highway construction.

Although the bill authorizes up to $30 million for the Federal share of construction, the Congressional Budget Office estimates that "relocation of the highways is expected to cost at least $30 to $40 million and could cost significantly more."

They go on to say that "if the Secretary decides on relocation, and if the necessary sums are appropriated, it is likely that the full $30 million would be spent." As far as Virginia is concerned, those are a lot of "ifs."

The bottom line according to CBO, is that "if the two roads are relocated, the Commonwealth of Virginia would be responsible for 25 percent of the construction costs, or any amount over the $30 million authorized Federal share.

"State authorities estimate the cost of road construction work at about $100 million because they believe that it will be necessary to widen I-66 as a result of the additional traffic routed to it." That means Virginia's share is $70 million.

I ask you to oppose this legislation for three reasons:

First, "legislative taking" is an apt description of a process that takes away liberty and property from the people of Prince William County,

Second, other sites across the country deserve higher acquisition and preservation priority than the William Center tract, and

Third, taking this property places an unfair burden on those who will ultimately be forced to pay the bill for lost local revenue and the lion's share of highway construction.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY], a member of the committee.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this legislation. Manassas—Bull Run, the Southern—the Northern name for the first great battle of the Civil War, historians tell us that on that afternoon there were literally hundreds of people from Washington with their horses and buggies watching this great battle. Of course, as the evening fell, they fled the scene as the southerners demonstrated that this was going to be a long war. It was going to be a major war.

The Manassas Battlefield is only located a few miles out on the Route 66 corridor in northern Virginia, a few miles from Washington, but I say to the developer, go around, go around. Future generations will appreciate what we are going to do here today. They will not remember it, but the park will be so much more meaningful without having this massive shopping center and development here.

The gentleman from Virginia just referred to the fact that this might cost us $50 million, even $100 million. I would suggest that by passing this bill we should say to those who are going to appraise this to take into consideration that this developer only paid some $10 million for the property 3 years ago, and by the actions of this Congress it no longer has the potential of being a shopping center.

Do not rip us off, the taxpayers, the Federal Government; pay the fair market value for it, but let us preserve this sacred ground.

What we do here today is the proper thing to do.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES of Louisiana. Mr. Chairman, the historic perspective offered by the other gentleman from Louisiana is correct, and the battle has long been taught in afternoon classes all the way from south Louisiana, where the Louisiana Tigers participated, into the northern corridors through to the Northeast, to New York and regiments from New England, but they have never taught anything about how much money was spent as people sat watching the battle with vendors probably making sales, and perhaps the best place to commemorate profiteering would be there and here today. It would be best to preserve the sites unaffected by the political interference of those in Virginia who decided to make it commercial and not residential, and if there is a blame, let it be theirs.

Do not take the great-grandchildren of those who fought from Louisiana and present them with a bill for $100 million and tell them that some way that furthers their education. It will tell them a lot about politicians, but it will not tell them much about history.

We have a 1.2-million-square-foot shopping center, and in my previous life before Congress I developed shopping centers. I built some big ones, nowhere near as big as that one. That one at $50 a foot will run $60 million, and one does not pay market price. I have been in expropriations. One pays fair market price at highest and best use, and on this commercial acreage the highest and best use is probably a $40 million land use with improvements of over $100 million, with contracts already executed for construction, with leases already executed for retail sales following that, and I suggest that we will have accomplished

nothing more in the past 100 years than having shortsighted people not recognizing the war stand on a hill and watch one and instead have shortsighted people not in fact blame those whose fault it is that history is not being preserved, and through money attempt to cure the loss.

Let us reject this. We cannot afford the cost. Let us reject it objectively on that reason.

Mr. MILLER of Washington. Mr. Chairman, I rise in very reluctant opposition to H.R. 4526, the bill to expand the Manassas Battlefield National Park. I would like to support a bill which would acquire the historical lands next to the current park. Lands, which we all agree are historically significant. However, Mr. Chairman, I must oppose this bill for two basic reasons: first, this bill is a blank check. Second, this blank check must be paid before any other land acquisition program can take place.

What this means is that we could well stop land acquisitions all over the United States for a year, or two or three or four. Mr. Chairman, unfortunately, I do not believe that as written, we should approve this bill today.

I might note, Mr. Chairman, that for my constituents, this bill could mean a delay in important land acquisitions for the Olympic National Park, the North Cascades National Park, the Mount Baker-Snoqualmie National Forest, along the Columbia Gorge, and for the Bowerman Basin/Grays Harbor National Wildlife Refuge. I do not know, under this bill if any or all of these land acquisitions will be delayed. Other members face the same problem.

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

Let me close with this argument. Mr. Chairman, those whose responsibility it is to take the important decisions regarding Manassas Battlefield have said no to the Manasses addition. Let me emphasize that. They have said no to the Manassas addition. Remember that when Members vote. The board of supervisors of the local jurisdiction have endorsed the development. Not only have they endorsed it but they have issued the necessary permits.

The roads, the curbs, the gutters, the sewers, and the improvements are in place. Remember, the Interior Department, which makes the major decision in this, has said twice they had higher priorities and did not want this piece of property. Maybe it is because there are no identifiable graves on this property.

Remember the last time we were involved and involved ourselves in a congressional taking. That was the Redwoods National Park. The Congress estimated it would be $340 million. To this date we have spent $700 million, and eventually we will spend, without a doubt, $1.3 billion on the Redwoods, $1 billion over what Congress estimated.

Remember the 200 homes and lots and sewers and curbs and highways? There is no doubt in my mind that this bill will cost. This does not save the battlefield. The park is there, and it will remain there, all 4,400 acres of it, and if we pass the Manassas, we are putting all of these 42 parks from California, the women's rights parks, on hold.

Vote against the Manassas bill.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, we continue to hear that this issue should be focused on a local level.

Well, we live in the greatest, most powerful and wealthiest democracy that has ever existed on the face of this planet Earth. We are that Nation today because of the sacrifice made during the convulsive years through which we fought a great Civil War.

To preserve the places where so much sacrifice was made, places like Sharpsburg, MD, Pittsburg Landing, TN, Chickamauga, Manassas twice, these are the demands on us as custodians of our history.

When we spend a thousand billion dollars a year in this Government and we hear a developer paid $10 million or less than $10 million 2 years ago on a piece of land on which so many people made the ultimate sacrifice, I suggest the price is not too high to acquire this land.

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

Mr. Chairman, 50 years ago Congress decided to dedicate, to set-aside, Manassas Battlefield. Today we have to reassert that policy in terms of what is going on.

Should a key parcel of that area which I suppose most thought would be pastoral and never disturbed by such commercial intrusion, be added to this battlefield to preserve what has been set-aside in terms of one of the most important battles that affected Americans where many, many, many Americans on both sides, the Union and Confederate side, died?

The fact is that is what has happened in development here. The developer and county board have decided to shove down the throat of the Park Service a policy that puts commercial development and the development of one more shopping center in this Nation ahead of what is our national heritage.

That is the question before the House, whether we are going to stand here and let that type of commercial, local decision, in other words, contradict the decision made 50 years ago to preserve this particular battlefield because of the significance it has to our Nation and to our people.

The cost is more than I would wish. I would wish the decision would have been made years ago, but unfortunately others did not have crystal balls when such policy was made. We counted on, depended upon, a good-faith action in terms of the county board and a good-faith action in terms of the developers.

They are not backing away and seeking compromise today. Their answers have come in the bulldozers tearing up that area. I say that the answer today in the House has to be to set this land aside, to go to the funds that we have, $7½ billion that are supposely dedicated, from removing and drilling U.S. offshore oil wells. Depleting one resource, and replacing it with another resource, and the dollars are in fact available and dedicated. It is not a question of the homeless, and it is not a question of other programs. It is a question of whether this Congress will reaffirm the decision made 50 years ago to preserve this battlefield.

The decision should be that we act to reaffirm that we must, in terms of the preservation of our national heritage.

Mr. Chairman, there are various ways to measure how much a nation values itself and its people. Concern for all its people is one such measure, care for its past another. Today we have a clear choice between history and commercialism, a decision of how much we value the events that shaped us as a people and a nation. We need to decide how best to protect part of our history—the Battlefield of Second Manassas. We need to decide if a shopping mall—which could be located in many places—should be allowed to pave over part of our history.

Had the Battle of Second Manassas not occurred at roughly the same location as the First Battle of Manassas, this part of the battlefield would certainly have received the preservation and interpretation it deserves long ago and we would not be considering last minute efforts to save it. The part of the battlefield now in question played a major part in the battle, as the site of General Lee's headquarters and staging area for General Longstreet's advance and decisive routing of the Union Army. For Gen. Robert E. Lee, this battle was part of his effort to invade the North, and so win international recognition and southern independence. In 9 weeks, the fortunes of the Civil War had turned from the outskirts of the Confederacy's capital in Richmond to the outskirts of the Union's capital here. The Confederate victory at Second Manassas played a major part in that reversal. The victory gave the Confederacy the confidence to invade the North and led to the Battle of Antietam. Asked about the signficance of the Battle of Second Manassas, Historian James McPherson, author of the best-selling "Battlecry for Freedom," described it as "a spectacular victory that gave the Confederates increased optimism and led directly to the invasion of the North that resulted in Antietam, which was a major turning point of the war." Professor McPherson noted that the largest Confederate hospital was located on the William Center tract and that while the Union often reinterred their dead, the Confederacy did not, so that a number of soldiers still lie there. Professor McPherson concluded by quoting President Abraham Lincoln on another Civil War battlefield as "hallowed ground" and

stating that such ground should not be desecrated by asphalt or concrete. Mr. Chairman, I agree, and add that we need to consider better protection for all our historic places.

There are two major, and related, impacts of the proposed development, which consists of a 1.2-million-square-foot shopping mall, major office construction and residential subdivision. The first impact is on the existing Manassas National Battlefield Park, with increased traffic, and visual, noise and automobile pollution. The second impact is on the historic battlefield itself. The historic battlefield is larger than the park, with significant portions of the battlefield outside the park. Certainly the location of the victorious general's headquarters, where Robert E. Lee directed the battle, and which today helps us understand the battle, has significance as does the staging area for General Longstreet's decisive counterattack on the Union forces which sent them scurrying here to Washington, DC.

Mr. Chairman, as you know, there has been considerable national attention given to Manassas recently. Two bills related to expansions of the Manassas National Battlefield have been introduced, H.R. 4526 was introduced by our colleagues MIKE ANDREWS and BOB MRAZEK with over 200 cosponsors and H.R. 4691 introduced by the Members from Virginia who are affected by this issue: FRANK WOLF, FRENCH SLAUGHTER, and STAN PARRIS. H.R. 4526 as amended has been agreed to by the primary sponsors of both bills and strikes a good balance between the two bills.

As amended by the Committee on Interior and Insular Affairs, H.R. 4526 does three things. First, it provides for a legislative taking for the 642 acres currently being proposed for the shopping mall, office complex and residential subdivisions. Such a taking will prevent further damage to the land and its resources and will immediately prevent increased costs incurred by the developer's current day and night construction. This title transfer will then be justly compensated.

Second, the bill as amended directs the Secretary to work with the State and local governments to encourage preservation of the battlefield's viewshed through zoning and other appropriate means. This will bring together the interested parties and encourage their joint efforts to protect this part of the Nation's history. A similar effort to protect the viewshed around Antietam National Battlefield is proceeding quite well.

Third, H.R. 4526 as amended directs the Secretary of the Interior to conduct a study on the highways that pass through the existing park, Highways 29 and 234. He is to study the highways in and in the vicinity of the battlefield, assess alternatives, develop plans for the closure of the roads and determine alternative routes. The Secretary of the Interior is authorized to provide funds for the construction and improvement of those highways to be used for the rerouting of traffic, with not more than 75 percent of the cost of the road relocations to be provided by the Secretary of the Interior and at least 25 percent to be provided by State or local governments. H.R. 4526 authorizes appropriations not to exceed $30 million for the road study and construction.

H.R. 4526 as amended deals with the major threats to this park—both external and internal. It prevents the construction of the shopping mall on that part of the battlefield not currently protected within the park by including it in the park and it works to assess and mitigate the impact of the roads that go through the park. Those roads carry traffic that certainly doesn't contribute to our understanding of the battle. But having personally seen the morning traffic there, I cannot say that those roads are anywhere as serious a threat to the park as such a huge shopping mall is. The administration has argued that the highways are the primary threat to the park. But the present commuter traffic is very little compared to the traffic generated by a 1.2-million-square-foot mall. H.R. 4526 addresses the Secretary's concern but is more comprehensive. The impact on the existing park is dealt with in the road study and construction and the direction that the Secretary work to protect the viewshed; the threat to the historic battlefield is dealt with by the acquisition of the William Center tract.

The administration has proposed a so-called compromise for Manassas. I can find no such compromise in its proposals. It simply proposes to close the roads within the park and to build the mall in a somewhat different location than the top of Stuart's Hill. But there is no linkage between the road closing and the mall construction, so that the mall could be built with all its impacts on the park without the roads in the park being closed. That is simply unacceptable. For one thing, while a very small portion of Stuart's Hill would be saved as a memorial to General Lee, most of the land there is marked for "nonresidential use." That means commercial, and includes buildings that would certainly be dominant when viewed from the existing battlefield. Furthermore, when we examined the proposed visual screening of the mall and offices to be built on the William Center tract, we learned that it will consist of deciduous trees. Mr. Chairman, as I'm sure you know, such trees lose their leaves in the fall, so that any screening would be minimal for months of the year. I would find dependence on tree leaves to protect a national park from visual intrusion comical except that the Secretary's proposal is completely serious.

I've heard the county's cry that 20 percent of the land is owned by the Federal Government. Their assertion ignores that the majority of that land—some 60,600 acres—is occupied by Quantico Marine Base, which employs 8,500 people and makes a major economic contribution to the county. I would be surprised if the county would prefer to close Quantico and make it private property. In contrast, Manassas National Battlefield Park, including the 642 acres in question, would only be about 4,400 acres.

Why has this area not been previously included in the park? Because we have, in the name of saving money, tried to acquire the battlefield piecemeal during the years. The battlefield itself has not changed. Indeed, as early as the 1930's master plan for the park, this area was identified as significant. Had we purchased the land then we could have saved a great deal of expense. Let us not wait again, but use this as a lesson for park protection everywhere. In cases such as Manassas, postponing purchases of significant lands only increases prices but does not decrease their significance. The cost of this land does not determine its significance. History does that. We can only act before the cost goes higher and before more of our Nation's past is lost.

I urge passage of H.R. 4526 and ask this Chamber's support in protecting our Nation's heritage. We must not trade our heritage for a mess of shopping malls. Shopping malls can be built elsewhere; but the location of such history was determined long before, and cannot be moved for our convenience. Thank you, Mr. Chairman.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manassas National Battlefield Park Amendments of 1988".

□ 1415

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADDITION TO MANASSAS NATIONAL BATTLEFIELD PARK.

The first section of the act entitled "An act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b), is amended—

(1) by inserting "(a)" after "That"; and

(2) by adding at the end thereof the following:

"(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the 'Addition'.

"(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

"(B) The United States shall pay just compensation to the owners of any property taken pursuit to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be made by the Secretary in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment. Such payment shall include interest on the value of such property which shall be compounded quar-

terly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

"(C) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretasry may initiate a proceeding at anytime seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

"(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(c) The Secretary shall not allow any unauthorized use of the Addition after the enactment of the Manassas National Battlefield Park Amendments of 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.".

AMENDMENT OFFERED BY MR. MARLENEE

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

The Clerk read as follows:

Amendment offered by Mr. MARLENEE: On page 4, line 23, after "made.", insert the following:

"Whether the value of just compensation is determined by negotiation between the parties or by the court, within three days of the date of enactment of these amendments the Secretary shall post a bond or place a cash deposit with the court, or offer such bond or cash deposit directly to the owners of the property taken pursuant to this paragraph, equal to the Secretary's estimate of the fair market value of the property taken. The property owners shall be permitted to accept such bond or cash deposit without prejudice to a claim that it inadequately reflects the fair market value of the property taken and shall be permitted to continue negotiations with the Secretary or to file an action in court seeking additional compensation."

Mr. MARLENEE. Mr. Chairman, I think what my colleagues need to remember is that this is a confiscation, a legislative taking of property, and if we take that property we should pay for that property as soon as practicable.

When an individual walks out of a store with a new radio, he had better have paid for it or he goes to the slammer. He had better use a credit card, he had better put it on his charge account, or he had better pay cash or he is going to the slammer.

When an individual buys an automobile, try getting out of town without obligating yourself for the purchase of that automobile. When you buy a home, at the settlement table you lay down the cashier's check.

What this amendment says is the United States bought this property and takes immediate possession. Then we pay, the U.S. Government pays the owner immediately.

The amendment is standard procedure established by the Declaration of Taking, 50 U.S.C. 258(a) for the taking of property by condemnation.

Time of payment.

It is not necessary that compensation be made at time of or in advance of taking of land and government has power to take land without bringing condemnation proceedings at all since it is only necessary that payment be made at time of taking of title.

We must minimize the legal costs of the interest and expense, and this amendment does exactly that. It saves the taxpayers money. It saves the property owner money.

What this really is is a downpayment as soon as we occupy the property.

I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

The fact is that the legislative taking is the fastest and the most effective, it is the way that is the least costly to the Government to acquire this tract of land. The fact is that such land and such claims, as I said earlier, about the cost of the land I think are wild exaggerations which are more designed to stampede the Members of the House into a false debate about the cost of this measure than what would otherwise be the case.

But notwithstanding that, it is very clear that legislative taking draws its money, and it is our intent it would draw its money from the claims and judgments account in the Department of the Treasury. They would be used for the legislative taking, not the appropriations of the Department of the Interior, as some have implied, which of course contradicts the issue beyond all recognition.

It is our direct intent that the claims and judgment account in the Department of the Treasury provide funding for acquisition payment for the property which shall be certified to the Department of Justice. After the Department of Justice certifies the payment from the claims and judgment account, it shall be made available to pay just compensation from the permanent fund.

For these reasons and many other reasons, I oppose this amendment.

What the gentleman is attempting to do is we have had a couple of custom-made proposals just for this particular developer. Who is this developer that he demands or he is able to command such type of treatment in this House?

I say that the existing and the normal procedure in terms of legislative taking is a just and fair method to deal with the process. We do not need to turn the process on its head for this particular developer or in this particular instance. The fact is that it is my reading of this amendment that the American taxpayer would end up paying the owner of the Williams tract interest on this money twice. That is neither necessary nor appropriate use of taxpayer money, Mr. Chairman.

I think that this amendment speaks to what the developer might want, but not to a fair break for the American taxpayer. It would seem to reward Williams for the actions that they have taken.

In other words, this amendment seems to suggest in terms of posting a bond that somehow we should not trust the National Government, that the National Government in a legislative taking, in the course of jurisdiction over this would not be reliable, that they could not be counted upon.

At the very least, Mr. Chairman, I think that is insulting to the courts. I think it is insulting to the process that exists here. This language would be unprecedented, unnecessary, and as far as I know it has not been requested by anyone on either side of this issue.

It seems to me that those that were so concerned about costs now are proposing to make the costs even higher with regards to this amendment. I think that it is tough enough in terms of facing the types of costs in this purchase. We do not need the Department of the Interior trumping up the cost as being more than it is, nor do we need this amendment increasing the cost or doubling the interest for remuneration to the developer in this particular instance.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMAS of California. Mr. Chairman, I rise in support of this amendment.

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

Mr. THOMAS of California. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I thank the gentleman from California for yielding. I would like to pose a question to my colleague, who is the chairman of the Subcommittee on National Parks and Public Lands. We have in hand today a letter from the Office of Management and Budget, Jim Miller, and I refer to the letter and quote:

I assume that this is a reference to the Treasury Department's permanent, indefinite appropriation account entitled "Claims, Judgments and Relief Act."

I know that the gentleman's side of the aisle has made a lot to do about where this money is going to come from, from this big, omnibus fund that we have out there. Let me say, "The purpose of this fund is to finance from the general funds of the Treasury payments of claims against the U.S. that are not," and I emphasize "are not

otherwise provided for. Given this general principle, it appears to me that at this time that the payment to acquire Manassas property, if taken by the Federal Government as provided for in H.R. 4526, would necessarily be derived from amounts appropriated to the National Park Service from the land and water conservation fund for land acquisition. I understand that the unobligated balance of such funds currently available to the Park Service is about $74 million. Also the House version of the fiscal year 1989 Interior appropriations provides $62 million in new budget authority for Park Service land acquisition, whereas the Senate version provides $64 million."

What this signifies is that this legislation, the money will come directly from the land and water conservation fund, and we will have to deal with it.

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

Mr. THOMAS of California. Reclaiming my time, I yield to the gentleman from Minnesota for a response.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

It is good to have the views of what the Office of Management and Budget intends. I am telling the gentleman that what the authors of this legislation intend is that it would come from the claims and judgment account of the Department of the Treasury.

I can understand why Mr. Miller might like to take and to make this particular measure antagonistic to the other elements of the budget that affect the Park Service, but that is not our intention. The fact is that is within our purview to, in fact, provide the dollars from the particular claims and judgment fund, to reimburse it from the land and water conservation fund or other mechanisms, but the fact is that is our legislative intention. That is what we are doing, and it is not antagonistic to the other projects of the National Park Service or other agencies.

Mr. THOMAS of California. Reclaiming my time, I yield to the gentleman from Montana [Mr. MARLENEE] for a response to the response.

Mr. MARLENEE. Mr. Chairman, the gentleman may claim that, but the actual impact of this bill is to dilute the funds that are necessary for all of those acquisitions and the priorities that the Park Service has and the priority list that they have given us.

I would further say that I wonder if it is the gentleman's intention, the intention on that side of the aisle by the passage of this legislation that the Park Service go into the houses and lots business? What is the gentleman going to do with the curbs and the gutters and the highways and the lots that we acquire and the buildings, by the way?

Mr. THOMAS of California. Reclaiming my time, I yield to the gentleman from Minnesota.

Mr. VENTO. The fact is, of course, that we must have the dollars. If we purchase the tract and it were modified, improved or changed, we would have to have the appropriations. We must have appropriations based on the need for restoration of the area because the bulldozers are running today. The fact is it would be much more, obviously, if we had not in fact provided for legislative taking and implement the policy earlier rather than later.

I thank the gentleman for yielding.

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

□ 1430

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

Mr. PARRIS. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Chairman, I recall very vividly the day that the gentlelady, and she was a gentlelady, from the board of supervisors, appeared before our subcommittee. She at that time supported the development.

Was she not elected by a majority of her constituents in that area? I know the gentleman knows that area very well.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. PARRIS] has expired.

(By unanimous consent, Mr. PARRIS was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, will the gentleman continue to yield?

Mr. PARRIS. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman.

Was not the gentlelady from the board of supervisors elected by a majority of her constituents?

Mr. PARRIS. I certainly hope so because she won. She was put in office and that apparently means she got a majority of the votes.

Mr. MARLENEE. Mr. Chairman, that is an elected office, she won by a majority, she supports the project, indicating the wishes of the people in that area after much studied consideration.

Mr. PARRIS. I think that is correct.

Mr. MARLENEE. I thank the gentleman.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I respect the gentleman's statement with regard to not voting on this issue and certainly do not question it. But I note that the gentleman did sponsor one of the major pieces of legislation that essentially had many of the elements that are in this bill before us. I note the gentleman is passionately arguing in the well a specific position. Of course, finally I understand the gentleman's statement did not address the amendment before us. In other words, the gentleman wanted to make a statement generally beyond what the general debate provided. So I just wanted to call to the attention of the Members that the amendment really is an amendment that in my judgment is inappropriate, is covered by the legislative taking, a procedure that is in the law.

Mr. Chairman, I oppose the amendment. I appreciate the gentleman's yielding the time.

Mr. PARRIS. I thank the gentleman for his contribution. I would simply reiterate that he is totally correct. I was one of the original sponsors of the bill filed by Mr. WOLF which has been turned into the Mrazek-Andrews-Vento bill or whatever. The point of all that is that there has been considerable change of circumstances since that time. I mentioned in bifurcated statement, the first part of it, that since the time the bill was originally filed in this matter, there has been one-half of a mile of road built, there have been 200 lots that have gone on record which are worth $40,000 a piece, that is $25 million for 25 percent of this property. Utilities are available to this site and it is going to cost this Government a fortune to acquire it.

Mr. MRAZEK. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's concern about the fact that circumstances have changed since the introduction of this bill. The fact is that the Committee on Interior and on Insular Affairs, and our subcommittee moved very carefully forward on this issue. While the issue developed in January, we were not here with legislation in February or March. I guess it was in April, the gentleman, Mr. MRAZEK and Mr. ANDREWS introduced legislation. Even then we waited until substantial sponsorship occurred. The Secretary of the Interior came forth with his proposal which, frankly, I do not think satisfied anyone. The fact is that the answer of the developer in this instance was that the bulldozers were turned free, there was no compromise, there was no consideration of what the impact would be.

That is what this has grown into a national issue of concern to the na-

tional preservation organizations across this Nation.

That is why they are in support of this bill.

So to talk about the fact that it has not been compromise or that there may be a compromise down the road remains to be seen.

There certainly has been no compromise on the part of the developer, nor for that matter with regard to the county board. So the fact is this legislation and the actions of those, the developer and the county board, have left us no recourse. Yes, the county board has the responsibility for zoning and zoning in that area. They zoned and within that zoning we had this opportunity for an office park, for other types of development. I think, frankly, that the Park Service was misled and the fact is, I think the facts and the committee hearing reflect that. Not that anything was done illegally. But certainly there are questions about the fact that they were misled.

Also the county board has a responsibility here but we also have a responsibility in terms of what park policy is. We are not going to transfer that responsibility to the County Board of Commissioners of Prince William or any other single county across this Nation. We set that policy. And the policy in this instance I think is clear: Where there is development that is occurring, that is intrusive into the park, which is going to damage the park, which is going to increase the traffic flow from 8,500 cars per day to 85,000 per day, I think we have to recognize the major impact that that has on the park.

This amendment simply is one that tends to—it is not necessary and I would hope we would oppose the amendment.

Mr. MRAZEK. I thank the gentleman.

Mr. Chairman, it seems pretty clear that the gentleman from Virginia has several different positions on this particular issue. I am a little confused about where he stands. I know that he started reading an excerpt from a column by George Will supporting the taking of this hallowed ground and reading what has happened at a place called Gettysburg, PA.

And what has happened at Gettysburg is an absolute travesty. And what we are trying to do today is see that what happened at Gettysburg does not happen at Manassas. The gentleman talked about the people of northern Virginia whom he represents and I am sure he represents them well. But every poll that I have seen in recent weeks suggest that the overwhelming percentage who live in northern Virginia suggested that the value of preserving this land far outweighs the cost that the Federal Government must bear to acquire it.

The gentleman talked about the fact that the land has already been cleared on the William Center tract and that is true. In some respects they have done us a favor because the National Park Service in trying to restore certain historic lands to the condition they were in at the time, in this particular case, a battle took place, has actually helped out to some extent in clearing some of the trees away from areas that did not have trees when the battle took place.

For the gentleman to suggest that simply because it is recorded that there are number of home sites on this land that that automatically means that those home sites would be valued by a Federal judge looking to adjust for fair compensation for what the developer paid for the land—less than $2 million 2 years ago—is automatically $20 million in and of itself is not something that I think a Federal judge would automatically accept. I submit to you that one of the reasons that the land was cleared was because of the legal steps taken by the developer. I would cite the letter here from Col. J.J. Thomas, colonel, Corps of Engineers, district engineer, to Mr. Ted Canterbury of the Hazel Peterson Cos.

The CHAIRMAN. The time of the gentleman from New York [Mr. MRAZEK] has expired.

(By unanimous consent, Mr. MRAZEK was allowed to proceed for 3 additional minutes.)

Mr. MRAZEK. The letter in part reads as follows:

> Your unauthorized filing project is in direct violation of condition 9 of Nationwide Permit (33CFR330.5)(a): Number 14, for minor roadfill crossings; and Number 26 for discharge in non-tidal headwaters and adjacent wetlands. This letter confirms our verbal direction of June 21, 1988 to seize and desist any and all unauthorized activity in Youngs Branch and its adjacent wetlands. You are requested to provide in writing your reasons for performing these unauthorized activities.

We have a developer who has gone in, working at night bulldozing the land, working without permits, filling in wetlands illegally, all in an effort to try to head off the effort by those of us who believe that this land is important to preserve for our national historic heritage.

I would submit to you that what is really at stake is the kind of desecration that took place at Gettysburg. I do not understand exactly why the jackals and the fly-by-nighters feel that it is so important to bring huge developments right on top of historic sites. It has happened at many historic sites in this Nation. Perhaps the reason is that because so many people come to visit these sites that there is going to be more money made by placing a major development contiguous to the sites.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is exactly right, we find time and time again when we have created parks, we have created historic sites that in fact the type of development wants to anneal itself to the park to benefit and profit from their particular unit. I think this is an example which makes this particular parcel so desirable, the setting of the 4,500 acres that is a part of the battlefield and of course that is why they are seeking this. First an amusement park was tried, now this shopping center pursued. The amusement park was rejected. There was an understanding that this would not be the type of development that would occur in the area. But unfortunately we are where we are at today because of the bad faith that has occurred with respect to this issue.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BROOMFIELD. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Jackals, fly-by-nighters, I do not think that is the kind of language we should use on the floor of the House or the kind of characterizations that we should use against otherwise sincere individuals who have an occupation or a profession that they are pursuing.

I think that the Members who are proposing and supporting this bill should refer to the RECORD to refresh their memories perhaps in order that they may not impinge the character of another Member or the developer.

The developer, I will remind the committee, was willing to compromise. He was very willing to compromise. He worked with the committee out there that opposed the development. He worked with the Park Service.

What did he do? Well, he established buffer zones on his land, on his dollars, buffer zones on his dollars, buffer zones on that private property between the park and the development.

What else did he do? Well, he established an observation point so that people at the development could look back at the park to observe what had happened within the park.

What else did he do? He also acquiesced or said that he would move the proposed site of the shopping mall, which he did.

□ 1445

He moved the proposed site to a lower elevation, and then, in addition to that, he brought down the total

height to live within a covenant that he agreed to that no structure would be more than 45 feet in height.

Those are the things that the developer compromised on in order to accommodate those who proposed the development. But that is not enough. They sent out the signal that—"Hey, we would have agreed to a housing development, a few offices, and maybe a small shopping center." But when we talk about a development, when we talk about houses and a mall, then they get all excited, even after the developer has compromised and has agreed to enhance the esthetics.

So I would admonish my chairman of the subcommittee not to cast any dark aspersions on those who oppose the legislation.

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

Mr. BROOMFIELD. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

I have no desire or intent, nor will I, to engage in the defense of the utilization of this property, but let me for the record make sure that all my colleagues understand the facts here.

There have been several references to an amusement park. What that was was a theme park by Marriott Corp., something like Disneyland Northeast or something, whatever that was. It was, in fact, rejected by the county government, and that property was then acquired by this property owner for the Marriott Corp. So this person or this corporation had nothing to do with any kind of an amusement park in this location.

Second, there has been some reference to wetlands on this property. I have visited this property, as have many others. This is not anywhere close to the Potomac River. It is 40 miles out in the country, in the foothills of the Blue Ridge, and the wetlands is a wet water stream with one farm pond.

Mr. Chairman, those are the considerations here that ought to be applicable to the facts.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

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

Mr. DORNAN of California. Mr. Chairman, very briefly, without disparaging any developers, let me say this: My father at one point in his varied career was a developer, and he always tried to help families and do the things that enhanced life here in America. I think probably there is a good side to all these people, but they have such a focus on what they are trying to do that they have lost their sense of history. We must never lose that in this country.

I want to associate myself with 98.9 percent of the positive remarks of the gentleman from New York [Mr. MRAZEK] and all the Members in this House who feel that it is hallowed ground out there. To quote Lincoln, these are decisions made that we can never turn the clock back on.

I bought a home out there in that area not too far away. It is probably one of the most beautiful places in this country, and I say that as a Californian who thinks his State is about the be-all and end-all when it comes to physical beauty.

I just hope that this is resolved by them getting a message from those of us who are supposed to be caretakers for the future of all these sites around this country that we respect and want to pass on to our children and our grandchildren.

Mr. Chairman, I hope this bill will pass overwhelmingly in this House.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to take a moment to address what was mentioned about the so-called efforts of the developer to compromise by moving a 4-story building off the highest prominence of the entire battlefield. He moved it some 200 yards, and in its place he agreed to put a visual visitors' center, an observation post that he would build and that would be manned by the Park Service.

What will the tourists and the historians of the future see as they stand on that highest prominence and look out across the fields of Manassas? A parking lot, a 4,000-car parking lot, a department store, and a mattress factory. They will literally need long-range binoculars to see the battlefield.

This will be a unique shopping mall. It will be the first one in our country's history that has its own historic observation post run by the Park Service. If you misplace your car, you can go to the observation post to find it. If your children are lost, they will know exactly where to go. A park ranger will be there to help them find their way.

Mr. Chairman, I submit that this amendment should be defeated. Those of us who have worked with the preservation groups and with the local county officials and have talked with the developer have tried to seek a reasonable compromise. The one suggested by this development is not the way to go. We are left with no other alternative here today.

Mr. Chairman, the forum of last resort is the Congress. Today we are deciding the fate of Manassas National Military Park.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MARLENEE].

The question was taken; and on a division (demanded by Mr. VENTO) there were—ayes 5, noes 10.

Mr. MARLENEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 276]

Ackerman	Courter	Gregg
Akaka	Coyne	Guarini
Alexander	Craig	Gunderson
Anderson	Crane	Hall (OH)
Andrews	Crockett	Hall (TX)
Annunzio	Dannemeyer	Hamilton
Anthony	Darden	Hammerschmidt
Applegate	Daub	Hansen
Archer	Davis (IL)	Harris
Armey	Davis (MI)	Hastert
AuCoin	de la Garza	Hawkins
Badham	DeFazio	Hayes (IL)
Baker	DeLay	Hayes (LA)
Ballenger	Dellums	Hefley
Barnard	Derrick	Hefner
Bartlett	DeWine	Henry
Barton	Dickinson	Herger
Bateman	Dicks	Hertel
Bates	Dingell	Hiler
Beilenson	DioGuardi	Hochbrueckner
Bennett	Dixon	Holloway
Bentley	Donnelly	Hopkins
Bereuter	Dorgan (ND)	Horton
Berman	Dornan (CA)	Houghton
Bevill	Downey	Hoyer
Bilbray	Dreier	Hubbard
Bilirakis	Durbin	Huckaby
Bliley	Dwyer	Hughes
Boehlert	Dymally	Hunter
Boggs	Dyson	Hutto
Boland	Early	Hyde
Bonior	Eckart	Inhofe
Bonker	Edwards (CA)	Ireland
Borski	Edwards (OK)	Jacobs
Bosco	Emerson	Jeffords
Boucher	English	Jenkins
Boxer	Erdreich	Johnson (SD)
Brennan	Espy	Jones (NC)
Brooks	Evans	Jones (TN)
Broomfield	Fascell	Jontz
Brown (CA)	Fawell	Kanjorski
Brown (CO)	Fazio	Kaptur
Bruce	Feighan	Kasich
Bryant	Fields	Kastenmeier
Buechner	Fish	Kennedy
Bunning	Flake	Kennelly
Burton	Flippo	Kildee
Bustamante	Florio	Kleczka
Byron	Foglietta	Kolbe
Callahan	Foley	Konnyu
Campbell	Ford (MI)	Kostmayer
Cardin	Ford (TN)	Kyl
Carper	Frenzel	LaFalce
Carr	Gallegly	Lagomarsino
Chandler	Gallo	Lancaster
Chapman	Garcia	Lantos
Chappell	Gaydos	Latta
Cheney	Gejdenson	Leach (IA)
Clarke	Gekas	Leath (TX)
Clay	Gephardt	Lehman (CA)
Clement	Gibbons	Lehman (FL)
Clinger	Gilman	Leland
Coats	Gingrich	Lent
Coble	Glickman	Levin (MI)
Coelho	Gonzalez	Levine (CA)
Coleman (MO)	Goodling	Lewis (FL)
Coleman (TX)	Gordon	Lewis (GA)
Collins	Gradison	Lightfoot
Combest	Grandy	Lipinski
Conte	Grant	Lloyd
Cooper	Gray (PA)	Lott
Coughlin	Green	Lowery (CA)

Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
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
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
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, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
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
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1512

The CHAIRMAN. Four hundred two Members having answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Montana [Mr. MARLENEE] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 326, not voting 26, as follows:

[Roll No. 277]

AYES—78

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bliley
Brown (CO)
Buechner
Cheney
Combest
Coughlin
Craig
Crane
Dannemeyer
Daub
DeLay
DioGuardi
Dreier
Edwards (OK)
Frank
Frenzel
Gallo
Gekas
Goodling
Gradison
Green
Hammerschmidt
Hansen
Hastert
Hefley
Herger
Hunter
Inhofe
Jacobs
Kolbe
Kyl
Latta
Lewis (FL)
Lightfoot
Lujan
Lukens, Donald
Madigan
Marlenee
Martin (IL)
McCandless
Miller (OH)
Moorhead
Morrison (WA)
Myers
Nielson
Olin
Oxley
Packard
Parris
Payne
Petri
Regula
Saxton
Schulze
Sensenbrenner
Sisisky
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Stangeland
Stump
Sweeney
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Whittaker
Williams
Wylie
Young (AK)
Young (FL)

NOES—326

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
AuCoin
Baker
Ballenger
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
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
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Gallegly
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (PA)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lungren
Manton
Markey
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Shumway
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron

NOT VOTING—26

Aspin
Atkins
Boulter
Burton
Dowdy
Gray (IL)
Hatcher
Hawkins
Johnson (CT)
Kemp
Kolter
Lewis (CA)
Livingston
Mack
MacKay
Matsui
McCollum
McGrath
Meyers
Mica
Michel
Molinari
Nichols
Shuster
Spence
Wise

□ 1520

Mr. GUARINI and Mr. MILLER of Washington changed their vote from "aye" to "no."

Mr. PAYNE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARLENEE

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

The Clerk read as follows:

Amendment offered by Mr. MARLENEE: Page 4, line 14, after "judgment.", insert the following:

"The Secretary shall reserve funds adequate to satisfy the costs of the estimated judgment from appropriated 'Land and Water Conservation Fund' moneys and the payment shall have priority over all other uses of the fund until the obligations under this Act are satisfied in full."

Mr. MARLENEE. Mr. Chairman, there has been some confusion with regard to where the money would come from to pay for the Manassas Battlefield. I think it is extremely important that we know where this money is coming from and that it is not out of some pie-in-the-sky fund that already exists.

This is a major amendment, the amendment that I have offered. It puts the Manassas purchase on line in the budget. It takes the money for the

purchase out of the Land and Water Conservation Fund. It gives the payment of the Manassas site priority over all other land and water conservation fund purchases, just as the legislation does. It carries through on that. It says that we will pay for what we take. No smoke and mirrors, just upfront purchase for the appropriated land and water conservation funds, nothing more and nothing less.

It makes Congress put its money where its mouth is.

The argument against this amendment is that no other land purchases can be made until Manassas is paid for. This is not true. If Congress want to buy more land, they can appropriate the funds through the normal process. That is the way it should be. None of this funny money.

Sooner or later we as the U.S. Congress and the taxpayers are going to have to pay the piper. Ths amendment says that the time is now to do that.

Lest there be any confusion on where this will come from, we have a letter from Jim Miller from the OMB, who essentially states:

The purpose of the Claims Judgment Fund is to finance from the General Treasury payments of claims against the U.S. that are not otherwise provided for.

2. Since the Land and Water Conservation Funds under the Department of Interior are available specifically for land acquisition, use of that fund must first be exhausted before funds can be used from the Claims Judgment Fund. Even if the bill were amended to provide that the moneys came solely from the Claims Judgment Fund, such action would directly violate the bipartisan budget agreement, because the Manassas spending would be over the limit set for unappropriated funding."

Note well the OMB letter.

Finally, Mr. Miller of the OMB says:

Given this general principle, it appears to me at this time that the payment to acquire the Mansassas property if taken by the Federal Government as provided for in H.R. 4526 would necessarily be derived from amounts appropriated for the National Park Service.

What we are saying in this amendment is let us get with it. Let us have an honesty in legislation amendment and proceed with this. It is going to come from appropriated funds. Let us say so.

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

Mr. MARLENEE. I am happy to yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, some of us were talking about this legislation. I think some of the Members are confused about the legislation. It could cost as much as $30 million, I understand. It is to buy some lands surrounding the Manassas Battlefield so that a shopping center will not be built.

What is the problem about the shopping center?

Somebody suggested that they might be worried that one of the shoppers would get hit by a wild shot. Is that the problem? What is the purpose of the legislation?

□ 1530

Mr. MARLENEE. The purpose of the legislation is to subvert the intent of the Park Service and the local jurisdication of the county board of supervisors which approved the development on an area—and I emphasize adjacent—adjacent to Manassas National Battlefield. Manassas National Battlefield Park will always be there, all 4,500 acres of that park will be there. This does not save that 4,500 acres. It provides the taking of 400 acres next to it.

Mr. JACOBS. How does the shopping center hurt the battlefield? It is not for the safety of people shopping at the center, is it?

Mr. MARLENEE. I would say it does not hurt, because the builder and the Park Service have compromised their positions. The builder has allowed a buffer strip between the development and the park and an observation tower.

Mr. JACOBS. If the gentleman will assure the House that there was a cease-fire that is still in effect and that nobody is in danger of being hit from the battlefield, I will thank the gentleman.

Mr. MARLENEE. I give that assurance.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a straightforward amendment. The gentleman from Montana and the Director of Office of Management and Budget made it abundantly clear that they want this money that is used for this emergency situation in terms of a legislative taking to actually be antagonistic to the other appropriations that are made out of the Land and Water Conservation Fund to other programs of the Park Service, and that is what they are doing.

Mr. Chairman, it is clear to me and I think to other Members of the House that this amendment would, in fact, of course, put the Manassas, this emergency action, in an antagonistic manner toward other projects that the Park Service needs, and this is really very curious. The fact is we provided this legislation, and it is the intent of the legislation that the direction that the claims and judgments account of the Department of the Treasury provide for the funding of this acquisition as it generally has for almost all other legislative takings. That is the procedure that we use, but the administration and the gentleman from Montana [Mr. MARLENEE] are insisting that this money be in competition with money that is appropriated from the Land and Water Conservation Fund.

The fact is that this is simply an effort to try and defeat this legislation by virtue of building opposition from those that have other projects in the Land and Water Conservation Fund. That is what the purpose of this amendment is. It is not necessary. There can be funds appropriated to restore the money to the Treasury fund from a variety of different sources. This is not unusual.

The fact is that this amendment is simply an effort by an administration who seeks incidentally no money for the Land and Water Conservation Fund, so if we want to take their suggestion it is that we pay for it from that fund, but their suggestion is we not put any money into that fund, that we not appropriate any money. I guess the result would be that there would be no money in that fund to facilitate what is the emergency action in this instance.

Mr. Chairman, I think this shows the folly of it and the type of logic and the type of, I think, attitude that exists on the part of the administration with regard to this issue. There would be no money to execute the decision if we took their instruction as to what we put into the land/water fund.

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

Mr. VENTO. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, if in fact Jim Miller took the money for Manassas, and this is a question, and it is a serious question, if he took the money from Manassas out of the legal fund, the claims fund, and he broke the law, would not the gentleman be wanting to bring him up here and prosecute him? He is bound by law, and that is the reference he makes in his letter where he said the purpose of this fund is to finance from the General Fund of the Treasury repayments of claims against the United States that are not otherwise provided for; that is, general claims.

Mr. VENTO. Reclaiming my time, that is exactly what this legislative taking is, because it is an emergency taking. We recognize that, and that is why we have this particular procedure set up so that we can meet the funds, because it comes from unexpected appropriation. Nobody designed or has had designs in terms of this particular area until the emergency development this year, and it became clear that this was the only way to resolve this particular issue.

I would just suggest to the gentleman that there are various ways to repay this fund, recapture the dollars, and that is a question we will have to face. The question is not pertinent in this instance. The gentleman would make this particular project antagonistic to the other Land and Water Conservation Fund projects that are competing. That is not necessary at this point. There is some $6 billion in

this Land and Water Conservation Fund which the administration has adamantly refused to request dollars for in almost each of the last 7 years except, of course, for the closing out of that fund the administration has sought funding, as the gentleman is aware; but the administration for all practical terms requested no dollars for the Land and Water Conservation Fund. If we followed their prescription, there would be no dollars to pay for this particular program. Clearly the Congress and the distinguished members of the Committee on Appropriations have sought to restore funding to this Land and Water Conservation Fund Program in each of those years at obviously much reduced levels because of the opposition of the administration.

Mr. Chairman, I think this amendment needs to be defeated. It is not necessary. It will take money away from other park units that are necessary, and that money should come out of the Treasury fund as is anticipated in the law and general policy.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

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

Mr. SHAW. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I would say that the gentleman from Minnesota is somewhat confused.

Mr. Miller and the U.S. Congress are bound by the law, and he would be drug up here in a moment if he took those funds from anywhere but the Land and Water Conservation Fund. The law says the purpose of this fund is to finance from the general funds of the Treasury repayments of claims against the United States that are not otherwise provided for.

If one goes to court and wins a lawsuit, that is a claim against the United States of America. There is no doubt about it. I intend that this Congress, that this committee, and that the chairman of the subcommittee be straightforward. As a matter of fact, I demand that they be straightforward and tell us that we are trying to sweep this under the rug so that this does not show up in the true cost of this; that this does not have to be appropriated; that it is outside of the budget process; that it will not be sequestered. I think that that is why the gentleman is opposing the amendment.

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

Mr. SHAW. Mr. Chairman, I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I regret that I did not make myself clearer to the gentleman from Montana, our distinguished member of the Interior Committee.

The fact is that as the gentleman said in his own words, he said that a taking, a legislative taking, is a claim. This is the normal procedure that is used with the legislative taking process, to go to this particular claim fund as it was used in other cases where court decisions are made, and the fact is that this is the normal procedure.

The Committee on Appropriations obviously will have to provide those funds within that particular fund for this land to be purchased, but the legislative taking would come as a claim because of the nature of the issue that is before us. The gentleman would try and solve that problem ahead of time by vitiating the actions to provide Land and Water Conservation Funds for other projects, and I think that is inappropriate and unnecessary. We will have to restore that money from various funds at the national level, and perhaps from the Land and Water Conservation Fund, but not on the basis of taking it away from other projects, and that is what this gentleman's effort here will do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MARLENEE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 45, noes 361, not voting 24, as follows:

[Roll No. 278]

AYES—45

Archer
Armey
Bartlett
Barton
Cheney
Combest
Craig
Crane
Dannemeyer
Daub
DeLay
Dreier
Edwards (OK)
Frank
Gekas
Goodling
Green
Hammerschmidt
Hansen
Hunter
Jacobs
Kolbe
Kyl
Latta
Lewis (FL)
Lujan
Lukens, Donald
Marlenee
McCandless
Miller (OH)
Nielson
Oxley
Pashayan
Schulze
Shumway
Smith, Denny (OR)
Smith, Robert (OR)
Stump
Sweeney
Swindall
Thomas (CA)
Vucanovich
Walker
Williams
Young (AK)

NOES—361

Ackerman
Akaka
Anderson
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 (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
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
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lungren
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Patterson
Payne
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NOT VOTING—24

Alexander	Livingston	Molinari
Boulter	Mack	Nichols
Dowdy	MacKay	Shuster
Hatcher	McCollum	Spence
Johnson (CT)	McGrath	Stratton
Kemp	Meyers	Waxman
Kolter	Mica	Wilson
Lewis (CA)	Miller (CA)	Wise

□ 1558

Mr. GLICKMAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. VISUAL PROTECTION.

Section 2(a) of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b-1), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.".

Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. HIGHWAY RELOCATION.

(a) STUDY.—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary"), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the "park"). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

(b) DETERMINATION.—Within 1 year after the enactment of this Act, the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

(c) ASSISTANCE.—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest in protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary not to exceed $30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).

AMENDMENT OFFERED BY MR. WALKER

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

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 7, after line 21, insert the following new section:

"SEC. 5. SEQUESTRATION AND CERTAIN REDUCTION IN OUTLAYS.—If the order issued under section 252(b) of the Deficit Control Act of 1985 for fiscal year 1989 states that the deficit reduction target will not be met, the funds for the legislative taking provided for in section 2 shall come out of existing appropriations within the jurisdiction of the Secretary of the Interior."

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.

□ 1600

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VENTO. Mr. Chairman, the amendment violates rule XXI as being appropriation on legislation and I insist on my point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. WALKER. I certainly do, Mr. Chairman.

Mr. Chairman, there is nothing in this amendment which specifically appropriates money. All this amendment does, it says that if we run afoul of the Budget Act, the money would have to be taken out of previously appropriated funds. So that there is nothing in this particular amendment which in fact appropriates any specific funds at all. It simply assures that we maintain compliance with another act to which this Congress is committed, namely the Deficit Reduction Act.

The CHAIRMAN (Mr. ECKART). Are there any additional Members who wish to be heard on the point of order? If not, the chair is prepared to rule on the point of order.

Having examined the amendment, it is clear that it represents a diversion of previously-appropriated funds for a new purpose and thus would be violative of clause 5(a), rule XXI.

Therefore, the gentleman from Minnesota's point of order is well taken and the amendment is ruled out of order.

Are there other amendments?

If there are no additional amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. ECKART, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4526 to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park, pursuant to House Resolution 515, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the agreement 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. MARLENEE. 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 307, nays 98, answered "present" 2, not voting 23, as follows:

[Roll No. 279]

YEAS—307

Ackerman	Bates	Boxer
Akaka	Bennett	Brennan
Alexander	Bentley	Brooks
Anderson	Berman	Broomfield
Andrews	Bevill	Brown (CA)
Annunzio	Bilbray	Brown (CO)
Anthony	Boehlert	Bryant
Applegate	Boggs	Buechner
Aspin	Boland	Bunning
Atkins	Bonior	Bustamante
AuCoin	Bonker	Callahan
Baker	Borski	Campbell
Ballenger	Bosco	Cardin
Barnard	Boucher	Carper

Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hefley
Hefner
Hertel
Hiler
Hochbrueckner
Holloway
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowry (WA)
Lukens, Donald
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Vento
Visclosky
Volkmer
Walgren
Walker
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—98

Archer
Armey
Bartlett
Barton
Bateman
Bellenson
Bereuter
Bilirakis
Bliley
Bruce
Burton
Byron
Cheney
Coble
Combest
Cooper
Craig
Crane
Dannemeyer
Daub
DeLay
Dickinson
Dreier
Dymally
Edwards (OK)
Flake
Frank
Frenzel
Gallegly
Gallo
Goodling
Gradison
Hall (OH)
Hammerschmidt
Hansen
Hastert
Henry
Herger
Hopkins
Houghton
Hunter
Inhofe
Jacobs
Jones (TN)
Kanjorski
Kolbe
Konnyu
Kyl
Latta
Leath (TX)
Lewis (FL)
Lowery (CA)
Lujan
Luken, Thomas
Lungren
Manton
Marlenee
McCandless
McCrery
Mfume
Michel
Miller (WA)
Moorhead
Murphy
Myers
Nielson
Olin
Ortiz
Oxley
Packard
Pashayan
Payne
Pursell
Ray
Regula
Rogers
Rose
Rowland (CT)
Savage
Saxton
Schulze
Sensenbrenner
Shumway
Sisisky
Smith (NE)
Smith, Robert (OR)
Stangeland
Stump
Sundquist
Sweeney
Thomas (CA)
Valentine
Vander Jagt
Vucanovich
Watkins
Wortley
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Hayes (LA)
Parris

NOT VOTING—23

Badham
Boulter
Dowdy
Hatcher
Jeffords
Johnson (CT)
Kemp
Kolter
Lewis (CA)
Livingston
Mack
MacKay
McCollum
McGrath
Meyers
Mica
Miller (CA)
Molinari
Nichols
Shuster
Smith, Denny (OR)
Spence
Williams

□ 1624

The Clerk announced the following pair:

On this vote:

Mr. Miller of California for, with Mr. Nichols against.

Mr. McDADE changed his 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.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 4526, the bill just passed.

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

There was no objection.

LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS ACT

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3679) to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lac Vieux Desert Band of Lake Superior Chippewa Indians Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Lac Vieux Desert Band of Lake Superior Chippewa Indians, although currently recognized by the Federal Government as part of the Keweenaw Bay Indian Community, has historically existed, and continues to exist, as a separate and distinct Indian tribe that is located over 75 miles from the Keweenaw Bay Indian Community;

(2) the Lac Vieux Desert Band consists of approximately 250 members who continue to reside close to their ancestral homeland near the town of Watersmeet, Michigan;

(3) the Lac Vieux Desert Band entered into two treaties with the United States as a distinct tribal entity (7 Stat. 591, 10 Stat. 1109);

(4) members of the Lac Vieux Desert Band currently reside on or otherwise occupy lands within the Township of Watersmeet, Michigan, which are held by the United States in trust for the Keweenaw Bay Indian Community, and currently receive limited Federal benefits through the Keweenaw Bay Indian Community; and

(5) because of its distance from Keweenaw Bay and the failure of the United States to recognize the independent status of the tribe, the Lac Vieux Desert Band and its members receive only limited benefits to which the tribe and its members are entitled.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Lac Vieux Desert Band of Lake Superior Chippewa Indians;

(2) the term "member" means those individuals eligible for enrollment under section 5 in the Band; and

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

SEC. 4. FEDERAL TRUST RELATIONSHIP.

(a) The Federal recognition of the Band and the trust relationship between the United States and the Band is hereby reaffirmed. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this Act shall apply to the members of the Band, and the reservation. The Band is hereby recognized as an independent tribal entity, separate from the Keweenaw Bay Indian Community or any other tribe.

(b) The Band and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 5. ESTABLISHMENT OF A BAND ROLL.

(a) Within six months after the date of enactment of this Act, the Band shall submit to the Secretary, for approval, its base membership roll which shall include only individuals who are not members of

any other federally recognized Indian tribe or who have relinquished membership in such tribe and who are eligible for membership under subsection (b).

(b) An individual is eligible for inclusion on the base membership roll in the Band if that individual—

(1) is on the tribal membership roll as maintained by the Band prior to the date of enactment of this Act and is on file with the Bureau of Indian Affairs as of the date of enactment of this Act; or

(2) is at least one-quarter Chippewa Indian blood and is a person or a descendant of a person who was listed, or could have been listed, on any of the census of the Lac Vieux Desert prepared by the Superintendent of the MacKinaw Agency prior to 1928 or by the Superintendent of the Great Lakes agency on or prior to 1940.

(c) The Band shall ensure that the roll, once completed and approved, is maintained and kept current.

(d)(1) Notwithstanding paragraph (b) of section 6 and except as provided in paragraph (2), future membership in the tribe shall be limited to descendants of individuals whose names appear on the base roll and who have at least one-quarter Chippewa blood quantum.

(2) The Band may modify such quarter Chippewa blood quantum requirement if such modification is adopted in the tribal election as prescribed under paragraph (a) of section 6 or in a referendum by a majority of the voters and approved by the Secretary of the Interior. The Secretary shall approve such new membership requirements once adopted by the tribal voters unless he finds that the proposed amendment is contrary to Federal law.

SEC. 6. ORGANIZATION OF TRIBE; CONSTITUTION AND GOVERNING BODY.

(a) Within one year following the enactment of this Act, the Band's governing body shall propose a governing document, and the Secretary shall conduct, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), and in accordance with applicable rules and regulations, an election as to the adoption of the proposed document. The Secretary shall approve the governing document if approved by a majority of the tribal voters unless the Secretary finds that the proposed constitution, or any provision thereof, is contrary to Federal law.

(b) Until the Band adopts and the Secretary approves a governing document, the Band's interim governing document shall be the Lac Vieux Desert Constitution which bears the approval date of June 18, 1986, and a copy of which is in the files of the Division of Tribal Government Services, Bureau of Indian Affairs, Washington, District of Columbia.

(c) Until the Band elects a new governing body pursuant to the new governing document, the Band's governing body shall consist of its current Band officers, elected at the Band's election held on November 5, 1986, or any new officers selected under election procedures of the interim governing document identified under subsection (b) of this section.

SEC. 7. LAND ACQUISITION; ESTABLISHMENT OF FEDERAL RESERVATION.

(a) The Keweenaw Bay Indian Community is hereby authorized to convey, by deed to the United States in trust for the Band, all lands located in Gogebic County, Michigan, which, on the date of enactment of this Act, are held in trust by the United States for the benefit of said community. The Secretary is hereby authorized and directed to approve and accept the deed with the expressed consent of the Keweenaw Bay Indian Community and the Band. Upon acceptance of the deed, all lands described therein shall constitute the reservation of the Band.

(b) The Secretary may place such other land into trust for the benefit of the Band pursuant to the provisions of the Act of June 18, 1934 (48 Stat. 84), or any other Act: Provided, That any such land placed in trust which is located in Gogebic County, shall become part of the reservation.

SEC. 8. DISTRIBUTION OF FUNDS.

(a) For the purpose of proceeding with the per capita distribution of the funds appropriated and subsequently apportioned to the Keweenaw Bay Indian Community in satisfaction of judgments awarded the Lake Superior Chippewas and Mississippi Chippewas in dockets numbered 18-C, 18-T, 18-S, and 18-U of the Indian Claims Commission, the Secretary of the Interior shall accept the tribe's certification of enrolled membership.

(b) Individuals who are or become members of the Lac Vieux Desert Band and who are eligible for per capita shares out of funds apportioned to the Keweenaw Bay Indian Community or Sokaogan Chippewa Community shall continue to be eligible for such per capita payments notwithstanding their relinquishment of their enrollment in either community pursuant to section 5 of this Act.

SEC. 9. CONSTITUTIONAL AMENDMENT.

Notwithstanding any other law or provision in the constitution of the Keweenaw Bay Indian Community, the Secretary shall call an election within 90 days of receipt of a resolution of the Keweenaw Bay Tribal Council requesting an election for the purpose of amending provisions of the constitution of the Keweenaw Bay Indian Community."

SEC. 10. COMPLIANCE WITH BUDGET ACT.

Notwithstanding any other provision of this Act, any spending authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. For purposes of this Act, the term "spending authority" has the meaning provided in section 401(c)(2) of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Mr. VENTO [during the reading]. Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

Mr. RHODES. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota for an explanation of the Senate amendment.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 3679 is a bill to federally recognize the Lac Vieux Desert Bank of Lake Superior Chippewa Indians of Michigan as a separate Indian tribe. The members of this tribe, which number about 250, are currently recognized as members of two other Chippewa Indian Tribes.

The Lac Vieux Desert Band has historically existed as a distinct and separate Indian tribe with its own government, land base, and membership, yet through bureaucratic fiat, it is only recognized as part of another Indian tribe, the Keewenaw Bay Indian community. The legislation before us would establish a direct government-to-government relationship with the band and recognize it as a distinct and separate Indian tribe.

This bill originally passed the House by unanimous consent and has now come back from the Senate with some minor amendments.

Mr. RHODES. Mr. Speaker, further reserving the right to object, I thank the chairman, and agree with his explanation. S. 1735, a bill to clarify the status of the Lac Vieux Desert Band of Chippewa Indians as a distinct tribe, passed the Senate last September. The Interior Committee amended the bill and it passed the House on the Consent Calendar on May 2 of this year. I would like to commend our colleague, Representative BOB DAVIS, of Michigan, who sponsors the companion bill in the House, for his efforts on the bill.

I support the further Senate amendments to the bill, and I urge my colleagues to support the motion.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., FRIDAY, AUGUST 26, 1988, TO FILE REPORTS ON SUNDRY BILLS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m. Friday, August 26, 1988, to file reports on the bills H.R. 2848, H.R. 4807, and H.R. 4970.

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

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2342, COAST GUARD AUTHORIZATION ACT OF 1988, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-856) on the reso-

lution (H. Res. 518) waiving certain points of order against the conference report on the bill (H.R. 2342) to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes, and against consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1580, ANTI-APARTHEID ACT AMENDMENTS OF 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-857) on the resolution (H. Res. 519) providing for the consideration of the bill (H.R. 1580) to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5142, GRANT PROGRAMS AND CONFIDENTIALITY PROTECTIONS RELATING TO COUNSELING AND TESTING WITH RESPECT TO AIDS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-858) on the resolution (H.Res. 520) providing for the consideration of the bill (H.R. 5142) to amend the Public Health Service Act to establish grant programs, and confidentiality protections, relating to counseling and testing with respect to acquired immune deficiency syndrome, to amend such act with respect to research programs relating to such syndrome, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREE ON H.R. 3051, AIRLINE PASSENGER PROTECTION ACT OF 1987

The SPEAKER. The Chair appoints the gentleman from West Virginia [Mr. RAHALL] as a manager on the part of the House to the conference on the bill (H.R. 3051) to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes, to fill the vacancy on that conference resulting from the death of our former colleague, Representative Howard of New Jersey.

The Clerk will notify the Senate of the change in conferees.

APPOINTMENT AS MEMBER TO SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (f) and (i) of rule X, the Chair appoints to the Select Committee on Aging the gentleman from Indiana [Mr. JONTZ] to fill the existing vacancy thereon.

□ 1630

APPOINTMENT OF CONFEREES ON H.R. 4585, TAFT INSTITUTE AUTHORIZATION EXTENSION

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4585) to extend the authorization of appropriations for the Taft Institute through fiscal year 1991, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Montana? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, GAYDOS, WILLIAMS, OWENS of New York, HAYES of Illinois, PERKINS, JEFFORDS, GOODLING, and COLEMAN of Missouri, and Mrs. ROUKEMA.

APPOINTMENT OF CONFEREES ON S. 908, INSPECTOR GENERAL ACT AMENDMENTS OF 1988

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 908) to amend the Inspector General Act of 1978, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. BROOKS, CONYERS, SYNAR, WISE, ERDREICH, HORTON, WALKER, and CLINGER.

DEPARTMENT OF VETERANS' AFFAIRS ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3471) to establish the Veterans' Administration as an executive department, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. BROOKS, CONYERS, WEISS, NEAL, FRANK, MONTGOMERY, EDWARDS of California, HORTON, WALKER, LIGHTFOOT, and SOLOMON.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MARITIME PROGRAMS FISCAL YEAR 1989 AUTHORIZATION

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 503

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose 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, the rule makes in order an amendment in the nature of a substitute, recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as original text for the purpose of amendment. The substitute will be considered by sections and each section shall be considered as having been read.

Mr. Speaker, the rule provides one waiver against the substitute, clause 7 of rule 16, the germaneness waiver. This waiver is necessary because language that makes permanent changes in law is not germane to the bill. Section 6 of the substitute repeals the on

board posting requirement of the terms and conditions of bill of ladings and contracts. Because section 6 would change existing law under the Intercoastal Shipping Act of 1933, a waiver of clause 7 of rule 16, is necessary.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4200 authorizes $486.8 million for the Maritime Administration and $15.1 million for the Federal Maritime Commission for fiscal year 1989. The Maritime Administration oversees vital programs that are important for the promotion and the continued existence of the U.S. merchant marine shipping industry in both domestic and foreign commerce.

In keeping with that directive, Mr. Speaker, the bill authorizes $300 million for the operating differential subsidy program. These subsidies are paid to U.S. shipping companies, to make certain that U.S. flag ships will be able to continue to compete in foreign trade, and to ensure economic and national security.

Also, Mr. Speaker, the Maritime Administration operates the U.S. Merchant Marine Academy where students are trained to become licensed merchant marine officers. The students are also enrolled as midshipmen in the Naval Reserve and, if eligible, are commissioned as ensigns in the Naval Reserve.

Mr. Speaker, the Federal Maritime Commission acts as a regulatory agency for the maritime industry, besides ensuring that all participants in U.S. foreign ocean commerce are treated equally the Federal Maritime Commission enforces tariffs and service contracts, the investigation of any discriminatory practices among shippers and terminal operators, and deciding possible actions and sanctions toward any foreign carriers or governments that create unfavorable conditions in U.S. ocean trade.

Mr. Speaker, as I stated earlier, this is an open rule, the bill is open to any germane amendment, I urge adoption of the rule so the full House can consider the bill H.R. 4200.

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

Mr. Speaker, the rule has been ably explained as well as the provisions of the bill. In my 26 years here in the House I have seen the merchant marine fleet diminish almost to the point of disappearing. I would like to see it built up as it was right after World War II because it means so much to our national defense.

Mr. Speaker, I cannot understand why this administration and the administrations prior to this one shove the merchant marine authorizations and appropriations on the back burner. I think it should be in the forefront, and I think we should be encouraging our merchant marine fleet to be improved, to be enlarged and to be able to help defend the Nation, if necessary.

We know what it meant, this fleet meant, during World War II in helping to win the war. It was a great asset. To me the amount in this authorization bill is not nearly enough although the 300 million for operating differential subsidy keeps the fleet competitive. I would like to see that increased.

So, Mr. Speaker, I am a merchant marine advocate. I think it is necessary that this House and this Congress look at the situation with the idea of improving and enlarging the merchant marine fleet and, if we can do that, Mr. Speaker, I think this Nation will be safer.

Mr. Speaker, I urge the adoption of the rule, and I have no requests for time.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4200.

□ 1642

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 consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, with Mr. MOAKLEY in the chair.

The Clerk read the title of the bill.

Mr. CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. JONES] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] 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, I appreciate the opportunity to say a word about H.R. 4200, the fiscal year 1989 authorization for the Maritime Administration and the Federal Maritime Commission. This bill is being considered at a time when the U.S.-flag fleet and the American shipyards are in dire need of help. Our national security depends on our ability to ensure that healthy U.S.-flag sealift assets continue to ply commercial trade routes in peacetime in an atmosphere of healthy competition.

H.R. 4200 provides $486,851,000 for Marad and $15,150,000 for the FMC. The bill differs from the administration's budget request in several ways. First, it authorizes an extra $25 million for operating-differential subsidy, with an eye toward the passage of fair- and growth-oriented reform legislation.

Second, it establishes a separate line item for research and development, and reallocates $2 million out of operations and training for this purpose. While it does not increase Federal outlays, it does send an important signal to our maritime community that one way to improve the efficiency and competitiveness of our fleet is to make sure R&D programs are encouraged. This initiative is in line with the report of the President's Commission on Merchant Marine and Defense.

Third, H.R. 4200 differs from the budget request by adding $2 million to the State maritime school line item. In return for his slight increase in funding, the bill includes language to increase the commitment of students who receive assistance under the Student Incentive Payment Program. We should bear in mind that the States themselves bear the lion's share of funding responsibilities for the State academies.

Fourth, the bill mandates a study to determine the feasibility of ship sharing among the State maritime academies. It also prohibits ship sharing until the later of 1 year after the study is completed, or September 30, 1990.

Finally, H.R. 4200 includes language from last year's bill that would place offshore oil industry vessels and inland waterway vessels outside the scope of the title XI Loan Guarantee Program, but only until 1990. The purpose of this is to limit the program to only the oceangoing fleet for the time being. Many of the most publicized defaults were caused by a downturn in the oil industry.

The bill allocates $110,751,000 for acquisition and maintenance of vessels for the Ready Reserve Force. Previously, most funding for this program was within the Navy. This amount is consistent with the administration request and should not be controversial. I believe this initiative is an important step and reflects a commitment to more efficiently manage our sealift assets.

The funding level in H.R. 4200 for the FMC is identical to that requested by the administration. The funding this bill provides to the FMC will be used in several important areas, including implementation of the Auto-

mated Tariff Filing System, beefed-up trade enforcement measures which may well be enacted this year, and the beginning of the 5-year review of the 1984 Shipping Act.

I commend the leadership of this body for consistently recognizing the importance of these vital programs to the national security, industrial base, and promotion of jobs in America. I am aware of no amendments or controversy concerning this legislation, and I urge that my colleagues approve the bill.

□ 1645

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

Mr. Chairman, I rise in support of the authorization legislation for the Maritime Administration [Marad] in the Department of Transportation and the Federal Maritime Commission [FMC].

The programs to be authorized for these two agencies are extremely important in promoting and supporting the American maritime industry as well as implementing existing maritime regulatory and trade reform efforts. These two agencies represent virtually the entire Federal effort in developing programs and support mechanisms for the American maritime industry. For the last several years these programs have suffered from the budgetary and inflationary problems in our country.

Marad has made a valiant effort to keep pace with budgetary problems, but it has been a losing battle for them. In their efforts to maximize their limited Federal resources, they have made some decisions with regard to spending levels and priorities that the Merchant Marine and Fisheries Committee has had some problems with but I do not think they represent insurmountable difficulties.

We are optimistic that the FMC will continue its efforts to implement the Federal maritime laws and international trade policies that will support and encourage the American merchant marine to expand and seek broader international markets. Hopefully, the Agency will be able to convince other maritime nations that there must be equal treatment in order to have fair trading arrangements.

I believe that H.R. 4200 represents reasonable funding levels for these two agencies. The bill authorizes $486,851,000 for Marad and $15,150,000 for the FMC for a total funding authorization of $502,001,000. This level is about $27 million more than the amount requested by the administration. Most of this difference represents funds for the operating-differential subsidy [ODS] program that we on the Merchant Marine and Fisheries Committee felt was necessary.

Two amendments adopted when the Merchant Marine and Fisheries Committee approved the bill are good additions and merit special mention:

The feasibility study concerning training ships for the State maritime academies hopefully will lead to the resolution of this contentious issue of ship sharing; and

The amendment deleting the requirement to have bills of lading posted under glass on cargo ships operating in the domestic trade is a good change reflecting current practices and modern computerized information services.

I am aware that the administration has expressed opposition to this bill—in its present form. Our committee considered all the points raised by the administration and decided to proceed with this bill.

We believe that the authority for the title XI Vessel Loan Guarantee Program should be retained in order for the Government to have the ability to guarantee loans that are determined to be sound. The administration recommended repeal of this authority but we think that if a company can get a private party to consider financing a merchant vessel that meets the Government's standards and needs, then the company should be able to get a loan guarantee.

We tightened up the program that gives student incentive payments [SIP's] to cadets at the State maritime academies and do not feel that this program should be eliminated as suggested by the administration. When a cadet gets a SIP he must agree to sign up for a Naval Reserve commitment. We also believe that the program of financial support to the six State academies should be continued in its present form and not conditioned upon all the graduates getting a Coast Guard license and a reserve appointment, as proposed by the administration.

The additional $27 million in the bill represents $25 million in funding for the ODS Program that we felt would be needed as part of the congressional effort to reform this subsidy program. There is also $2 million more for the six State maritime academies. This small amount of money over the administration's request acknowledges that these two efforts are important to the overall Federal maritime program. ODS supports most of our Nation's liner vessels operating in international trade, and the State schools are the largest source of trained individuals needed not only for the merchant marine but also for our national defense.

Our difference with the administration about the $2 million for research and development activities simply represents our view that there should be a separate R&D line item in the budget rather than burying this money in another account, which was what was proposed in the administration's budget.

Mr. Chairman, I support this bill and urge my colleagues to join with us to enact this important bill.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY], a distinguished member of the Committee on Merchant Marine and Fisheries.

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in full support of this authorization. Even though I would like to see more money authorized for the American merchant marine and the maritime industry, what little there is today is just enough to retain a nucleus for this very vital basic industry of our country. Even with the $27 million, which is more than what the administration asked for, it is an important addition and we must have it.

This industry has taken a beating over the past several years. Anything we can do to shore it up to make certain that we have American flagships sailing is the responsibility of this body.

Mr. Chairman, I rise in full support of this legislation and I want to commend the chairman and the minority leader for their good work on this legislation.

Mr. DAVIS of Michigan. Mr. Chairman, I rise in support of H.R. 4200, which authorizes appropriations for fiscal year 1988 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission.

Mr. Chairman, I think we have arrived at an authorization level for the Maritime Administration and the FMC which seeks to recognize the limited resources available. This is not the optimum solution, but the best we can do under the circumstances. There are just not enough Federal dollars to do all we need to do.

While we do not yet have a formula for an ODS bill, we have included sufficient funds to get a program moving if we can get the consensus of the industry. I remain confident that we can still have an ODS bill, however, with just over 20 legislative days in this session time is, indeed, running out.

H.R. 4200 authorizes $487 million for the Maritime Administration. This is approximately $27 million more than the administration requested but well justified if we are to continue our efforts to assure a strong merchant marine.

H.R. 4200 reflects the administration's request for $15.5 million for the Federal Maritime Commission. In this year when trade legislation has been in the forefront, Congress must be especially mindful of the important work carried out by the FMC. This authorization provides the Commission with the necessary funds ot discharge its statutory mandate. The FMC must have the resources, now and in the future, to assure that ocean transportation is conducted in a fair and open environ-

ment. Our efforts at removing restrictive trade barriers which impede our U.S.-flag carriers' ability to participate equally in all trade routes must continue.

The administration also requested repeal of title XI of the Merchant Marine Act, 1936, the Federal ship financing fund. While not going as far as the administration might wish, H.R. 4200 does eliminate all offshore oil equipment and vessels and all inland tugs and barges from coverage under the Loan Guarantee Program for a period of 2 years. This change returns the title XI program to its original purpose, namely to guarantee loans on our blue water vessels.

On another point, Mr. Chairman, I wanted to make just a few comments about the funding levels for the State maritime academies. We have authorized $2 million more than that requested by the administration. This increase is needed to assure that the academies have sufficient funds to assure maintenance of their training vessels and payments for the fuel to operate those vessels.

Mr. Chairman, I remain concerned that the administration is not taking seriously the value of these academies to our national defense.

They are producing graduates who are considered among the best mariners in the world. I am particularly proud of the Graduates of the Great Lakes Academy. The Great Lakes Academy is among the most efficiently operated of the State academies, and it is beyond debate that the taxpaying public is getting its money's worth. While I had hoped for some alteration in the funding formulae which would have benefited the Great Lakes Academy, I have, at the urging of the State school including the school in my own State, opted for a more comprehensive solution which we hope can be developed in the next fiscal year.

Mr. Chairman, that concludes my remarks and I urge passage of H.R. 4200.

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

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for purposes of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4200

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

SECTION 1. In fiscal year 1989, $486,851,000 is authorized to be appropriated for the Maritime Administration including—

(1) for payment of obligations incurred for operating-differential subsidy, $300,000,000;

(2) for research and development activities, $2,000,000 to remain available until expended;

(3) for expenses related to operations and training activities, $61,801,000, including—

(A) for maritime education and training not more than $34,021,000 including—

(i) not more than $22,759,000 for maritime training at the Merchant Marine Academy at Kings Point, New York;

(ii) not more than $10,000,000 for financial, operation, maintenance, and fuel oil assistance to the State maritime academies and their training ships, which shall be operated by the State maritime academies until the latter of one year after the completion of the study required under section 5 of this Act, or September 30, 1990; and

(iii) $1,262,000 for additional training;

(B) for other operating programs $27,780,000; and

(4) for expenses related to national security support capabilities, not more than $123,050,000, including—

(A) $121,852,000 for the National Defense Reserve Fleet, including—

(i) $35,400,000 for fleet additions, replacements, acquisitions, and upgrading of vessels for the Ready Reserve Force;

(ii) $75,351,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(iii) $11,101,000 for other programs in the National Defense Reserve Fleet;

(B) $1,198,000 for emergency planning operations.

SEC. 2. In fiscal year 1989, $15,150,000 is authorized to be appropriated for the use of the Federal Maritime Commission.

SEC. 3. (a) Section 130(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)) is amended—

(1) in paragraph (1)(B), by striking "and" the second place it appears;

(2) in paragraph (1), by striking subparagraph (C) and substituting the following:

"(C) paid by the Secretary for the first complete or partial academic year of attendance to the individual in a lump sum of $1,200 or on a prorated basis based on actual attendance, and at a time during the second academic year when the individual enters into an agreement accepting midshipman and enlisted reserve status as required under paragraph (2); and

"(D) paid by the Secretary for the academic years after those years specified in subparagraph (C) as the Secretary shall prescribe while the individual is attending the academy.";

(3) in paragraph (2), by striking "apply for midshipman" and substituting "accept midshipman and enlisted reserve";

(4) in paragraph (3)(D), by striking "to apply for an appointment as,"; and

(5) in paragraph (4), by striking "has attended a State maritime academy for not less than two years" and substituting "has accepted the payment described in paragraph (1)(C) of this subsection".

(b) The amendments made by this section apply to individuals who commence attendance after December 31, 1988, at a State maritime academy in accordance with section 1304 of the Merchant Marine Act, 1936 (46 app. U.S.C. 1295c).

SEC. 4. Until October 1, 1990, the term "vessel" in section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) does not include the following types, whether in existence or under constructon: drill ships, tug supply boats, supply boats, crew boats, pipelaying barges, any other type of vessel designed or intended primarily for offshore oil or gas exploration or development, and any type of vessel, other than a passenger vessel, operated or intended to be operated primarily in inland waterways.

SEC. 5. The Secretary of Transportation, after consultation with other agencies in the executive branch and the State maritime academies, shall submit to Congress a feasibility study on providing suitable training ships to the State maritime academies as authorized by section 1304(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c). This study shall include data on the cost effectiveness to the United States Government; cost impacts on the affected State governments; safety of the ships involved; safety of the State students; operational and scheduling impacts upon the States; liability exposure of the United States Government; impact on national security sealift, trooplift, and Ready Reserve Force requirements; ship maintenance methods; accountability of Federal and State consumable and other supply items; impact of existing labor and other contracts upon the States; and the overall impact on the ability of State Maritime academies to produce merchant marine officers.

SEC. 6. The first paragraph of section 2 of the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 844) is amended—

(1) by inserting in the third sentence after "on board each vessel", the words "that carries passengers";

(2) by striking in the seventh sentence ", if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times,"; and

(3) by striking in the seventh sentence "on board each vessel," the second time it appears.

AMENDMENT OFFERED BY MR. KASICH

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

The Clerk read as follows:

Amendment offered by Mr. KASICH: Add the following new section—

SEC. 7. The Maritime Administration shall disclose to credit reporting agencies, to which it reports loan activity, information concerning any debt of more than $1,000 that—

(1) arises out of loan activities of the Maritime Administration that are authorized by this Act; and

(2) is delinquent more than 90 days.

Mr. KASICH (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 Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, this amendment I am presenting I believe receives the support of the chairman, because frankly, the chairman wrote it.

The amendment was written in anticipation of an amendment that I wanted to offer in my continuing

quest to try to control the growth of the Government debt, which is now up to $82 billion.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the distinguished gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, I am happy to report that as author of the bill, I have considered the gentleman's amendment and find it acceptable.

Mr. KASICH. The only thing I would like to say about this, Mr. Chairman, if I could, is that there is good news according to the Chief of Staff, that we are going to be collecting more of this money with the oil revenues coming back. We are going to see some improvement there for the fishing industry. This may be one of the bright spots.

I want to thank the chairman for his support, and wish the gentleman was coming back for another term so that the people of Greenville could bring him back to Congress for one more term.

Mr. LENT. Mr. Chairman, will the sponsor of the amendment, the gentleman from Ohio, yield?

Mr. KASICH. I am glad to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, the minority also has had an opportunity to look over this amendment.

Let me say parenthetically that we have no objection to it.

We anticipate that the distinguished chairman of the full committee has every intention of coming back and we expect to have him back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

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

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.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. MOAKLEY, chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4200) to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, pursuant to House Resolution 503, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the 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 in the nature of a substitute.

The amendment in the nature of a substitute was 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, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4200, the bill just passed.

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

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore, laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

Hon. JIM WRIGHT,
Speaker of the House, House of Representatives, H-209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the year 1988:

The Honorable Roy Dyson of Maryland;

The Honorable George J. Hochbrueckner of New York; and

The Honorable Norman F. Lent of New York.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am

Sincerely,

WALTER B. JONES,
Chairman.

□ 1700

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS, 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, August 10, 1988.)

ARMY RECRUITING AD WINS GOLD MEDAL AWARD

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, I received a letter from Lt. Gen. Allen K. Ono, Deputy Chief of Staff for Personnel, U.S. Army. In his letter, General Ono announced that the Army recruiting advertisement, "Dear Dad," had won a Gold Medal from the International Advertising Festival of New York which has been in existence for 31 years. The ad beat 39 entries from all over the world. In the finals of the "General Recruiting" category, "Dear Dad" won out over seven other entrants including, the New York Police Department, Bank of America, and General Electric. "Dear Dad" is the first print ad produced by the Army's new advertising agency, Young & Rubicam. I want to share General Ono's letter with my colleagues.

Hon. Gillespie V. Montgomery,
House of Representatives,
Washington, D.C.

DEAR MR. MONTGOMERY: I thought you would be interested to know that the "Dear Dad" print ad has won a Gold Medal from the International Advertising Festival of New York in the category of "General Recruiting." As you know "Dear Dad" is the first print advertisement produced for the Army by Young & Rubicam.

The Festival has been in existence for 31 years. The print category is in its fifth year. It is an international competition where advertising agencies from all over the world submit entries.

There were originally 39 entries in the "General Recruiting" category, coming from Canada, England, West Germany, Australia, and other foreign countries, as well as the United States. Those were narrowed down to seven, including the New York Police Department, Bank of America, and General Electric. "Dear Dad" won the only medal awarded (the Gold). The others received "Finalist Certificates."

I know that a copy of this print ad occupies a position on the wall in your office. This award is proof that not only do we have a winner in the Montgomery G.I. Bill, thanks to your efforts, but we also have an outstanding program to promote it. Your continued support is truly appreciated.

ALLEN K. ONO,
Lieutenant General, U.S. Army,
Deputy Chief of Staff for Personnel.

GREEN TEA AND DIRTY TRICKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, yesterday I had said when I announced

the sad death of Brig. Gen. Jim Devereux, the hero of Wake Island and former Member of this House, that we would be doing a special order on him today, but because of the necessity and the need of having more time to prepare to pay proper tribute to him, several Members requested that I postpone it until after we return from the Labor Day recess, so we will do it at that time.

Mr. Speaker, I now would like to do as my special order a continuation of the different ones I have been speaking on concerning the Japanese lobby. Today, Mr. Speaker, I have an interesting article.

As the Members know, for some time I have been reading from the book called The Japanese Conspiracy by Marvin Wolf, which outlines the method that Japan has used to target our industries and, of course, there have been some questions as to whether Mr. Wolf was accurate or whether he was not.

I was very happy when on Sunday we found an article by a liberal columnist named Richard Reeves in the Baltimore Sun. It was actually on August 9. He stated essentially what Marvin Wolf has claimed in his book. The article is entitled "The Japan Lobby," and it explains how the Japanese have cheated on their quotas with the British and how upset the British are with their behavior.

I will now read it. It is datelined New York, by Richard Reeves, and it says:

You can buy a jeep with right-hand drive at Suzuki dealers in Holland, which seems strange because Dutch cars have their steering wheels on the left. The Dutch drive the same way we do, on the right side of the road.

He says:

It is the British who keep to the left and so need steering wheels on the right. And, in fact, those Dutch Suzukis with English-language dashboards and owner's manuals are made and sold for the British market.

Mr. Reeves points out:

The whole thing is a way, one of many, for Japanese manufacturers to cheat on a court arrangement backed by the governments of Great Britain and Japan.

This is how Mr. Reeves says it works:

The Japanese (Government and auto companies) have agreed to restrict their exports to 11 percent of the British market—

Which is about 220,000 cars a year.

But when that quota has been met, Japanese car dealers begin sending customers, employees and relatives across the English Channel to Rotterdam, to pick up the right-hand drive cars there and bring them back to England as "used" cars.

Such tricks—

And that is the word Mr. Reeves uses—

according to auto experts in London, actually give the Japanese 16 percent or more of the British market. "It has got to stop," said Anthony Beaumont-Dark, a Conservative member of Parliament, whose district happens to include a Land Rover factory.

Of course, Land Rover produces vehicles, four-wheeled vehicles.

"These people see rules"—

The Conservative member says—

"as something to get around, rather than something to abide by."

Mr. Reeves continues to write:

Saying things like that, at least in the United States, leaves one open to charges of "Japan bashing"—a civil disorder that some would equate with racism or anti-Semitism. I would suspect, though, that Mr. Beaumont-Dark might be just as upset if he thought the Swedes or Norwegians were the ones threatening the jobs of his constituents.

"Japan bashing" in the United States"—

Mr. Reeves says, and he says which he thinks is—

a healthy indication that Americans can still read and write and count, has created an equal and opposite counterforce, a "Japan Lobby." That lobby—second now only to the Israel Lobby, which seems to have been an inspiration to the Japanese—was built and is supported by the pennies of hundreds of thousands of Americans working for Japan Inc., from Toyota dealers to lumberjacks cutting trees in Oregon to make chopsticks in Tokyo.

And I might just point out at this juncture in this article that we have created 106,000 more jobs in Japan than they have in the United States, and that is according to Harper's Index.

Mr. Reeves says that:

* * * if a congressman or columnist says that maybe we should take a look at what's happening and whether it's good for all of us, a reassuring face appears on television to say we don't understand free trade or something equally sacred. It could be Elliot Richardson—

Elliot Richardson, according to Business Week, is now chairman of the $25 million Hitachi foundation, which is the largest Japanese foundation in the United States, and Hitachi is also setting up community action committees, our information says.

Mr. Reeves again says:

It could be Elliot Richardson, or Walter Mondale, or Jim Jones, the former chairman of the House Finance Committee—all now working for or representing Japanese or other foreign companies.

More than 100 former federal officeholders are among the hundreds and hundreds of Americans now lobbying for foreign companies, usually Japanese.

The writer continues:

One of their great successes has been to help defeat legislation allowing the federal government to begin monitoring foreign investment in American properties—a thing the Japanese government does routinely.

We would not let it happen here, because we said everybody would take their money and go home. I think we should have given it a chance.

That number and others come from the research of Pat Choate, a vice president of TRW who is writing a book on foreign impact on the U.S. economy, and who also reports that 152 Japanese companies and government agencies paid $100 million last year to 113 Washington law firms and public-relations agencies for lobbying in Washington.

I placed that list in the CONGRESSIONAL RECORD on June 23.

"The Japan Lobby is, in fact, a growth industry," according to Mr. Reeves. "The Association of Foreign Investors in America"—and that is the one represented by Mr. Richardson—"and the Association of Foreign Investors in Real Estate were both formed just this year."

Reeves said that:

My own Japan-bashing credentials are, I think, in order, even though I believe in free and fair trade. It's that I don't see Japan practicing free trade or considering fairness at all. I think, in fact, that Japan's willful, self-interested abuses of the spirit and letter of international trade agreements and systems—the complaint of Mr. Beaumont-Dark in England—could destroy those systems if other major traders begin to play the game the Japanese way.

Continuing with Mr. Reeves, he said:

I said something like that to a Japanese ambassador (to a major industrial country) a few weeks ago, and he said, in sadness not anger "You have to understand that we cannot allow ourselves to be pushed too far on these matters, and we cannot push our people too far, because we are potentially a socially unstable country."

Mr. Speaker, I say nonsense to that attitude, because Japan is a very strong, aggressive country. It is certainly the largest economic power in the world now.

Mr. Reeves said:

"What about us? * * * Do you think America and Americans can be pushed too far?"

The Japanese Ambassador responded:

"No, * * * you are flexible enough to take anything."

Mr. Reeves concluded with his comment that the Ambassador may have intended a compliment but that he, Mr. Reeves, "took it as a misjudgment that may cost both of us greatly."

Mr. Speaker, the conclusion of this article is certainly most interesting to me. I was surprised that a Japanese Ambassador would tell Mr. Reeves that—

You have to understand that we cannot allow ourselves to be pushed too far on these matters, and we cannot push our people too far, because we are potentially a socially unstable country.

What does this mean to us? Does it call into question the reliability of their intentions as a friend? It is a basic tenet of American life that we may argue with our friends over politics and principle, "but you are still my friend." We learn very early as youngsters the ground rules for friendship and not to step over a line, because it would be an affront to a friend.

Mr. Speaker, in fact, anyone involved in politics has learned this lesson well and cherishes the individuality of our friends and our constituents. This remark of the Ambassador's is putting the burden of the relationship on the United States. When he was asked, "Do you think America and Americans can be pushed too far," he replied, "No. You are flexible enough to take anything."

There is something that should be understood about the Americans. We are flexible, but we will not take everything. One of the outstanding features of being an American and living under this great Constitution and prizing freedom the way we do is that Americans have a sense of fair play.

I had a friend who succinctly expressed what fair play means to us. She said, "Americans are essentially free spirits, because they prize freedom. To protect it, when you've cut their options, they turn hostile."

The Ambassador should know what we all understand. We do not take everything off of everybody. Friendship is a two-way street. When it becomes a real burden to us, then difficulties begin.

Mr. Speaker, I am including the article by Mr. Reeves in the RECORD.

[From the Baltimore Sun, Aug. 9, 1988]

THE JAPAN LOBBY

(By Richard Reeves)

NEW YORK.—You can buy a jeep with right-hand drive at Suzuki dealers in Holland, which seems strange because Dutch cars have their steering wheels on the left. The Dutch drive the same way we do, on the right side of the road.

It is the British who keep to the left and so need steering wheels on the right and in fact, those Dutch Suzukis with English-language dashboards and owner's manuals are made and sold for the British market. The whole thing is a way, one of many, for Japanese manufacturers to cheat on a court arrangement backed by the governments of Great Britain and Japan.

This is how it works in this case:

The Japanese (government and auto companies) have agreed to restrict their exports to 11 percent of the British market—that's about 220,000 cars a year. But when that quota has been met, Japanese car dealers begin sending customers, employees and relatives across the English Channel to Rotterdam, to pick up the right-hand-drive cars there and bring them back to England as "used" cars.

Such tricks, according to auto experts in London, actually give the Japanese 16 percent or more of the British market. "It has got to stop," said Anthony Beaumont-Dark, a Conservative member of Parliament, whose district happens to include a Land Rover factory. "These people see rules as something to get around, rather than something to abide by."

Saying things like that, at least in the United States, leaves one open to charges of "Japan bashing"—a civil disorder that some would equate with racism or anti-Semitism. I would suspect, though, that Mr. Beaumont-Dark might be just as upset if he thought the Swedes or Norwegians were the ones threatening the jobs of his constituents.

"Japan bashing" in the United States, which I think is a healthy indication that Americans can still read and write and count, has created an equal and opposite counterforce, a "Japan Lobby." That lobby—second now only to the Israel Lobby, which seems to have been an inspiration to the Japanese—was built and is supported by the pennies of hundreds of thousands of Americans working for Japan Inc., from Toyota dealers to lumberjacks cutting trees in Oregon to make chopsticks in Tokyo.

So, if a congressman or columnist says that maybe we should take a look at what's happening and whether it's good for all of us, a reassuring face appears on television to say we don't understand free trade or something equally sacred. It would be Elliot Richardson or Walter Mondale or Jim Jones, the former chairman of the House Finance Committee—all now working for or representing Japanese or other foreign companies.

More than 100 former federal officeholders are among the hundreds and hundreds of Americans now lobbying for foreign companies, usually Japanese. One of their great successes has been to help defeat legislation allowing the federal government to begin monitoring foreign investment in American properties—a thing the Japanese government does routinely.

That number and others come from the research of Pat Choate, a vice president of TRW who is writing a book on foreign impact on the U.S. economy, and who also reports that 152 Japanese companies and government agencies paid $100 million last year to 113 Washington law firms and public-relations agencies for lobbying in Washington.

The Japan Lobby is, in fact, a growth industry. The Association of Foreign Investors in America—that's the one represented by Mr. Richardson—and the Association of Foreign Investors in Real Estate were both formed just this year.

My own Japan-bashing credentials are, I think, in order, even though I believe in free and fair trade. It's that I don't see Japan practicing free trade or considering fairness at all. I think, in fact, that Japan's willful, self-interested abuses of the spirit and letter of international trade agreements and systems—the complaint of Mr. Beaumont-Dark in England—could destroy those systems if other major traders begin to play the game the Japanese way.

I said something like that to a Japanese ambassador (to a major industrial country) a few weeks ago, and he said, in sadness not anger, "You have to understand that we cannot allow ourselves to be pushed too far on these matters, and we cannot push our people too far, because we are potentially a socially unstable country."

"What about us?" I said. "Do you think America and Americans can be pushed too far?"

"No," he said. "You are flexible enough to take anything."

He may have intended a compliment. I took it as a misjudgment that may cost both of us greatly.

TRIBUTE TO THE LIFE AND WORKS OF ALOYSIUS MAZEWSKI

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. LIPINSKI] is recognized for 10 minutes.

Mr. LIPINSKI. Mr. Speaker, I am pleased today to have called this special order to honor the life and works of Aloysius Mazewski, former president of the Polish American Congress and Polish National Alliance. His death this past week is a point of sorrow for thousands of ethnic Americans to whom Mr. Mazewski was a shining example of hard work and dedication. He was a man of deep personal integrity and character who recognized the need to remember his homeland and advance the cause of Polish-Americans throughout the United States. He never backed down from a challenge and had an undying thirst to bring justice and freedom to his constituents.

I got to know Al best when he joined in assisting this Congress in the passage of the Polish Permanent Residency Act. His own efforts and those of his staff were tireless. With thousands of Polish refugees facing deportation and possible imprisonment, he worked to adjust their standing here in the United States. The American contribution to the Polish workers' cause has been consistent through the years. Al refused to allow the leaders of the movement to be returned to Poland and lost to the workers struggle. I was proud to be a supporter in this fight and will always remember his efforts in backing the legislation which eventually granted martial law refugees permanent residence.

Life cannot be lived in a vacuum and perhaps Al's greatest accomplishment was his recognition of the needs of others. Though thousands of miles from his home in Chicago, the plight of the Polish people was foremost in his mind. He could never disassociate himself with the troubles of the Polish people. Americans of all ethnic backgrounds can make a contribution toward the establishment of a more free and just world. I admire his initiative and drive in forwarding the cause of oppressed and poverty stricken Poles. His efforts expanded our horizons and forced us to come to grips with the horrors and atrocities of a far-away land.

Al Mazewski recognized the Communist Party for what it is: a parasite on the health and souls of the people. The history of the Communist Party in Poland has shown us that the Communists have only one way of dealing with groups who oppose their corrupt ideology—they simply deny them the right to exist.

The suppression of Solidarity and the crushing of the Gdansk shipworkers' strike are but a few examples of the Polish Communist Party's version of pluralism. In modern-day Poland, where the worship of the state must surpass the worship of the Cre-

ator, where freedom of the press stops at the doors of the pro-Soviet bureaucracy, there can be no liberty.

Al knew that communism was an aberration completely foreign to the free spirit of the Polish people, a system imported on the backs of tanks. After World War II the weakened nation of Poland had no respite from the terrors of a totalitarian regime; the echoes of the Nazi Holocaust had barely faded before the crying was heard anew under Soviet occupation.

In his observations of Poland he saw that the Polish people were as disenfranchised economically as they were politically. Al did his best to encourage investment in a stagnated economy where for the worker the only reward is a ration card, the only relaxation a predawn vigil in a food line.

To address these problems Al founded and headed the Polish American Congress Charitable Organization. It was this foundation that was the American lifeline of the Solidarity movement, raising $150 million for the Polish people following the 1980 strikes led by Lech Walesa. He also played a stellar role in coordinating Lech Walesa's trip to Chicago a year later.

Al was an active member on the United States Holocaust Commission, bringing attention to the 3 million non-Jewish Poles slaughtered during World War II under Hitler's directive. The lifetime works of Aloysius Mazewski are clear examples of his dedication to the Polish people and the vision that Poland would one day be free.

But Al Mazewski went even further in his quest to improve the lives of his constituents. He has a long history of supporting Polish American causes. His work began as a young man when as editor of the Lane Tech High School newspaper he supported the introduction of Polish language and culture into the school curriculum. Even today, Lane Tech retains this initiative sparked by the idealism of the young Mazewski.

Al took an even greater step in 1967 when he won election to the presidency of the Polish National Alliance. A fraternal organization which offered education and insurance programs, the PNA blossomed under his reign into a 300,000 member organization with greater social and economic influence.

The following year, he captured the presidency of the Polish American Congress. Originally a social and cultural organization, he expanded its objectives until it became an influential national group. The PAC today publishes a well-circulated newspaper for the community and is deeply involved in congressional actions concerning the Polish people and its Government.

As a spokesman for Polish issues and ethnic-American concerns in general, Aloysius was an integral part of United States foreign policy. He served as confidant to the last six U.S. Presidents, many U.S. Senators, Representatives, and Pope John Paul II. In 1970 he became the first Polish American to be named a special delegate to the United Nations. He later served as a U.S. delegate to the International Human Rights Conference.

Al worked intensively with the Chicago legal community. He was a well known practicing attorney, a Bar Association member, and participated on the Judiciary Society.

Al Mazewski was a friend to all ethnic Americans who sought to achieve a more free and just world. America has a proud tradition of ethnic mutual benefit societies. Thousands of immigrants have been led out of poverty and made to feel at home by the society in their community. The principle of self-support and friendship within the ethnic community has built America into the interwoven society that it is today. As a product of immigrant stock I salute all those who have risen together to form for themselves a better life.

Finally, I extend my sympathy to Al's widow Florence, and their two children, Marilyn and Aloysius, Jr. You can feel comfort in the fact that Al Mazewski was a man who made a difference. His deep-felt feelings of compassion and concern will live on in the hearts of the thousands of ethnic Americans whose lives he touched. Thank you Al and may God be with you.

Mrs. COLLINS. Mr. Speaker, I wish to express my heartfelt sympathy to the entire Polish-American community of Chicago on the loss of an extraordinary leader Aloysius Mazewski. Mr. Mazewski was an influential and dynamic leader of the Polish National Alliance since September 1967, and in the following year, became president of the powerful Polish American Congress. Under his leadership, the group grew from a social organization into a well-respected major national organization.

We all know that Mr. Mazewski was a strong spokesman for Polish Americans. He was an advocate for peace in Poland and for the Solidarity union movement. He strongly supported Pope John Paul II's advancements for better relations in Poland. Indeed, all Americans join our friends of Polish descent in praying for peace in Poland and around the world.

Mr. Mazewski's accomplishments can never be underestimated or forgotten. He not only committed himself to the concerns of his Polish-American constituents in Chicago, but also to the people of Poland, his motherland. Because both countries were a part of him, he, in turn, was loyal to the issues and the people of both.

Mr. Speaker, I believe we should all join together today in both honoring and mourning an outstanding leader.

Mr. HERTEL. Mr. Speaker, I would like to join my colleagues in noting and mourning the passing of Aloysius Mazewski, president of the Polish-American Congress. With his passing, the Polish-American Congress has lost its leader and Polish Americans throughout the United States have lost a valuable advocate.

Mr. Mazewski's involvement in Polish issues began at an early age. While still a student at Lane Technical High School he helped instigate the Polish Club and began the study of the Polish language which is still in the curriculum. He continued to devote his time to Polish concerns during his years at DePaul University College of Law.

In 1940, he graduated with a J.D. degree and practiced law until 1967 when he was elected president of the Polish National Alliance. In 1968, he became president of the Polish-American Congress.

During the next 20 years, he would be called to serve the Polish community in numerous capacities. Chicago Council on Foreign Relations. On the national level, he was the former alternate to the United Nations 25th Assembly, the first Polish American to serve in this capacity. In 1980, President Carter appointed him a delegate to the International Human Rights Conference in Madrid, Spain. Mr. Mazewski became a familiar face on Capitol Hill as he testified before various Senate and House committees concerning such issues as Polish veterans and Radio Free Europe.

Under his leadership, the Polish-American Congress has been able to deliver $150 million in medical supplies and clothing to relieve suffering in Poland and continue communications with Solidarity leader Lech Walesa.

Mr. Mazewski's extraordinary effort did not go unnoticed. He received honorary doctorates of humanities letters from both Daeman College and the College of St. Rose. Among the awards he had received for his life-long service and dedication were the Man of the Year Award from both the Polish Daily News and the Joint Civic Committee of Italian Americans. He was also named Veteran of the Year by the Combined Veterans. In 1986, he was bestowed with the Ellis Island Medal of Honor.

Dedication, service and, most of all, pride in his Polish heritage were the hallmarks of Aloysius Mazewski's as a source of inspiration for those he served so well—the Polish-American Congress and Polish Americans throughout the United States. He was a personal friend, and I treasured his advice and support.

Mr. SIKORSKI. Mr. Speaker, I want to take a moment to recognize a monumental loss to the Polish-American community and Americans across this Nation. On Wednesday, August 3, 1988, Aloysius A. Mazewski, president of the Polish American Congress and the Polish National Alliance passed away. Aloysius was one of America's most effective advocates for Polish Americans. His life and work will leave an indelible imprint on the national landscape—he served not only Polish and ethnic Americans, but all Polish people and those concerned with human rights throughout the world. He fought for dignity, human rights, and freedom at home and abroad.

As president of the Polish American Congress, Aloysius was charged with the stewardship of local and national Polish organizations with over 3 million members. He assiduously promoted qualified Polish Americans in government, business, and other professional

fields. And he coordinated the activities of Polish-American organizations and individuals throughout the United States whose concerns were civic, cultural, and educational affairs. Since the Presidency of John F. Kennedy, Mazewski provided advice and consultation for every resident of the Oval Office.

From its birth, America has offered haven and promise to all those who reached our shores. Polish men and women came to this great land to escape poverty and oppression and to find—liberty, justice, equality and work. They came to build a future for themselves and their families. They believed in the American dream: that if they studied hard, worked hard, and abided by the law, they would succeed. And they did.

But at times, America had to struggle to keep its promise. There has been, and there remains discrimination against minorities and ethnic Americans. Aloysius Mazewski worked against it. Polish immigrants brought to America a rich and vibrant heritage, and their invaluable contributions helped shape this Nation. Organizations such as the National Alliance and the Polish American Congress have helped thousands of Poles by providing an additional avenue of support and enhanced the opportunities for great leaders, like Aloysius, that these organizations have made such real differences in the lives of their members. His years of service to the Polish National Alliance and Polish American Congress serve as his most eloquent memorial.

Aloysius Mazewski was a national figure. He stood at the forefront of the Polish-American community and was a brilliant example to millions. At the vanguard of our national efforts to advance the rights of Poles and strengthen our national commitment to human rights, Aloysius provided critical leadership during his tenure in support of the millions of Poles who suffer under the current repressive regime in Poland. In this regard, he was duly recognized as one of America's major proponents of a strong human rights policy. He was effective and eloquent. Aloysius will be sadly missed. But the influence of Aloysius' good work extends beyond the millions of members of the Polish National Alliance and Polish American Congress to all ethnic Americans whose lives have been bettered by his hard work.

I have worked with the Polish American Congress since I first came to Washington. The executive director of the Washington office, Myra Leonard, was instrumental in arranging for me to meet Aloysius. He offered me encouragement and support. And I have since relied on Pol-Am as a valuable resource for information, for sound counsel, and for national perspective on the Polish-American community. As a Polish American, I am personally proud and deeply appreciative of Aloysius Mazewski's accomplishments and valuable leadership. I wish to express my heartfelt sentiments and condolences to his family and the bereaved Polish-American community.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to Aloysius Mazewski, president of the Polish American Congress and the Polish National Alliance, whose untimely death on August 3, leaves a great void for the citizens of the city of Chicago, the State of Illinois, and the Nation.

For all of us who knew him, he was one of the most outstanding ethnic leaders of our time, espousing the causes of Polonia, and condemning human rights violations. He grew up in the 11th Congressional District of Illinois which I am honored to represent, and today, the Polish National Alliance's main office, dedicated in 1977, is also located in the 11th District.

I had the opportunity to work with Al on several occasions, and with his invaluable help, Congress approved the Freedom Fighters Medical Care Act, legislation to provide medical benefits for Polish veterans living in the United States, who had fought on the side of the Western Allies during both World Wars. We also worked together on the passage of legislation to grant a Federal charter to the Polish Legion of American Veterans, and I was proud to have Al as a personal friend. I shall always cherish his support, and his wise counsel and advice.

Born in Chicago in 1916, Al Mazewski received his law degree from DePaul University in 1940. With World War II approaching, he volunteered for military duty in the U.S. Army, serving as an intelligence officer. He was honorably discharged in 1946 with the rank of major.

From 1947 through 1955, he served as the national director of the Polish National Alliance, a fraternal organization providing insurance. Under Al's leadership, the PNA was modernized, and today is a highly regarded major provider of insurance. Elected president of the Polish National Alliance in 1967, 1 year later he also became president of the Polish American Congress, the umbrella organization of all Polish groups in the country.

Through the Polish National Congress, Al Mazewski was a formidable force in speaking out against human rights violations, in aiding the people of Poland, and in helping Polish immigrants assimilate, while at the same time preserving their cultural and religious ties. He worked tirelessly to condemn defamatory and derogatory ethnic humor and stereotypes about Poland and Polish-Americans.

After martial law in Poland was declared, Al Mazewski played an instrumental role in raising over $150 million for the people of Poland. He also acted as a link between U.S. Government officials and Lech Walesa, the leader of the Polish Independent Trade Union, Solidarity.

Al Mazewski gave advice to seven Presidents, from Eisenhower to Reagan, and also served on several U.S. commissions, including the Federal Ethnic Studies Commission, and the U.S. Holocaust Commission. In 1970, he was a special delegate to the 25th session of the United Nations General Assembly.

In a final tribute to Al Mazewski, last Saturday, I joined with thousands of people who assembled at St. Hyacinth Catholic Church in Chicago. Many dignitaries were in attendance at the Memorial Mass, including Illinois' Governor, Hon. James R. Thompson, and attorney general, Hon. Neil F. Hartigan, officers and members of the Illinois State Senate and House of Representatives, city officials, and the U.S. Ambassador to Poland. The service was broadcast live on Polish language radio in Chicago. Prior to the service, Vice President GEORGE BUSH and Gov. Michael Dukakis' wife, Mrs. Kitty Dukakis, visted with the Mazewski family.

Mr. Speaker, Al Mazewski was a great American, who dedicated his life to human rights causes, and for a free Poland. His lifetime of monumental achievement will be long remembered and inspire others for generations to come. Mrs. Annunzio and I extend our deepest sympathy to his wife, Florence, his son, Aloysius, Jr., his daughter, Marilyn, and the other members of his family who survive him.

Mr. DURBIN. Mr. Speaker, Aloysius Mazewski was a great leader in the Polish American community. As president of the Polish American Congress, he unhesitatingly spoke out about matters of concern to Polish Americans. He was a consistent advocate of human rights and supported the Polish people in their pursuit of political, cultural, and economic rights and freedoms.

Following the Solidarity strikes in Poland in 1980, Mr. Mazewski founded the Polish American Congress Charitable Foundation, which raised an incredible $150 million for the Polish people. He never failed in his hope that one day the Polish people would regain full control over their national destiny.

Aloysius Mazewski always stood on the side of liberty. With his passing we have lost a strong and internationally known leader in the field of human rights. But his vision will live on in the Polish American Congress and in the hearts of all people who cherish freedom. The Polish-American community can be proud to have been represented by this man, and I hope that they will continue to carry on his work.

Mr. RUSSO. Mr. Speaker, greatness is born in some people, and other people grow into it. In the case of Aloysius Mazewski, I believe his destiny was to lead, to affect people, to construct change. It was natural to him, this ability to use his bicultural heritage as an expression of commitment to his beloved Poland and a guide to action for America's ethnics. This "bridge builder" as Myron B. Kuropas in yesterday's Chicago Sun-Times aptly called Mr. Mazewski, was a great man.

I long admired Mr. Mazewski as a skillful president of the Polish American Congress, the Polish National Alliance and an always eloquent spokesman for freedom for Poland. He used this skill, this eloquence, not for himself but in the service of others—the true mark of a great man. And he did reach people. How many count among their achievements serving in the United Nations and being a confidant to Presidents, Senators, Congressmen, and the Pope? How many can count the love and affection and respect of countless people whose lives they have touched?

He will be greatly missed, but men like Mr. Mazewski leave us a legacy to preserve and words by which to live. When you are a man with visions for the future you learn to move forward and bring others with you. As he said to his Polish community, "We must concentrate on what unites us. If we don't we'll remain slaves to the hatred of our past."

I join with my colleagues today in paying final tribute to Aloysius Mazewski of Chicago, of the Nation, and I extend my deepest sympathies to his family.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to join with my colleagues in noting the life accomplishments and legacy of a great American—even better, a greater Polish-American—Aloysius A. Mazewski, known around the world as "Al."

First, though, I want to thank the gentleman from Illinois [Mr. LIPINSKI] for giving us this opportunity to honor Al. I know how closely the gentleman works with the Polish-American community, and how well respected he is by all ethnic Americans for his efforts on their behalf. I especially appreciate this chance to offer a few remarks about Al Mazewski at this time, since I was regrettably unable to attend his funeral.

Al Mazewski was an extraordinary leader of an extraordinary segment of this Nation—the Polish-American community. I can think of no public figure who has surpassed Al in terms of commitment to a cause, devotion to the interests of those he represented, and love for the traditions and heritage of his people.

Anyone who knew Al Mazewski knows the definition of the word "commitment." Although he was known to play a round of golf from time to time—as we know, it was his last act—I will remember Al as a man who was always working, always pursuing his dreams of promoting the absolute freedom of the Polish people and the solidarity of Polish people everywhere.

His energy was boundless, as was the sweep and number of worthwhile projects he created or embraced. He worked every angle. He asked everyone he knew to help, and persisted until they did. His work produced tens of thousands of active volunteers, hundreds of successful programs, and a deep and rewarding sense of community among all those who pitched in.

In pursuing the interests of the Polish people, whether they live in Poland, America, or anywhere in the world, AL Mazewski found himself in the highest reaches of American life. He was adviser and confidant to an astounding array of Presidents, Secretaries of State, Members of Congress, Ambassadors, business leaders, labor leaders, State and local officials, and the major editorial boards. And, of course, few Americans have enjoyed more confidence and affection of the Holy Father, Pope John Paul II.

Top decisionmakers frequently turned to Al for his advice and counsel, and wanted him at their side to announce major decisions and accomplishments. He was frequently asked to serve on important bodies of experts assigned to tackle very tough issues. Al always thought of these appointments as both a high privilege and an opportunity to serve his people.

Perhaps the best example of this was his appointment to the Holocaust Memorial Commission. There, he insisted that the history of the persecution and the attempted extermination of the Polish race be remembered and memorialized. The result of his labors has been a heightened international awareness of Hitler's hateful treatment of the Poles, and a recognition of the need to include the tragedy of World War II Poland when remembering the horrors of genocide.

Al's devotion to the solidarity of Polish people everywhere is probably his greatest life achievement. It took so many forms that they could not be listed, or even known, by any one person.

As the beloved and respected leader of both the Polish National Alliance and the Polish American Congress, Al strove to support the Polish people's determined pursuit of their undisputable political, economic, and cultural rights and freedoms. He also guided his organizations to adopt policies and programs aimed at improving the standard of living and quality of life of the Polish people.

Here at home, he rallied Polish-Americans in a large number and variety of worthy causes, many designed to provide direct aid to Poles in Poland, others designed to help immigrant Poles help themselves here in the States. He was personally responsible for many events which served to strengthen generation after generation of the Polish-American community by preserving its traditions and instilling a love for its heritage.

Polish parades, festivals, feasts, religious ceremonies, books, records, maps, political education seminars, fraternal organizations all over the country—Al was behind all these and much, much more.

He also played a guiding role in the administration of Alliance College, as well as in the heart-wrenching decision to close the school. In a recent conversation, though, Al was looking at the bright side.

He recalled that the school was first set up to educate previous generations of Polish-Americans who were having trouble being accepted in established schools, or simply could not afford them. He preferred to see the declining enrollment at Alliance as a sign that the school had met its need—that this generation of Polish-American students was benefiting from the advances made by their parents and grandparents. Now they are finding their ways to the great public and private institutions across the country, and distinguishing themselves as students and graduates.

By the way, no one who knew Al will be surprised to learn that, in recent days, he was working hard on a transaction to find the best possible sales price for the beautiful alliance campus. Al was hoping to show a good return on the investment made in the school by Polish-Americans across the country.

Mr. Speaker, this is a life about which I could say much more. It was so full, so loving, and so well lived. I will miss Al Mazewski. I'll miss his guidance and counsel. I'll miss his political sensibility. I'll miss the motivation that he made so contagious. And I'll miss his good-humored friendship.

On behalf of my family and my staff, I extend sincere sympathy and admiration to Al's loving wife Florence and to his children. Al's is a life which many of us will remember vividly. His name will be known to many generations of Polish-Americans to come. May he rest in peace.

Mr. KLECZKA. Mr. Speaker, I would like to participate in this special order to express my profound grief at the passing away of Aloysius Majewski on August 3, 1988.

As a proud son of Polonia myself, I share this deep loss with all of those in the Polish-American community in Milwaukee and across our great Nation.

Al Majewski has promoted the interests of the United States and Poland throughout his life. After serving in U.S. Army intelligence during World War II, Al became for 8 years the national director of the Polish National Alliance [PNA], a fraternal organization which provides insurance and education.

During his tenure at the PNA, this highly respected group contributed $20 million to aid war-devastated Poland. Due to the dedicated work of Al and others, the alliance now has 300,000 members and assets of close to $200 million.

In 1967, Al Majewski was elected President of the PNA. One year later, this already great honor was enhanced by his election to the presidency of the Polish American Congress, the umbrella grouping of all Polish organizations in the United States.

In this powerful role which Al held until his tragic death, he channeled American encouragement to the Poles in their struggle for freedom. He supplemented his considerable moral support for authentic Polish independence with the raising of $150 million in assistance to the long-suffering Polish people. Al effectively combined his eloquent words with decisive action.

As a leader of Polonia, Al advised the last seven American Presidents on matters of national significance. As president of the Polish American Congress, Al acted as a liaison between our Government officials and leaders of the Polish opposition, particularly Lech Walesa and other activists in Solidarity, the independent Polish trade union.

In extending my deep sympathy to Al's wife, Florence; his daughter, Marilyn; and his son, Al, Junior, I would like to reassure them that Al's legacy of selfless, loyal, and effective service to Polonia, the United States, and Poland will live on in the hearts, minds, and lives of millions of Americans.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on my special order.

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

There was no objection.

INVULNERABLE INCUMBENTS AND CONGRESSIONAL CORRUPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to speak tonight about the 98.4 percent of the invulnerable incumbents and congressional corruption.

We face a real crisis in our political system. Incumbents are now so powerful, the amount of tax paid money they give themselves to create offices, send out direct mail, build computerized systems, hire staff, travel, is so great that it is estimated to be $1.2 million per election cycle in taxpayer

money that incumbents have so that House incumbents today are virtually invulnerable.

In 1986, 98.4 percent of the incumbents who ran for reelection to the U.S. House were reelected. That is, only 1.6 percent of the incumbents who ran for reelection were defeated in 1986. To put it in different terms, although there are 435 House seats up in an election year and only 33 Senate seats, there were more U.S. Senate incumbents defeated in 1986 than there were House incumbents defeated in 1986.

In other words, the reality is that a Senator today faces a greater likelihood of defeat than a House incumbent, even though traditionally if you look at the Constitution and how it is written, the Founding Fathers clearly intended for the House of Representatives to be the body closest to the people, the body which turned over most frequently, the body which was most representative of current activities and current concerns. In fact, the Founding Fathers were so intent on having a truly representative House of Representatives that one of the major debates in the Constitutional Convention was whether elections should be every 6 months or every 2 years, because many of the Founding Fathers felt that in order to ensure that the politicians stayed close to home and worried about what was happening at home that they should have elections every 6 months.

By contrast, the reality is with 98.4 percent of the incumbents being reelected every 2 years that we are now moving into a period into which for all practical purposes the House is becoming a House of Lords, and aristocracy of power. House Members increasingly are elected for a lifetime, so you either change them the first time out, or at most possibly change them at the end of their freshman term, but for all practical purposes people have lost the ability to change who they now have loaned power to.

It is fascinating to contemplate the reality that 1988 may be the first year in history in which the voters of Mexico have a greater opportunity to defeat incumbents than the voters of the United States in House elections, that literally a Mexican vote counts for more in trying to defeat somebody this year than an American vote in an American House election.

This is not just a partisan problem. This is not just a difficulty that involves the Republican Party in the fall election. This is also a problem involving primaries.

If Members look carefully at primary elections in recent years, in fact it is fair to say that House Members are even more invulnerable to challenge in primaries. To the best of my knowledge, there were only one or two primary defeats for Democrats in the 1980's. Members cannot vote almost half of the time and they get reelected. Members can be reprimanded or censored by the Ethics Committee and Members can take positions dramatically different from their districts and they get reelected.

The fact is with $1.2 million in tax paid money to pay essentially for activities which contributed in the end to being a stronger incumbent, incumbents are virtually underfeated.

This was remarked in a number of articles recently. In the New York times, for example, there was an article by Clifford May as recently as July 9 entitled "Challenges in Races for House Declining." There has been a series of articles in the Wall Street Journal entitled "Incumbent Law Makers Use the Perks of Office to Clobber Opponents." Staffs, mail and PAC money give them a big edge.

Mr. FROST. Mr. Speaker, will the gentleman yield just for a brief moment?

Mr. GINGRICH. I am glad to yield to the gentleman from Texas.

Mr. FROST. Mr Speaker, I find that kind of interesting. I was struck by listening to the gentleman's remarks, because I defeated an incumbent in the primary. I know that in my own delegation there are 17 Democrats in the Texas delegation and within the last 10 years, two of us defeated Democrats in primaries. My colleague from San Antonio, Mr. BUSTAMENTE, defeated Mr. Kazen; I defeated Mr. Milford, and both of those occurred within the last 10 years. I am aware of other Democratic Members who have gotten here by defeating Democrats in primaries, and fairly recently.

I am not sure that it is quite as unusual as the gentleman has suggested. It is not easy to defeat an incumbent in a primary. I had to run twice in order to do it. I ran in 1974 against an incumbent and lost to him, and I ran again 4 years later against the same incumbent and defeated him my second time out.

I know in the case of the gentleman from Georgia, though he did not win in the primary, that he ran twice unsuccessfully before he finally won in very much the same situation I had.

So I am not sure that the gentleman is entirely correct about how difficult it is to defeat incumbents. I think we just have to have someone who perseveres, and I think if you take a candidate who only runs once, I think you may be able to conclude if you look at all of the races where people ran once and then did not make another effort, you may be able to make a case, but I think it is certainly possible to defeat an incumbent. I defeated an incumbent who had a tremendous name identification. He had been a television personality in the Dallas-Fort Worth media market, so it can be done.

Mr. GINGRICH. Let me just suggest to the gentleman though, both of us won in the 1970's. In the 1980's both the advantage of the sheer weight of incumbency in the direct sense, that is the amount of money available to incumbents in direct mail, computerized, sophisticated operations, et cetera, has gotten even greater, and sometime in the 1980's the political action committee situation reversed itself.

□ 1730

Instead of being an instrument by which the business and professional community influenced Congress, it became an instrument by which incumbent Congressmen tended to, in effect, insist upon or extort or, in some cases, frankly, blackmail political action committees into giving money to them.

So that today, for example, there are Members who have $200,000, $300,000, and $400,000 sitting in the bank waiting for somebody to come and challenge you. So you have $1,200,000 in tax paid money and then very often you have incumbents who have even more money available. For example in the last year, January 1, 1987, to March 31, 1988, just to take, without naming any names, the top 10 PAC recipients in the House, all of whom happened to be Democrats, it was $312,000, $267,000, $257,000, $256,000, $248,000, $246,000 $245,00, $231,000, $226,000, and $221,000. Now that is just PAC money. That is not counting the tax paid money and it is not counting other kinds of contributions. My point just being that if you are out here as a normal everyday citizen and you say to yourself, "I would like to challenge an incumbent in the late eighties," and I think the gentleman is making my point in essence, that the world has changed radically from the late seventies.

Mr. FROST. but I would point out to the gentleman that one of the examples I cited occurred during the eighties. Mr. BUSTAMANTE from my State defeated Mr. Kazen. I do not know—it may have been 1984. I do not know the exact year, it was just 4 years ago. Mr. Kazen was the second ranking member on a very significant committee, had been in the House for a number of years. Yet, Mr. BUSTAMANTE, who had been a popular local elected official in his area of San Antonio, decided that he would make this challenge despite the fact that people counseled him he should not do it. And he was successful against a very entrenched long-term incumbent.

Mr. GINGRICH. So the gentleman's suggestion that having 98.4 percent of the incumbents reelected has no relationship to the increased power of incumbents to survive.

Mr. FROST. I am suggesting to the gentleman that it is—if you have a te-

nacious challenger that it is certainly possible to defeat an incumbent.

I would point out to him—I do not have the list in front of me that the gentleman has—but I do know that in my own area in the Dallas-Fort Worth area of Dallas, the Republican Member raises every bit as much PAC money as the two Democratic Members. So I am not sure that you can conclude that the PAC money is all on the Democratic side.

Mr. GINGRICH. There are 10 leading PAC Members cited in this particular report. One of them from Texas, there are no Republicans cited from any part of the county as leading PAC recipients on the House side. But let me go a step further and take the gentleman's home State for a minute.

There was a primary race in the gentleman's State this year involving a Democrat. That Democratic incumbent, according to the Wall Street Journal spent more than $400,000, 61 percent of it PAC money, to defeat a primary challenger who spent less than $11,000 and got nothing from PAC's. My point is it goes a step further: The incumbent in fact spent $1,200,000 in tax paid money prior to spending $400,000 that they had raised from PAC's and other groups.

So their actual advantage in this case just in the 2-year cycle would be $1,600,000 for the incumbent and $11,000 for the challenger.

Mr. FROST. In this particular case that the gentleman cites it was of course a very popular black Member from Texas he very well knows. He had not had a race in some years and he had a challenger from within his district and he ran a very serious, tough race, I guess the first time he had done this in some time and he did win by a large margin. And I am very proud of my colleague, Mr. LELAND from Houston, who did have a primary challenge and rose to the occasion.

I recall in my own State, Congressmen JACK BROOKS, the dean of our delegation a few years ago had a very tough primary challenge even though he had been around for a number of years. He ran a very active campaign. He did survive it. He did run a very tough race. But he had two very active opponents who really made him work hard.

So I just think when the gentleman says that it is impossible, it is not in fact impossible, and when the gentleman points out the advantage that incumbents have, I would only ask the gentleman: Does he take advantage of these things? Does he take advantage of the congressional mailing privilege the way he is suggesting that other people do? Does the gentleman not send out postal patron mailing in his own district?

Mr. GINGRICH. No; I do take advantage of it. The point I would make is that all of us are currently caught up in a system in which all of us have massive advantages, that that system virtually guarantees the reelection of most incumbents. At 98.4 percent reelection rate for incumbents who seek reelection, again the figure—in addition to the tax paid money which we get, the Wall Street Journal article points out for example that in the House last year political action committees gave $24,300,000 to incumbents and $243,000 to challengers.

Now I would just suggest that from the standpoint of the citizen, not the standpoint of an incumbent politican but from the standpoint of the citizen there are fundamental problems with a system in which the incumbent knows that the odds are better than 49 to 1 that they will be get reelected if they run.

Mr. FROST. I would ask the gentleman because I do not have the record in front of me and of course I do not know, I am asking for informational purposes: We did have the opportunity to consider PAC legislation offered by Mr. OBEY a few years ago eliminating or greatly restricting PAC contributions. Did the gentleman support that legislation?

Mr. GINGRICH. No, and for a very specific reason which is part of the point I am making this evening. Every liberal proposal and so-called reform has in fact increased the likelihood that incumbents would be reelected because they tend to put a cap on spending without taking into account our $1,200,000 advantage.

Mr. FROST. I have trouble following the gentleman.

Mr. GINGRICH. I would be glad to yield to the gentleman from Pennsylvania. I will yield to him first.

Mr. WALKER. I thank the gentleman for yielding.

There is another thing: Those particular schemes, the Obey bill was designed as an incumbent protection act. What it did was it gave us taxpayers' money to run for reelection. It gives it in equal amounts to both the challenger and the incumbent. So the incumbent starts off with an advantage and now gets taxpayer-paid money in order to run his campaign. It is an incumbent protection act, lock, stock, and barrel. What we ought to do is what a few of us do around here and put real limits on the amount you take from PAC's. I will not take more than $500 from anybody. I do not understand why we have to run these multihundred-thousand-dollar campaigns, in some cases multimillion-dollar campaigns. That is what the problem is. Mr. OBEY's bill was public financing.

Mr. FROST. The Obey provision of a few years ago did put a limit on PAC contributions. My recollection is it was about $80,000 that you could accept in total PAC contributions. It was not a public financing bill. There were some other bills Mr. OBEY offered. But he had a strict limit on the amount of money you could accept from PAC's. And that is what the gentleman seems to be railing against, the role of PAC's. I am curious if he supported putting that limit on the PAC contributions.

Mr. GINGRICH. Let me clarify so the people will understand what we are talking about. You start with an incumbent who has $1,200,000 in tax paid advantage. Then you say, "Now we are going to have an even-playing field, each side gets $80,000 from PAC's," if the challenger can raise a dime. But all I am suggesting to you is that does not even begin to deal with the real problem.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. One other point. It seems to me the Obey proposal also failed to address the problem of the in-kind contributions. It dealt with cash only, it did not deal at all with the fact that many labor unions put in phone banks and do all kinds of things and in fact contribute to campaigns on an in-kind basis.

So therefore, it gave a substantial disadvantage to challengers who do not have that available to them and a substantial advantage to those incumbents who have those resources at their beck and call.

That also is a major problem with the situation that we now face.

Mr. FROST. If I may just follow up and then my friend from North Dakota wants to ask, too. But I would ask the gentleman from Georgia [Mr. GINGRICH], is he suggesting, is he favoring the elimination of all PAC contributions? Is that what it is, is he in favor of that line?

Mr. GINGRICH. I will be proposing in September a package of fairly dramatic reforms but they do not just address PAC's. They also have to address the question: How do you help the challenger have a fair chance to defeat the incumbent?

Mr. FROST. But I am asking, is the gentleman for eliminating PAC contributions?

Mr. GINGRICH. No; I am for reregulating them, not eliminating them.

Mr. FROST. Is the gentleman for putting some sort of limit on what PAC's can give?

Mr. GINGRICH. Yes. Particularly a limit on what PAC's can do for incumbents.

Mr. FROST. No; I am talking about the aggregate. Right now a PAC can give $5,000, an individual can give $1,000. Is the gentleman for putting an aggregate limit on what PAC's can give?

Mr. GINGRICH. Purely in and of themselves, PAC's are not the problem. Let me give the gentleman an example.

There is an incumbent subcommittee chairman in this House, a Demo-

cratic subcommittee chairman who says proudly he takes no PAC money. He has raised 343 contributions of $1,000 each from executives in the industry that his subcommittee threatens. I do not know that you have done anything for good government if you say to that particular incumbent, "Let us give you a rose for taking no PAC money, but by the way, isn't it slightly strange that all across America executives in your particular industry that you threaten in your subcommittee happen to write out thousand dollar checks?" That actually in some companies that particular subcommittee chairman raises more money in thousand dollar units from individuals than he could raise if the company gave him a $5,000 contribution?

Mr. FROST. It is very interesting that the gentleman raises that point, raises the point about subcommittees that the Member sits on.

The gentleman in the well sits on the Aviation Subcommittee of Public Works. In fact, he is the ranking Member if I recall.

Mr. GINGRICH. Sure.

Mr. FROST. He is the ranking Republican. I was curious when this all came up a few months ago about what kind of PAC contributions the gentleman from Georgia took? And I noticed that in just a casual review that the gentleman has accepted PAC contributions from airlines, in fact an airline, a very fine airline based in Georgia.

Mr. GINGRICH. Sure.

Mr. FROST. Now the gentleman is sitting on a subcommittee regulating an industry and he is criticizing someone else for taking PAC contributions—for taking contributions from people in that industry and the gentleman himself takes aviation PAC contributions?

Mr. GINGRICH. This may be a shock to Texas Democrats: I am not standing up here saying there is one saint or two saints or three saints in this House; I am saying every Menber in this House is caught up in a mess and every Member is tainted by a process which guarantees that incumbents get re-elected; incumbents are too secure, incumbents are too arrogant and all of us are threatened.

Lord Acton did not say power tends to corrupt except for the saints. Lord Acton said for humans all of us face a real problem. But I have got the guts to come out here on the floor and say I think we had better face up to the fact that all of us involved in the problem.

Mr. FROST. Is the gentleman going to stop taking airline PAC money? Is that what he is saying, is he going to voluntarily renounce—or announce no more PAC contributions?

Mr. GINGRICH. I am going to propose we go to lower the limit for all PAC's for all of us.

Mr. FROST. I was asking—the gentleman is complaining.

Mr. GINGRICH. Let me ask the gentleman a question.

Mr. FROST. Is the gentleman going to stop taking airline PAC money?

Mr. GINGRICH. No, why should I?

Mr. FROST. The gentleman is offended by this.

Mr. GINGRICH. I do not go around terrorizing an industry and raise $343,000 out of airlines, period. Most of the airlines give me $250 or $500. I do not raise units on the scale of the subcommittee chairman. I do not raise $1 million like a Speaker did at one event, period.

Mr. FROST. I believe the gentleman has taken PAC contributions from airlines in excess of $500, in fact I believe I have seen some on his disclosure statement. But there is no point in getting into a long discussion of that.

Mr. GINGRICH. No; the fact is I did not come out here and say as a saint let me point the finger; I came out here and said all Americans face a problem because all incumbents are too strong—GINGRICH is an incumbent and GINGRICH by definition is too strong.

I did offer three amendments and I would be curious as to how the gentleman voted. I offered three amendments this summer to cut the number of mailings we were allowed to send out. I do not happen to have the RECORD in front of me but I would be curious as to how the gentleman voted. I offered three amendments this summer to cut the number of mailings we were allowed to send out that are automatic junk mail that go out to all constituents. I would be curious to know, did the gentleman vote for any of those three, did he vote to cut the amount we are allowed to send out?

Mr. FROST. I do not believe that I have voted for any of the amendments of the gentleman from Georgia [Mr. GINGRICH]. I am not a particular fan of his legislative proposals. But I will tell you this——

Mr. GINGRICH. Well, yes——

Mr. FROST. Well, let me finish answering the question.

Mr. GINGRICH. Well, I want to reclaim the time. I control the time.

The SPEAKER pro tempore (Mr. GARCIA). The gentleman from Georgia has the time.

Mr. FROST. I was trying to respond to a question.

Mr. GINGRICH. I thank the Chair.

So I just want to make a point that in fact if you did not vote to cut spending by incumbents on direct mail, that in fact while the gentleman is doing a very effective job of serving this evening as a spokesman for his side—and I understand that and I think that is very useful, it is very helpful for the public to get to watch both of us—I just want to stipulate for the RECORD, that I am not claiming that I do not have a staff. I do have a staff. So if I stand up here and say we get $1,200,000 and we get staff and we get computers, yes, I have a computer.

I am willing to stipulate so we do not go through these games. Yes, I am a Member of Congress. Members of Congress as a group and individually are too strong. That means Republican Members are too strong, it means Democratic Members are too strong. Members of Congress have too great an advantage. That includes GINGRICH. I will say that up front. All right?

Now the question is do you agree or disagree that Members are too strong? That incumbency is too great an advantage? That we have real problems in our current system and that 98.4-percent reelection is on the surface a symptom of the potential for a real problem?

And let me yield to my friend from North Dakota.

Mr. FROST. The question is directed to me and I will be glad to respond.

Mr. GINGRICH. No.

Mr. FROST. The answer is "yes" in that I helped draft with Mr. OBEY one of his major reform packages which unfortunately never saw the light of day in the House of Representatives.

□ 1745

Mr. GINGRICH. Which was in fact an incumbency protection package, which made it even harder for a challenger to get up the energy and the resources to challenge an incumbent.

Mr. FROST. Mr. Speaker, I might add that I think the gentleman knows the package I am talking about.

Mr. GINGRICH. Mr. Speaker, let me yield to the gentleman from North Dakota [Mr. DORGAN], if I might.

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman's yielding.

One of the difficulties I have had when I have observed the gentleman from Georgia and the gentleman from Pennsylvania [Mr. WALKER] speak on this institution is the suggestion that somehow the institution is corrupt and the people who make up the institution are corruptible. The fact is that the gentleman knows history—because he cites history a great deal—and we know that we can go back to some of the great names in American politics who served in this body and in the body across the way and analyze the practices and the customs back then. Back then it was not unusual, for example, for business groups and support groups back home to send pockets full of cash to keep them in a certain style back in the 1800's. It was perfectly legal and perfectly appropriate. In fact, there are letters from some of our great legislators back to their constituents saying, "I need you to send

me more money so that I can pay my bills here in Washington, DC."

Times have changed, and by and large what we do is subject to public scrutiny through disclosure and a whole host of things.

I would observe that the Members on the gentleman's side of the aisle, including the Republicans and the Democrats whom I have observed and worked with in this House, are some of the finest people I have ever had the opportunity to work with. I think they are very talented, and that includes the Member in the well. I think they are really extraordinary people. Most of them work much harder than most of their constituents understand in most cases.

So I guess, while there might be some problems here and there, my observation is that the difficulties in terms of the implication of honesty that the gentleman seems to suggest are, I think, isolated, not general.

Let me make another observation, if I may. The gentleman talks about the Mexican elections and the fact that the citizens of Mexico somehow have an advantage because they are able to more easily defeat politicians in Mexico. I frankly do not think we would want to exchange systems at this point. I think the American citizens are advantaged by the kind of government they are able to select, and I would say to the gentleman that in this whole area of power and return to office of incumbents, I do not think the selection of incumbents by their constituents for another term is necessarily a symbol of failure.

I would observe one other thing: The gentleman says we have a lot of advantages, and I admit to that. I think that is the case. I think an incumbent that does good work and represents well the constituency certainly has an advantage over someone who is challenging. I would also observe that one of the advantages we have exists at this moment for the gentleman in the well. I recall several years ago when the two gentlemen who are now standing, stood up at the start of the session and asked to have time reserved on almost every evening we were in session for about an hour so that they could address a largely empty Chamber and fill the homes out there across the Nation and talk about what they wanted to talk about.

I think that is fine, and I frankly admire your willingness and interest in doing that. I have not ever criticized that, but I would say this: It is not lost on either of you that that is a very significant perk for both of you to be able to do that, and I would expect the reason you invest that time is that you know it is a way for you to develop your ideas and develop your constituencies. I do not begrudge that. I think free speech and the ability to do that, especially in the well of a House like this where the great debates take place, indicate that that is what you ought to do. But when you point around and say, "Well, everybody else is involved in this, but I take my special orders all the time and that is not a perk," I have a problem with that.

Mr. GINGRICH. Mr. Speaker, let me make two distinctions that seem to be confusing people. First of all, I do not say, "Everybody else is doing this."

Out of 435 Members of the House, most are hard-working, most are intelligent, most are frankly more knowledgeable and more serious than the press or most citizens give them credit for.

But I would also say to the gentleman that the world we all on this floor grew up in is gone, that the world in which you could defeat an incumbent with some reasonable possibility is gone.

Let me just give the gentleman a couple of specifics. These are quotes from a Wall Street Journal article, and I think it gives us the sense of my concern. And let us remember again that the incumbent starts with $1,200,000 advantage every 2 years.

Mr. DORGAN of North Dakota. I would ask the gentleman not to point at Mr. DORNAN when he does that.

Mr. GINGRICH. That is true of all of us. All of us are in this pond together. These quotes are out of this Wall Street Journal article:

> Special-interest money is playing a bigger part than every in the 1988 Senate and House elections, more strongly favoring incumbents, especially House Democrats.
>
> Latest campaign-finance reports also show that incumbents are raising and spending more than ever to stay in office, even as the number of seriously contested congressional campaigns declines.

The article goes on as follows:

> Incumbents are dominating the flow of PAC money even more than in the past. They got nearly 88 percent so far, up from 84 percent 2 years earlier. PACs increased their donations to incumbents by 31 percent, and slightly decreased their giving to nonincumbent candidates.

In another article the President of Common Cause, Fred Wertheimer, accused the PAC's of "bending over backward to buy influence with incumbents and lock challengers out of the process."

My point is this: I do not see how any American citizen can look at a 98.4-percent reelection rate and accept it. I am not talking about an individual campaign. You may serve North Dakota wonderfully, the gentleman from Texas may serve central Texas wonderfully, and the gentleman from Pennsylvania may serve the Lancaster area wonderfully.

I can accept the idea that 200 or 250 or even 300 incumbents were reelected, but the idea that 98.4 get reelected, that most of them are not seriously challenged, that they are not challenged in the primary if it is a Democratic or Republican stronghold, and that they are not challenged in the general election if it is a marginal seat, I think, strikes terror because it is the beginning of the process of corrupting and undermining the system of representation.

Mr. DORGAN of North Dakota. But that is precisely the language that causes me some anguish. The gentleman will not find a debate with me when he discusses the need to reform campaign financing. I think we have to do that, and frankly I think if serious people on both sides of the political aisle get together and think about how to do that, we will get that done. The gentleman will not get an argument from me on the need to reform some of these things.

I think, however, it disserves this institution to imply with careful language that this is a corrupted place. I urge the gentleman to think about what he just said at the start of this last discussion, because I think it was appropriate. The gentleman said, to start the discussion, that this is a place with very good men and women, serving their constituencies and working hard.

Mr. GINGRICH. Yes, most of them do.

Mr. DORGAN of North Dakota. It is important to preface the discussions that way, because when the gentleman gets up and begins without that admonition, he begins by suggesting somehow that the whole place is corrupt, and that is a disservice to the Nation.

Mr. GINGRICH. Mr. Speaker, let me be very clear, because I think we have a fundamental disagreement.

I am genuinely terrified that we are in the early stages of a process of corrupting the system. I am speaking of the system, not specific individuals, but the system of behavior, of shifting the whole way, the whole acceptable habit of how one behaves in the House, how one behaves in politics in terms of the House, and it frightens me because I think it goes to the core of the way in which a free society runs. I think there are very, very deep weaknesses beginning to spring forth.

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

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

Mr. WALKER. Mr. Speaker, I appreciate the gentleman's yielding, because I want to make one brief point.

I do not know if either of the two gentlemen on the other side have been among those who have accused this administration of being corrupt and who have talked about the sleaze factor in this administration, but there have been a number of people on the other side of the aisle who have made that a consistent theme, including some of the Members of their leadership.

I will, later on this evening, in a special order go into these statistics and make them clear, but I just want to point out that insofar as there is a possible sleaze factor in this administration, the amount of corruption in this Congress that could be quantified in the same way the sleaze has been quantified for this administration, the amount of corruption in this House is 2½ times greater over the same period of time than that in the administration. So insofar as there is any talk whatsoever of corruption in the administration, there has been 2½ times more corruption in this House during that same period of time.

Mr. FROST. Mr. Speaker, if the gentleman will yield, that is an interesting statistic the gentleman has thrown out, and I would really be interested in knowing how the gentleman calculaed that.

Is the gentleman including in that the people who were caught up in the Abscam adventure of a few years ago, which included both Democrats and Republicans? How are you getting that 2½ times? I am not sure I am following that. If the gentleman is talking about people who actually have pleaded guilty or who are serving time and who have been convicted, clearly there have been more people in the administration who have gone through a court of law, unless you are somehow counting all the Abscam people in that. I am not sure how you get to the 2½ times.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, I am taking the same standards that the Democratic Party has used when they have talked about 242 corrupt officials in the Republican administration. I am using the same standards for evaluating Members of Congress that have been used there, and I am finding that 1.9 percent of the Reagan administration appointees—and there is some question about some of the statistics used there, and I will talk about that later on—1.9 percent of them have been involved in some kind of sleaze factor, whereas about 5 percent of all Members of Congress who have served during that period of time have been involved in the same kind of sleaze factor.

Mr. FROST. During the 8-year period of the Reagan administration?

Mr. WALKER. During the same period, and during that same 8-year period in the Congress.

So those figures would seem to indicate about 2½ times more corruption in the same kind of quantification as took place in the Reagan administration.

All I am saying is that that does indicate insofar as there is corrpution downtown, we have 2½ times more corruption here in the Congress.

Mr. FROST. But there were Republicans involved in that as well as Democrats.

Mr. WALKER. That includes both Democrats and Republicans.

Mr. GINGRICH. Mr. Speaker, if I may reclaim my time, let me go back and put this in a systems perspective. Again I want to quote from a Wall Street Journal article on the House reelection rate. It says this:

> In the vast majority of House races, "the election is effectively over before the formal campaign begins," says Brookings Institution political scientist Thomas Mann. The story is similar in the Senate; though Senators face more competition, theirs also is declining.
>
> It has been 40 years since the House reelection rate fell below 80 percent; it hasn't been below 90 percent since the Watergate elections of 1974, and it was a record 98 percent in 1986. House Members also win by bigger margins: Although four in 10 House incumbents won less than 60 percent of the vote in their districts in 1964, only about 1 in 10 had that close a race in 1986.

The article goes on as follows:

> Political scientists have been writing for years about these "vanishing marginals." Soon they may be writing about vanishing challengers as well. In the first 15 States where the ballot deadline has passed, 28 House Members are running without opposition, up 64 percent from 1986.

Further in the article, it states this:

> One reason for the dearth of competition is staff. Before World War II, House Members got along with only a secretary and a clerk, and Senators had an average of four aides each. But these personal staffs grew to a total of 7,920 for the House and 3,774 for the Senate in 1986. Furthermore 34 percent of those Senate aides and 44 percent of House staff work outside Washington, in home States and districts.

Further in the article:

> Another factor is official mail. Congress appropriated $97 million to pay postage for 759 million pieces in 1986, a 17-fold increase in volume since 1954. Most mail is self-generated. In 1986 Congress disgorged more than 12,000 items for every incoming letter.

The article states that so far one freshman "has blanketed his district with three newsletters to all 230,000 homes. He will easily spend $1 million to reach voters with official staff and mail during his first term."

All I am suggesting is that at a systems level I do not see how any American who cares about self-government and about the prospect of having real elections can look at that and not be deeply concerned.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I have just one final comment. This institution fortunately will survive both of us. It will survive Republicans and Democrats no matter how they act over the years. I would simply encourage the gentleman and the gentleman from Pennsylvania, who are serious Members of this body, when you discuss these matters, not to lead the American people to believe that 90 percent of the people who serve in public office here are corrupt.

Mr. GINGRICH. I did not say that.

Mr. DORGAN of North Dakota. The gentleman just said under his reading there have been 5 percent of the people in this body who have done this, that, or the other thing. Even if those figures are true—and I would not necessarily accept them. If they were true, that suggests 95 percent, on the other hand, are the kinds of people who serve seriously with the intent of doing the best they can for their districts. I would just encourage the gentleman to do what he can to bring honor to this institution.

Mr. GRINGRICH. Mr. Speaker, let me just ask this question: In North Dakota what is acceptable percentage of corruption? Is it 3 percent, or is it 9 percent?

Mr. DORGAN of North Dakota. I do not know, but all I am saying is that I think the institution of Congress needs a defense as well, because this institution is going to survive all of us.

Mr. GINGRICH. So the gentleman defends the idea that 98.4 percent of the incumbents get reelected?

Mr. DORGAN of North Dakota. Let me ask the gentleman a question: What percentage of reelection would be acceptable to the gentleman? Do you think a 75-percent threshold represents electoral health out there?

Mr. GINGRICH. Let me give you sort of a test.

Mr. DORGAN of North Dakota. Does the gentleman believe 98 percent is not responsible or symbolic of health?

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. Is 50 percent a more acceptable figure?

Mr. GINGRICH. My personal guess is, if I had to affix a yardstick, that I believe we ought to have 40 to 50 percent of the incumbents in any given election in a serious race on election day. That might mean in a year of "throw the rascals out" that 30 percent got defeated. In a year when peace and prosperity reigned, that might mean that 15 percent or 10 percent got defeated. But something on the order of 40 to 50 percent of the incumbents ought to go into election day knowing that the voters have a reasonable chance to fire them if they want to.

Mr. DORGAN of North Dakota. But let me say this, aside from the advantages that incumbents have—and I think the gentleman is correct on that, that there are inherent advantages, including this special order, the ability to have a special order as an inherent advantage.

Mr. GINGRICH. Sure.

Mr. DORGAN of North Dakota. But we wonder if there are people out

there in the country who will take a look at this kind of dialog and then say, "You know, I would like to get involved in politics, but I hear these folks talking about what a cesspool of corruption it is, and so on."

We wonder if that does not overstate what really exists in terms of opportunities to serve. There are Republicans and Democrats, there are men and women out there that I think could contribute a great deal to this country. All I am urging is that when we talk about these things—and indeed we should, when we have corruption, root out the bad apples, because when we need reform, we must join hands and effect reform in a bipartisan way—I think always we should also understand that this institution was here a hundred years ago and will be here a hundred years from now.

□ 1800

Mr. GINGRICH. But that is precisely why I am standing here tonight. I am not at all convinced that an institution which a hundred years ago, by the way, had about 50 percent freshmen—I mean the turnover rate up to the 1890's is remarkable, and I only see the rise of the modern, long-term, stable incumbency beginning around 1900.

Mr. DORGAN of North Dakota. And the interesting part of that is the disclosure back then was nonexistent, the disclosure about special interests, the disclosure about where they got their money. The disclosure of who was funding them, who was financing them, is almost nonexistent.

Mr. DORNAN of California. Mr. Speaker, would the gentleman yield?

Mr. GINGRICH. Just one second because I think this is part of the fallacy. The greatest single advantage incumbents have is tax-paid money. The second greatest advantage is, particularly on the Democratic side; they have control, that you can threaten interests if they do not finance your campaign, that there is a process in effect of medieval tribute, of saying to people, "If you don't drop by, you will get punished," and I do not think anybody can come here with a straight face and say there have not been conversations in which powerful politicians have said to interest groups, "If you don't give, you will be punished."

Now that means that, unlike the 19th century, the weight of incumbency, the mountain that has to be moved by the challenger, is vastly greater.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. There are two observations that have not yet been introduced to the discussion, one which I think reinforces the faith of the gentleman from Georgia [Mr. GINGRICH] about the power of the incumbency, and the other may be affected by the heavy return of incumbents, 98.5 or something.

First one is this little simple word "gerrymandering" created in the early part of the last century, the 1800's. Elbridge Gerry, the Lieutenant Governor, then Governor, then went on to serve in Congress and went on to be a Vice President, he took his name, Gerry with "G," and put it on the word "salamander" and came up with gerrymander because they had an unusually shaped district including Cape Cod that looked like the tail of a lizard.

Well, the gerrymandering in California, and I can only speak for my own State, and I cannot speak for Texas, and I am going to use a string of adjectives here and sound like Jesse Jackson or my friend and colleague, the gentleman from California [Mr. DELLUMS].

It is so mean-spirited, vicious, unethical, antidemocratic, small "d," anti-Constitution, that everybody thought the Republicans would win easy court challenges, and in effect we did sort of win one in 1982 that forced them to change the lines ever so slightly. They just bumped or pushed the line on a map, and it was virtually the same breed out of 1984.

So we have had several elections in California where the only incumbent that was ever defeated was the incumbent I defeated, Jerry Patterson, and let me just make this thought, and then I will ask the gentleman to yield.

Jerry Patterson is a nice man. What it was was I had a 6-year record as a Congressman that I could transpose against his 6 years. He was there 2 years before I got here in 1976, and this was during the 2 years after I had left. But we had 6 years where we both served, and because I had been an incumbent and could put our two voting records side by side, this district, which is a Democrat, blue-collar district, but very pro-Reagan, what both Dukakis and Vice President BUSH are going to be going after—the Governor and the Vice President will be after these blue-collar Democrats.

I was able to say, "I voted this way, he voted that way, 6 years record; which way would you have voted?"

I beat him handily by about 53.1 to 44.1.

Now how many people could do that? I was the only incumbent that changed in 1984. None changed in 1986 in our biggest State, California.

Mr. GINGRICH. In California, right.

Mr. DORNAN of California. There were a few retirements and a few freshmen coming into retirements, and Republican seats saved Republican, and Democrat seats saved Democratic. But I could never have done it. I could never have even thought about doing it were I not a recent incumbent. I had only been out of office a year when I redeclared. I had my fundraising lists, were not all that stale, and there small donors average about 20 to 25 bucks. I do not even know what PAC money I got, to tell you the truth. It comes in; I say, "Thank you."

Nobody has ever tried to influence me. I am trying to come off like Caesar's wife, but I have never had a PAC person ever lean on me because I, like the gentleman in the well—500 bucks is a great deal to me. I do not have a big string of thousands. I have an incredibly small list of thousand-dollar donors, under two dozen. My backbone is $25 donors, but without that list, without a 6-year voting record that I could put up truthfully before the voters and say, "Here is the way each of us voted," and then, even with that, the incumbent made a terrible mistake, and this is what I want to talk about, how we change that 1.5 percent of seats. It is usually terrible personal mistakes in the last few weeks of a campaign.

My hometown newspaper, the Orange County Register, printed my voting record on five key votes and his. I mean biggies; busing, gun control, nuclear freeze; and they reversed our two voting records, and honestly it was a major typographical type of error. I went through the roof. I went ballistic. I said, "You're going to change this."

It was a Sunday edition, the highest circulation. They buried it on a back page on Tuesday. They said that is the way they make corrections, but my opponent took the original mistaken page on Sunday and ran it as substantially his voting record. The paper was furious at that, and they editorialized him on the Sunday before election Tuesday, and that probably cost him several points.

But let me make this one point; then it is the gentleman's.

I am thinking of a Republican seat that has stayed Democrat for the last 6 years, the last four elections, because 10 days out from the election the Republican who was assured of the election, he was running 60-40 in the polls, had a couple of admitted vodka and Cokes at a poker party, and hit a tree and picked up a scar down the center of his face that I heard a minister at the back of a hall when I was going to appear for him, and they did not know who I was. They said, "Which is our incumbent?"

They said, "The one with the mark of Cain on his forehead."

Well, I went, "Holy smoke, this big red scar from his nose to his hairline."

Well, however harshly it was characterized there, this poor guy hit a tree with a couple of drinks falling alseep going home, and that seat has been Democratic ever since, and it is a Republican seat, and I could sit here, if I

wanted to rack my brain, and come up with 10 examples like that, and most of them fall into that category of the 1.5

In other words, if one takes out all personal mistakes or bad breaks, self-induced or not, one might have 0.2 percent that is defeated, and in the gentleman's party he has more examples for the majority side of taking out people in primaries the way we have.

This year a Republican in California took out someone in a primary——

Mr. FROST. I was going to ask the gentleman about that.

Mr. DORNAN of California. But again he might have had a tough race anyway, but there was some unfortunate dialog, dialog only, about whether or not he had thrown chauvinist lines in the first few months of his incumbency.

Take out the personal toe-stubbing, and I think we are returning virtually this House intact. When one overlays in our largest State with 45 Congressmen, soon to pick up 6 more after the 1990 census, and look at this vicious gerrymandering going on in our State, I think the Republic is in an unhealthy position as far as bringing more women, more Hispanics, more blacks, more mixtures in both parties, more young people with ideas.

And the second thing I want to throw out to the gentleman from Georgia [Mr. GINGRICH], and then I will shut up, is the fact that less people are voting. Now we know at the lower socioeconomic levels there is a lack of hope, there is a feeling of desperation, I cannot count, and then there is just the economic disadvantages where one does not have an address, one does not have a car to get to the polls, one does not have money for carfare and one does not get around. But I see people at the upper end of our political spectrum, the brightest who know about demographics and the power of incumbents, the little chance of changing elections, and I am finding more and more of those very bright people in business waiting for the Presidential election where the vote counts because it is all put in one big hopper, College of Cardinals notwithstanding.

So, taking in this lowering voting percentage rollout year after year and gerrymandering, compounding everything that I believe the gentleman in the well has said, and I think his point is well taken, the Republic is in jeopardy for lack of healthy political firmament in the political process.

Mr. FROST. If I may respond to the point the gentleman has raised——

Mr. GINGRICH. Let me just make one quick comment here, and then I will yield to the gentleman from Texas.

That is, if one looks at Clifford May's article in the New York Times, "Challenges in Races for House Declining," which is July 9, he says the following:

> The expectation is that more than 100 House Members will face no challenge in the fall general election.

He quotes one Member as saying:

> In 1984 I had an opponent, but I never met the guy and I can't remember his name. In 1986 the Republicans didn't put anyone against me at all, but there was a right-to-life candidate. If the Republicans have someone lined up, I haven't heard anything about it.

> Such statistics are psychological barriers to would-be challengers. In the metropolitan region and other expensive media markets, the cost of campaigning presents an equally formidable obstacle.

> "Unless you can write a check for half a million dollars, you might as well forget it," said Roger Stone, a Republican political consultant who has worked for candidates in New York and New Jersey.

> But Mr. Stone took a less sanguine view. "The people in Congress control the system and they set the rules," he said. "So they are the ones who benefit, Congress has become an incumbent protection society."

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

Mr. GINGRICH. I yield to the gentleman from Texas.

Mr. FROST. An interesting item happened this year in my State, and I speak of my State because I am familiar with what goes on in Texas. I am somewhat familiar in other States, but I know a great deal about my home State, as I am sure the gentleman does about his home State of Georgia.

About, and I do not remember the exact number, but about half the Democratic incumbent Members of the House from my State of Texas are unopposed this year. The Republicans did not field a candidate against us.

Let me finish the point.

When this happened, officials of the Republican Party made it clear to the media that this was a conscious strategy on their part not to field candidates against Democrats with high minority population in their districts in order to help their statewide candidates and in order to help their Presidential candidate in the State of Texas. This was a conscious decision by the Republican Party to discourage people from filing in Dallas, and in Fort Worth, and in Austin, and in Beaumont, and in El Paso so that there would not be a contest—and in Houston—so that there would not be a contest in congressional districts in the major urban centers of my State in the hopes that this would suppress minority turnout this fall.

Now, if the Republican Party wants to follow this kind of strategy, a somewhat cynical strategy, and not put people into races intentionally in order to help their Presidential candidate, that is one thing, but it is hard for the gentleman then to bemoan the fact that so many Congressmen are unopposed when his party has been part of the strategy to make that happen in my State.

Mr. GINGRICH. But come on——

Mr. FROST. Mr. Speaker, that is absolutely what happened in the State of Texas this year.

Mr. GINGRICH. But let me just make a point before I yield to my own good friend from Texas.

The gentleman is an elegant defender of an indefendable system, but one cannot seriously argue that 13, which is the number—how many Democrats are there in Texas——

Mr. FROST. Seventeen.

Mr. GINGRICH. Thirteen of the seventeen Democrats have no opposition in the general election.

Mr. FROST. Because the Republican Party made a concerted effort not to field candidates against them.

Mr. GINGRICH. Wait a second. In a setting in effect many of whom, by the way, are raising enormous amounts of PAC money even though they have no opponent and will then give that PAC money away to other people.

The gentleman knows I understand he wants to blame the victim, but having first set up the system——

Mr. FROST. Does the Member in the well not make contribution to other Republican Members?

Mr. GINGRICH. Right.

Mr. FROST. Do you make contribution to other Republican Members?

Mr. GINGRICH. Sure, and again I also stipulate the rules as they are set up I will abide by, and I think we ought to change the rules.

Mr. FROST. The gentleman is doing the exact thing that he is complaining about.

Mr. GINGRICH. And I intend to offer rules changes which will make it impossible for all of us to engage in these behaviors.

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

Mr. GINGRICH. I yield to the gentleman from Texas, my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding, and I am not part of this debate because I have not been following it, but I was on the floor waiting for my special order when my good colleague from Dallas made the statement about Republicans in Texas did not field candidates against Democrats in Texas.

Mr. FROST. In urban areas.

Mr. DELAY. Well, I do not know where the gentleman gets his information, but we, for instance, have a candidate against the gentleman from San Antonio [Mr. GONZALEZ], a very heavy, heavy, heavy minority district in San Antonio—have a very good candidate by the name of Lee Trevino. I do not know; you may have entries into the Republican Party of Texas that I do not have, but I am not aware of any, any strategy not to field candi-

dates or support candidates in minority areas.

Mr. GINGRICH. Furthermore, even a Democrat would have a hard time suggesting that 13 of the 17 Democrats represent largely minority areas. The fact is——

Mr. FROST. If the gentleman will yield, Members of both parties who represent rural areas in the South wind up without—going without opponents from year to year, but I am talking about urban areas, and I would like to respond to my friend from Houston.

□ 1815

Mr. GINGRICH. If I may reclaim my time, I think the gentleman has elegantly twisted and turned, but the fact is that in large cities in the North there are Members without opposition. The fact is that in areas across the whole country there are Members without opposition.

To quote again from an article entitled "The U.S. House of Lords" in the Wall Street Journal:

Never before have so few outcomes been in doubt, with the effect that most House incumbents now enjoy de facto lifetime tenure.

Two recent independent political surveys confirm that in all but a few districts the elections for the House this November will be a mere formality. Roll Call, a Capitol Hill newspaper, concludes than in only 96 out of 435 House races is there any contest at all. In 78% of the races the incumbent is either unopposed or faces token opposition. Charles Cook, a political analyst whose conclusions are summarized nearby, says the Democrats have all but won control of the House for the 18th consecutive election. He finds only 16 seats where the outcome is seriously in doubt. Roll Call can find only 12.

The House was meant to be the electoral body most representative of and closest to the people. Instead, 98.4% of incumbents running for reelection were returned to office in 1986. David R. Mayhew, chairman of the political science department at Yale University, calls that result "shocking" and warns against a tide of voter cynicism. He says the House is "becoming too impenetrable to be representative."

I just want to make the suggestion here that we have a systems problem that affects everybody who cares about representative government in America, that the overpowering advantages of the incumbent are in fact dangerous to the system, that as incumbents get further and further away from the public ability to punish them for transgressions, that we are going to have more and more ethics problems and that there is a direct correlation in the decay, I think, of the system and the fact that it is harder and harder to challenge us.

Now, the analogy which the Wall Street Journal drew is as follows:

Several analysts believe that these trends could undermine the very legitimacy of the House. Some 150 years ago Britain faced a similar problem. Parliamentary boundaries had not been redrawn to reflect population changes for centuries, with the result that many "rotten boroughs" had only a handful of voters and a few none at all. Many landowners served in Parliament for life, and there were fears Britain might cease to be an effective democracy. "Many bitterly said the House of Commons was merely another House of Lords," says historian Paul Johnson.

Just as the Reform Act of 1832 redrew British districts and injected fresh blood into Parliament, similar dramatic action will have to be taken or more Americans will sink into electoral cynicism. Campaign-finance reform is desirable, starting with a lifting of the $1,000 contribution limit and new laws making it easier for parties to spend money on key races. But merely relying on incumbents to inject more competition into politics is like asking banks to make their vaults less secure. That's why voter initiatives to limit gerrymandering—such as those by California's Don Sebastiani—are important. The Supreme Court has also served notice that the most extreme gerrymanders won't survive court challenges.

Voters were offered a wide range of choices in this year's presidential race. A baker's dozen of candidates ran, and for the first time a black is in the ranks of the front-runners. It's time voters had the same kind of real choices—and the chance for an occasional surprising outcome—in races for Congress.

Now, my colleague may want to defend the process. I just think it is easier, frankly, to concede that I am sure deep down you have some concerns.

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

Mr. GINGRICH. I am glad to yield to the gentleman from Texas.

Mr. FROST. I actually worked with Common Cause a few years ago developing campaign finance reforms, so I am very interested as to what the gentleman is for.

If I understand what he said, he is not for a limit, overall limit on PAC spending. He is not for public financing.

If the gentleman is not for either one of those things, what is the gentleman for to reform the system that the gentleman has been criticizing today?

Mr. GINGRICH. I would first of all have much more severe limits than what PAC's can give to incumbents and what they can give to challengers.

I would, second, raise the amount of money that parties can donate in challenging races so they could match the amount of money that incumbents are currently allowed to spend in terms of their tax paid funds so that there was some kind of parity, that in fact in a congressional district, in my district the Republican Party, in the gentleman's district the Democratic Party, could match through private contributions the amount of money that the gentleman and I get from the taxpayer so that there will be truly a competitive alternative party out there.

There are a number of other steps which I will outline in September, but I think the first thing to recognize, whether it is Gingrich's reforms or whether it is somebody else's reforms, is that we are in a situation in which the very fact of 98.4 percent reelection by incumbents who seek reelection means that we have to start fundamentally reforming the structure of congressional elections and the structure of incumbency advantage, because in the absence of doing that I think we are in a system which is going to grow steadily sicker, and I think that is a very, very real problem. I do not think this is something to be shrugged off.

And notice, I did not this afternoon just talk about Republicans or Democrats. I said incumbent advantage.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding to me.

One of the things that we do not talk about much around here is the abuse of the franking that we do. I think this is a very salient point that ought to be made in conjunction with the gentleman's argument.

I think we ought to keep in touch with our constituents. We certainly should do newsletters to let them know what is going on in Washington and we should keep them appraised of the very important issues facing this body.

One of the things that I have noticed is the tremendous amount of mail that we send out on a regular basis. Some Members of this body send out 8 or 10 mailings a year, at least 6, to a quarter of a million households. That is a million and a half pieces of correspondence going to their constituents.

Now, if you put a pencil to that and figure that it costs at least probably 40 cents for a competitor for each piece of mail, 20 cents for postage or 25 cents for postage now, plus 15 cents to produce the piece, multiply 40 cents times a million and a half households per year for 2 years, that is 3 million mailings that go out at 40 cents and that is a tremendous amount of money. What is that—$600,000.

Mr. GINGRICH. Let me if I might, because we are about to run out of time on my special order, let me just close by saying that in the New York Times today in a article by Frank Lynn, entitled "Record Numbers of State Races Are Not Contests", begins:

The number of uncontested primaries and elections in New York for the House of Representatives and the State Legislature has increased dramatically this year. At least one of every five members of the House and the Legislature does not have a major party opponent and is thus virtually assured of reelection in November.

He goes on to say that incumbents are reaching the point of guaranteed

jobs. He quotes Herbert E. Alexander, a University of Southern California political science professor and campaign-finance expert as saying:

"It means that there is not a lot of fluidity, not a lot of change in government," said Herbert E. Alexander, a University of Southern California political science professor and campaign-finance expert.

He and William Pound, executive director of the National Conference of State Legislatures, agreed that the uncontested races are becoming a national phenomenon. Although New York is an extreme example, "it's consistent with a national trend," Mr. Pound said.

VIETNAM VETS WITHOUT HOLLYWOOD, WITHOUT TEARS

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I will not take the whole 60 minutes.

I just wanted to bring to the attention of my colleagues in the House a letter that I read in the Wall Street Journal on July 26, 1988, and several followup letters that were generated by this letter in the Wall Street Journal. I thought it was very apropos and I wanted to put in into the RECORD by reading it.

The headline is "Vietnam Vets Without Hollywood, Without Tears." It is written by a gentleman by the name of William K. Lane, Jr. It goes like this:

VIETNAM VETS WITHOUT HOLLYWOOD

(BY WILLIAM K. LANE, JR.)

Movies about Vietnam are the phase in Hollywood's nonstop assault on the American spirit. The films are often accompanied, in the print media and on TV, by advice from Vietnam veterans groups, "outreach" organizations, and the like, that we who fought in that conflict should see these movies only with a "support group." One organization advised us not to see "Platoon" alone; another cautioned us to spend time "decompressing with friends after it." We've been told about the danger of "nightmares" and warned of the ultimate horror: "flashbacks." Jane Fonda, our dart-board version of World War II's Betty Grable, claims she and a group of veterans "wept" in a theater lobby after seeing the movie.

Excuse me while I barf.

This ludicrous blubbering and psychobabble has puzzled me for 17 years. Every unveiling of a Vietnam memorial on TV news seems to star the same two central-casting vets wearing fatigues—both bearded, one with pony tail—hugging each other and sobbing. It's embarrassing.

The other image is created by the cultural termites in Hollywood: the American soldier in Vietnam as racist, neurotic, drug crazed, feral, a hopeless pawn of a rotten society sent to fight an unjust war. Even the cartoonist Rambo character is a societal misfit, a mumbling killer exorcising his demons in a revenge ritual.

The vast majority of men who fought in that war—people like me—simply do not fit any of those images. Many of us are embarrassed by them, especially in the presence of veterans of Iwo Jima and Midway and Pork Chop Hill—most of whom saw much more horror than Vietnam soldiers ever did and managed to continue their lives without whining, acting nutty, or looking for a free ride.

This is not to say that Nam was not a searing experience. Indulge me as I present some images I dredged up in an attempt to stimulate a few "flashbacks."

I arrived in Vietnam in early 1968, as green as the beret I wore, and was assigned to the Special Forces "A" team that had the dubious distinction, two weeks later, of being one of the first attacked during the Tet offensive. My memories of that battle are of the incredible roar and chaos that occurs when two rifle companies open up on each other; of a day and a night pinned down behind tombstones in a Buddhist cemetery; of picking up a terrible sweet smell for the first time and knowing instinctively that it was death.

I remember an old French priest who insisted I follow him during a lull in the battle because he wanted me to see a "bullet" in his church. The bullet turned out to be a howitzer shell that had come through an open window and embedded itself in the steps of the alter without exploding. We got "the bullet" out for him when things calmed down a week or so later, but I do remember genuflecting as I left the church in awe, and then going back to the grim work.

I can still see the terror in the eyes of the North Vietnamese prisoners brought before me. I was the first American they had ever seen, tall and blond (then), and undoubtedly going to kill them. They nearly collapsed in relief when I handed each of them a few of my Luckies and told them, "No sweat."

I remember the exhilaration brought about by extreme fatigue and our victory over the North Vietnamese regiment that had invaded our area. And I recall the curses, the hatred we felt when the New York Times clips arrived claiming the Vietnamese and American victory in the Tet offensive was actually a defeat.

There were other vignettes that haven't faded: A boy in a nearby village with a twisted foot caused by a badly-healed break. We begged his mother for months to let us take him into Nha Trang and have it fixed.

Finally she relented, tearfully, not quite trusting us. Our medic sneaked the boy into an American hospital under care of a doctor who was part of our conspiracy. We gave him back to his mother, in a cast, with a leg as good as new. The whole village got drunk with us.

We got drunk on Thanksgiving day as well, after the giggling Vietnamese told us the "deer" we had eaten with them for Thanksiving dinner was actually a dog.

I remember trying to cram a year of good times into a week of R&R in Singapore, and then landing back in Vietnam at the air base, hung over and depressed, only to be mortared in the terminal.

But many of the starkest of memories are the bad ones. A newly married lieutenant dead after less than a week in the country, a sergeant killed in a firefight when another American shot him accidentally, piles of dead North Vietnamese, dead South Vietnamese, dead Montagnards, a dead old man in his bed in a house wrecked by battle; heat, fear, concussion, the frenzy of fighting out of an ambush.

Bad things, but no worse than many other bad thngs in life: car wrecks, the death of loved ones. Being fired probably can be as traumatic as being fired upon. And besides, Nam was a long time ago.

I still know where a few of my team-mates are. I get a few cards at Christmas. Sometimes I see one or two and hear about others. Some did a few more tours in Nam after I left. A couple are still in the Army. Some have done better than others, but I'll bet you this: None of them would need a "support group" to go see a movie. None of them would indulge in prattle about "post-traumatic-stress disorder" and how it caused them to beat up their wives or wet their beds. None of them would be a party to the Agent Orange hustle.

And none of them would go to an Army-Navy surplus store and buy jungle fatigues and put them on and hug each other and cry for the cameras because no one gave them a parade.

The men I knew in Vietnam didn't hate each other because of race. We weren't on drugs. We didn't murder civilians. We didn't hate the Army or LBJ or our country. We didn't feel America owed us a free ride because we spent time defending it. We were our own "support group" over there. We don't need one here.

I've met hundreds of Viet vets over the years, and I've yet to encounter one who fits the prevailing stereotypes. There are veterans from all our wars who are sick or depressed or drug addicted, and by all means they deserve our help and comfort. Those who were legitimately disabled deserve a special, revered status in our society. But can't we stop the fictional stereotyping that simply doesn't fit the majority of Vietnam veterans?

Some of the bravest and best men that ever wore an American uniform fought in that war. They deserve better than to be caricatured by Hollywood and represented in the media as a legion of losers.

□ 1830

Following in the Wall Street Journal on August 4, the Wall Street Journal published the letters to the editor that were reflections on the Vietnam war, and I ask that these letters be included in the RECORD.

I need to read one letter that I think was so appropriate in response to Mr. Lane's insightful presentation, and that was a letter from John C. Roots right here in Great Falls, VA, and he writes:

My Vietnam experience lasted from February 1967 to March 1968. I was a helicopter pilot, flew 220 missions, on several occasions brought back battle-damaged aircraft and wounded crew, and spent three months at the siege of Khe Sanh as a forward air controller. I then returned to the U.S. married, finished my active military service, went back to school, graduated, am raising two delightful children, and have spent the past 14 years working happily for a major U.S. company. I am not on drugs, and never have been. I participate in community service such as Little League, Lions Club, and the YMCA. I love my family, cherish my friends and respect the opinions of those who disagree with me.

In the 20 years since my Vietnam tour, I have watched with amazement and frustration the parade of flakes projected by the media as representing Vietnam veterans. Mr. Lane has said what I've wanted to say for a long time. We Vietnam veterans, like veterans of other wars, served our country when asked, conducted ourselves honorably in combat, returned home to lead normal

lives and are active participants in our society. The current series of Hollywood films do not do service to these facts. I hope history does a better job.

JOHN C. ROOTS.

GREAT FALLS, VA.

[Letters to the Editor]

REFLECTIONS ON THE VIETNAM WAR

I am compelled to comment on the excellent editorial-page article by William K. Lane Jr. ("Vietnam Vets Without Hollywood, Without Tears," July 26).

I returned from my second tour of duty in Vietnam in June 1970, having spent the period July 1969 to June 1970, with the 17th Aviation Group at Nha Trang, Tuy Hoa and Pleiku. My first trip to Vietnam (1966-1967) was with the First Air Cavalry Division at An Khe and Bong Son. My awards include the Legion of Merit, Soldiers' Medal, Distinguished Flying Cross, three Bronze Stars, numerous Air Medals and the Purple Heart—all earned while serving in Vietnam. These facts are not related for self-aggrandizement, but rather to establish the fact that I shared some of the same type of experiences as Mr. Lane.

Since my return, I have been increasingly, distressed by the portrayal of "typical" Vietnam soldiers or veterans on television, on the movie screen, and as presented by some of the media in their coverage of various Vietnam memorial dedications, "peace" marches and other demonstrations in which the alleged "frustrations" of Vietnam-era servicemen and servicewomen were vented.

My lack of erudition has prevented me from articulating my feelings of disgust and revulsion at some of the caricatures that have been played by those actors and, unfortunately in some cases, as represented by individuals who probably were somewhere in Southeast Asia during the period of the conflict.

It took Mr. Lane's keen perceptions and outstanding writing ability to put into words those feelings of uneasiness that have bothered me for the past 18 years. I, too, was able to watch "Platoon" without the assistance of a "support group." Although the dress and language were fairly accurate, this just tells me that the technical advisers did their job well in that respect. I, too, have felt that the Agent Orange debate has been nothing but a big con job by a few greedy or gullible people.

My own "post-traumatic-stress disorder" has been relieved immeasurably by Mr. Lane's observations. I join him in a long-overdue, cathartic barf. Well done.

STUART G. MCLENNAN JR.

SAN ANTONIO, TX.

I cannot remember the last time I enjoyed a piece on your editorial page as much as I did Mr. Lane's essay on how Hollywood and (more important) the media routinely engage in mawkish distortion of the image of the Vietnam veteran.

I fought in Vietnam at the same time as Mr. Lane, and I, too, have the sort of memories he describes—both good and bad. I also have good and bad memories of other periods of my life—a stint as a police reporter for a Midwestern newspaper added more to my stock of "war stories" than did the war. Now a corporate lawyer, I am regularly embarrassed by the clownish behavior of badly groomed "media vets" and amused by the naivete of some of my yuppie colleagues who think that movies like "Deerhunter" and "Apocalypse Now" have something to do with war.

JOSEPH S. ORBAN.

NEW BRUNSWICK, NJ.

My Vietnam experience lasted from February 1967 to March 1968. I was a helicopter pilot, flew 220 missions, on several occasions brought back battle-damaged aircraft and wounded crew, and spent three months at the siege of Khe Sanh as a forward air controller. I then returned to the U.S., married, finished my active military service, went back to school, graduated, am raising two delightful children, and have spent the past 14 years working happily for a major U.S. company. I am not on drugs, and never have been. I participate in community service such as Little League, Lions Club, and the YMCA. I love my family, cherish my friends and respect the opinions of those who disagree with me.

In the 20 years since my Vietnam tour, I have watched with amazement and frustration the parade of flakes projected by the media as representing Vietnam Vieterans. Mr. Lane has said what I've wanted to say for a long time. We Vietnam veterans, like veterans of other wars, served our country when asked, conducted ourselves honorably in combat, returned home to lead normal lives and are active participants in our society. The current series of Hollywood films do not do service to these facts. I hope history does a better job.

JOHN C. ROOTS.

GREAT FALLS, VA.

Mr. Lane's column was right on target. As a former platoon leader in the 101st Airborne Division in Vietnam. I very much want to thank him for writing what has been in the back of my mind for years. Most vets are well-adjusted and proud of their service to this great country. Our government may have handled the Vietnam "problem" poorly, but that is no reason to denigrate the honorable people who served there.

ROSS JONES.

BEDFORD, NY.

Mr. Lane's article expresses my feelings exactly. I, too, am embarrassed by those who use their war experiences to justify their inability to cope with life. Their pretension is an affront to all those veterans of that war who came home, picked up the threads of their lives and got on with living. As for the characters portrayed in the movies and on TV, in the 20 months I spent over there in Marine infantry battalions, I never saw anyone who remotely resembled them.

ERNEST T. FITZGERALD.

NEW ORLEANS.

Mr. Lane's article was right on target in criticizing the common caricature of Vietnam vets as neurotic, drug-crazed pawns of a rotten society. As a group, we are probably no better nor no worse than any other large segment of society. I, too, am tired of the whining, sniffling, paranoid image of the Vietnam vet. We're ordinary folks, living ordinary lives. We shouldn't ask for or get a "free ride."

A. DARRYL JAMES.

MIDLAND, TX.

As a veteran of Guadalcanal, Iwo Jima and Okinawa, I wish to thank Mr. Lane for reminding us that like the veterans of all of our wars the veterans of Vietnam did their duty with honor and have survived in every sense of that word.

ROBERT L. JAMES.

WHITE SULPHUR SPRINGS, WV.

Mr. Lane deserves a medal for heroism in attacking the media-generated stereotype of the Vietnam veteran. Since my four years in the Navy were squeezed in between Korea and Vietnam, I felt that I didn't have the right to express what I believe: Vietnam has been co-opted by fringe elements with motives far afield from the truth about Americans in Vietnam, I hope Mr. Lane's piece is the forerunner of others that will put Vietnam in proper perspective for our posterity and make me feel less out of touch with current American values.

JERRY MCCLESKEY.

GREENVILLE, DE.

As a former officer of the First Infantry Division in Vietnam, I also could not understand why anyone "would go to an Army-Navy surplus store and buy jungle fatigues and put them on and hug each other and cry for the cameras."

The overwhelming majority of returning Vietnam vets I encountered is serving in the National Guard and the civilian world over the past 20 years seem to echo Mr. Lane's thesis, both in words and deeds.

We went. We did what was asked of us. We experienced both good and bad circumstances. What we received from this experience was a lifelong grateful feeling of being granted the opportunity to return to our wives, children, families, friends and life in general, in a country, flawed like all human endeavors, but truly a good place to live and raise our children.

CHARLES L. CUNIS.

DANBURY, CN.

Congratulations to Mr. Lane for expressing the true feelings of most of us who served in Vietnam. I've written a number of similar articles, but can add nothing to what he said. He represents the vast, but silent majority.

RONALD F. FRAZIER.

BRAINTREE, MA.

As a veteran of World War II who saw Iwo Jima, I salute Mr. Lane. He and others like him are indeed. The Right Stuff.

ROBERT L. RORSCHACH.

TULSA, OK.

After reading Mr. Lane's article I could only reflect, "What oft was thought but ne'er so well expressed."

CHARLES S. CAHASKIE.

WOODBRIDGE, VA.

Mr. Speaker, I think that says it all. I think we have Vietnam vets that served their country well and honorably, and I think the American people know it. I think Hollywood has shunned it, and we owe them, those Vietnam vets that came home, who did their duty, came home and are living wonderful lives, much better than Hollywood is giving them.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentleman from Indiana.

TRIBUTE TO RYAN BABITZ

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding. I think the points he just made about the men who fought and the many who died for our country should be heard by everybody throughout America. I want to thank him for taking this special order to talk about that tonight. I really appreciate him yielding to me on another subject. I will not take too much time.

Mr. Speaker, I had a youth leadership conference about 3 months ago, 4 months ago, and a young man attended that, a young man named Ryan Babitz.

Ryan was picked by his school leaders to attend this youth leadership conference, because he was a very highly regarded young man. Ryan, unfortunately, was driving home late one night a few weeks back and a car, a Thunderbird, hit him head on and killed him and left the scene of the accident. To my knowledge, they have not yet found out who did this terrible deed and killed this very fine young man.

I wrote to the family and asked them if there was anything I could do, because he was such a fine young man, and being one of my constituents, I thought I ought to contact the family and see if there was any assistance we could give them. I received a letter from the father that I would like to read into the CONGRESSIONAL RECORD, because those of us who have families ought to really, after hearing this letter, appreciate our loved ones.

I have a daughter Kelly, 24, a daughter Danielle, who is 15, and a son Danny, who is 13, and I love them very much. When I read his letter, I started thinking about what it would be like if one of my children were killed in a horrible accident like that.

I hope everybody who is in their office or my colleagues here on the floor will bear with me for just a minute while I read this letter, because I think it is very touching.

It says:

DEAR REPRESENTATIVE BURTON: Obviously you have requested information in order to get a feeling for who Ryan was. I'll try but it's a task. I'm ultimately going to fall short of giving justice to Ryan's essence. He was a neat kid. You know that much since he was chosen for your leadership conference. He wasn't academic, but he was street-wise, yet had a great depth of feeling. He helped teach me to touch and hug. He was tough as nails. He and I took a 420-mile bicycle trip to Michigan when he was only 11 years old. It was a piece of cake for him.

Ryan played football from 3d grade through his freshman year. He loved the contact. He wore the black and blue marks like a badge of honor. As offensive center, he always led his team out of the huddle. He and I spent hours practicing long punt snaps. And in all his games, he never once made a bad punt snap. He was undersized as a defensive lineman, but always got his share of quarterback sacks and solo tackles.

But it was basketball which really revealed Ryan's unique character. Like so many fathers, I worked with my son helping him to learn the Hoosier tradition of the sport of basketball. He played 5 years in youth league. He was not fast, or a good shooter; but he had that certain intensity and tenacity that made his presence felt whenever he was on the court.

At the end of sixth grade we accepted that his short career was over and it would be football only for middle school. But a surprise phone call from the coach informed him that he had been named an alternate to the sixth grade all-star team, followed later by another call telling him he could dress and play as a full team member.

The Zionsville team was beaten easily by Lebanon, but for Ryan it was a chance to step on the court, score 3 points, and acquit himself well against the best basketball players in the county. He came to me and said "I think I can compete. I want to go to basketball camp."

Camp at Ball State University that summer gave Ryan the edge he needed to make the seventh-grade team. He asked for jersey No. 13, the same number I wore at that age. And Ryan scored 13 points for the entire season.

He didn't make the team the next year, but went back to basketball camp, determined to be on the freshman team, especially when that coach told him he liked Ryan's aggressiveness and expected to see him at tryouts. He did make the freshman team, and after another summer session at Ball State, Ryan was the last man selected for the Zionsville Junior Varsity Team last season.

There was one special game last year when all the hours of practice and dedication let Ryan reach the mountaintop. The game had gone into overtime and with 2 minutes remaining Ryan was fouled. Always the poor shooter, this free throw banked in to tie the game. Then Ryan got the ball again and scored on a turnaround jumper. Ryan, on a roll now, then stole the ball at midcourt and drove back down for a layup and victory for Zionsville. And for that one short timeframe, Ryan got to savor the cheers and accolades accorded the hero.

Ryan loved to play defense, dive for a loose ball, and block out a taller opponent. He loved the team concept and the camaraderie. He even liked practice—and being coached. He could joke about his free throw shooting, but take pride in not letting his man score, I was his biggest fan, and I loved every minute watching him, whether he was warming up or sitting on the bench, or in the game.

Next year following the basketball season, some fine athlete at Zionsville High School will be receiving the Ryan Babitz Basketball Scholarship Award. He probably won't be the star of the team and his statistics may not be laudable, but he will have Ryan's qualities, and he too will be a very special young man.

Respectfully, JERRY BABITZ.

We have a lot of young people who come to our youth leadership conferences, but I do not think there was ever one that was more loved by his parents than Ryan, and I want to say to his parents, whom I hope get a chance to see this special order, that he will be missed by all of us.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subjects of my special order today.

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

There was no objection.

VACATING SPECIAL ORDER AND REQUESTING SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, in the interests of time, my own and everyone else's involved in this great legislative body's process, I ask unanimous consent to withdraw my 60-minute special order and ask for a 5-minute special order instead.

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

There was no objection.

"THE LAST TEMPTATION OF CHRIST"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I made a 1-minute address to the House last week on a scurrilous and blasphemous film that is being put out by heretofore one of Hollywood's great studios, Universal. Universal used to be considered a mill that ground out B production movies until they discovered Dracula and Frankenstein, and finally they worked their way into the ranks of the Academy Award-winning studios and put out a lot of artistic films of great quality the last couple of decades.

I think they have returned without even the skill of exciting Bram Stoker fiction to something as ghastly as Dracula, only what it does is it drags the image, the name and reputation of Jesus Christ, the Son of God, through the mud of a blasphemous and secular society.

I was going to do pretty much most of a 60-minute on this and allow some time for something that just boggles my mind that I saw on page 4 of the Washington Post newspaper, and I am going to try to combine two special orders in less than 5 minutes.

□ 1845

DUKAKIS IDENTIFIES WITH REAGAN ON SOVIET POLICY

Mr. DORNAN of California. First the secular, before we get to the blasphemous, although this is some sort of a strange charade. Vice President BUSH the day before yesterday tagged an excellent nickname on the Governor of Massachusetts. Instead of calling him as some of us "Dutaxis," a

little play on his name, he called him the Stealth candidate, after the B-2 bomber which is going to be rolled out for public view in about 100 days, the Stealth candidate because Mr. Dukakis does not use the "L word" for liberals or the "T word" for taxes, and he has completely fogged his whole image and did it with some skill at the Democratic Convention.

But, Mr. Speaker, this is outrageous. "Dukakis identifies with Reagan on Soviet policy. The Democratic nominee says he's 'a lot closer' to the President's views than BUSH is."

Listen to this headline out of Cincinnati, August 9: "Democratic presidential nominee Michael F. Dukakis argued today that he is closer to President Reagan's current views on U.S.-Soviet relations than Vice President BUSH is and challenged his prospective Republican opponent to clear up 'where he stands' on foreign policy."

Then he goes on to say, and these are his exact words, after seeing Reagan "walking arm in arm with Gorbachev in Red Square. * * * I think the President is moving a lot closer to my views," Mr. Dukakis' views, who has no record in foreign policy whatsoever. "We are a lot closer together on Soviet relations than he is with BUSH.

"Dukakis' efforts to reposition himself as a Reaganite," says the Washington Post, "on foreign policy began at the Democratic National Convention where he saluted Reagan for his achievements on arms control. * * *

"Responding to BUSH's charge Monday that Dukakis is a 'Stealth candidate,' hiding his liberalism from public view, Dukakis told reports that it is BUSH who is the mystery man. 'Do you know where he stands on Southern Africa?' " I do.

He says, "Do you know where he stands on the Gulf?"

I do, and there are plenty of statements on the record, and then he says, "Do you know where he stands on Central America?"

Then at the end he comes back and says that he has supported "the endless fiasco" of the freedom fighters in Nicaragua for all of these years, so he knows where he stands there on that one issue.

I will close this ridiculous page 4 article from the Post that if Dukakis wins, freedom fighters' efforts around the world are dead, and Dukakis even once drew his finger across his throat and said, "Finished," for these young men and women, some of them teenagers who lay their bodies on the line and die for the freedom of their country. Now we are finally getting a piece of the cause of the Reagan doctrine in Angola, in the gulf, in Iraq and Iran, at the northern end of the Persian Gulf, and it looks like Central America will be the last Communist bastion of expansionism, and it will work for the Communists if Dukakis wins. If BUSH wins, then he will find out all about how BUSH will continue the Reagan doctrine of strength in the face of communism that is working.

In the few seconds I have left, I recommended that people read the article in the current Time magazine of this film coming out by Universal, this unbelievable, blasphemous film, "The Last Temptation."

Just listen to this opening paragraph from Time magazine:

"Jesus has brief on-screen sex with his first wife Mary Magdalene and later commits adultery. Judas is a hero, the strongest and best of the Apostles. Paul is a hypocrite and a liar.

This book by the tormented Greek Orthodox believer—he is not a believer, he was excommunicated—Nikos Kazantzakis, has been faithfully reproduced in the film.

"Neither the label 'fiction' nor the first amendment gives Universal the right to libel, slander and ridicule the most central figure in world history," one reference says.

Franco Zeffirelli, who directed the incredibly beautiful, moving and inspiring "Jesus of Nazareth," 6 hours of glorious film work, interestingly filmed in Morocco where this was filmed, of Scorsese's film he says it is "damaging to the image of Christ. He cannot be made the object of low fantasies."

Listen to this: "The dramatic centerpiece of the film is a half hour segment in which the dying Christ, played by Willem Dafoe, hallucinates about the Devil's final temptation."

Mr. Speaker, I just have to read these 3 paragraphs. Let me quit here and ask if my colleague will yield to me for a couple of minutes to finish this paragraph.

The SPEAKER pro tempore (Mr. GARCIA). The time of the gentleman from California has expired.

"THE LAST TEMPTATION OF CHRIST"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from California, for a few minutes.

Mr. DORNAN of California. I thank the gentleman.

If he has not read this article, his ears will burn.

Mr. BURTON of Indiana. Mr. Speaker, I plan to make a response to the gentleman.

Mr. DORNAN of California. Good.

Listen to this. "The dramatic centerpiece of the film is a half hour segment in which the dying Christ, played by Willem Dafoe," who was one of the lead actors in the Academy Award-winning film, "Platoon," the one that is executed by one of his fellow sergeants without anybody coming to justice on this, Willem Dafoe, here is a scene of him coming down the street as Jesus, carrying the cross, no blood whatsoever, no blood from the crown of thorns, no blood from the over 200 lashes from the Roman flagon, and if anybody wants to know about the ultimate torture that Jesus Christ went through for our sins, they should read some descriptions by excellent doctors of what you can learn from the famous Shroud of Turin. But he says he "hallucinates about the devil's final temptation." This is the half hour segment in the middle of the film, and that is their half copout because it is a dream sequence.

"Come down from the cross, renounce your role as the Messiah, marry Mary Magdalene and live a long and ordinary life." But then when she dies or something he marries Mary, not the Mary, Jesus' Mother, but Mary of the Mary and Martha, and he has an illicit, adulterous affair with Martha, and they did a lot in the 30 minutes.

Following Kazantzakis, however, Scorsese presents "the early Jesus as a weak and dithering collaborator who builds crosses used by the Romans to execute Jewish rebels. Later he becomes the wild-eyed guru to a band of ragged followers that remains apprehensive and fundamentally confused about his message and his mission."

Are you listening to this, Mr. Speaker, colleagues, and people who have tracked the proceedings of this House? "He persuades Judas, his best friend, to betray him to fulfill God's plan." Predestination again, and that heresy pops up occasionally.

Then Jesus is shown briefly having sex with his wife, Mary Magdalene, and I almost gag to say this, "Later in the fantasy, after Magdalene dies, he weds Mary of the Biblical duo Mary and Martha, then commits adultery with Martha.

"Temptation is drenched in blood. The blood of sacrificed animals runs through the streets, blood unaccountable pours out of an apple Jesus eats and, at the Last Supper, the wine literally turns into blood."

Some Christians believe this did happen, but it was Christ's blood.

"In one grotesque scene, Jesus reaches into his chest (though it looks more like his belly), yanks out his heart and holds it up for his Apostles to admire.

"For a few critics, this display seems to be an arch-send-up of the Catholic devotion to the Sacred Heart of

Jesus," my father's principal devotion. This is sickening.

Lazarus, having been brought back from the dead, says, "I was a little surprised. There isn't that much difference."

Then "at times Jesus sounds like a mumbling method actor (his first sermon begins 'Umm, uh, I'm sorry') and others like a recent graduate of the Shirley MacLaine School of Theology ('everything's part of God')."

This author and this film is "not tinkering with a minor historical figure, as Gore Vidal did with Aaron Burr, but with the founder of their faith," of a billion people in this world.

" 'This is an international attack on Christianity,' concludes Joseph Reilly, national director of Morality in Media," my friend. "The group is particularly incensed by Jesus' anguished comment," and this is unbelievable, Jesus on the screen is saying, "I am a liar. I am a hypocrite. I am afraid of everything. * * * Lucifer is inside me."

One line that Universal now seems to have edited out because of this building fire storm of Christian horror at this is that at one point Jesus is saying to Mary Magdalene, "God sleeps between your legs." Universal weakly says that line has been taken out. I wonder if they are going to take out some of this other junk?

They have taken out full-page ads in four major cities including New York and Los Angeles, and the gentleman from Indiana will love this, "Quoting Thomas Jefferson and announcing that the constitutional rights to free expression and freedom of religion," as a defense of Universal to put this blasphemy on the screen.

One group of the Sisterhood of Mary, a Protestant group of women which Time called a group of ultra conservative Protestant women, an egregious little prefix there because I know the group, and they are just conservative Protestant women, they are the ones they are giving the credit for taking out the offensive line about Mary Magdalene. And Mother Angelica, and I saw this on the "Larry King Show," and she made mincemeat out of my friend, Jack Valenti, who was sitting there trying to defend this garbage, and they talk about some of the groups going off the extreme end with anti-Semitic statements. That is all we need. This has nothing to do with Martin Scorsese, a lapsed Catholic.

One token liberal minister, probably for People for the American Way, in his tepid defense, said "People who go to the movie are going to come out bored and leave before it is over."

Not young people. They will be absolutely scandalized by this in the worst sense of the word.

The Right Reverend Paul Moore, an Episcopal Bishop of New York, offered one of the strongest defenses "calling Temptation 'theologically sound.' " I pray for you, Right Reverend Moore. You are in a lot of trouble, baby.

Bishop Anthony Bosco, head of the communications department of the National Council of Catholic Bishops, says he "thinks that the movie should be allowed to expire quietly. 'This too shall pass away.' "

There is the lack of guts of my beloved Catholic bishops. They are free to come out and they will endorse the Mondale economics after Reagan has carried 49 States, and they get involved in nuclear throwweights to where they have almost screwed up the INF Treaty that Reagan got, and they are fast away on subjects they admit are not faith and morals, and tell me I can form my own conscience, and cannot even respond to HENRY HYDE, one of my colleagues, or Michael Novak, with thoughtful papers. But when it comes to an attack on Jesus Christ, they have not yet spoken out.

But my bishop did in Orange County; big, tall tough guy, Bill McFarland has told every Catholic and Christian worthy of the name in Orange County, do not go to see this film.

The owner of the biggest chain of movie theaters in California, in the second largest county, James Edwards III, running his father's great business of screens, with 189 screens in Orange County, 89 are owned by the Edwards family, and they have said we do not have to see this film any more than we had to be witnesses to the Manson slaughter or told the police to let us buy the yellow ribbons that they put about sealing it off from the public. You can smell the slander of the blasphemous character a mile away. And James Edwards III said none of my screens are going to show this blasphemous film, and I honor you, Jim.

One final thought.

"The film's Jesus questions himself so much that," Reverend Michael Morris, a teacher of religion and the cinema at a Catholic school in Berkeley says, "It's sort of like watching the Three Faces of Eve." Which Jesus are you talking about? There is a lot a faulty theological themes. "In the dream sequence, for example, when Jesus interrupts Paul's preaching to explain that he did not die and rise again, Paul says the facts are not important as long as people have something to believe in. This appears to reinforce the familiar and cynical view that Paul invented Christianity and distorted Jesus' teachings. Scorsese's Jesus also makes a number of doctrinal blunders." Get this: "He announces that his death will pay for his own sins, rather than for the sins of mankind. And he picks up dirt and stones and says, 'This is my body too,' which apparently makes him a founder of pantheism as well as Christianity."

The dirt, the rocks, and everything has God in it, and that is heresy that pops up occasionally.

"Such theological slip-ups are fueling passions about the film. Father Morris says he was told by Scorsese that filmmaker wonders why everyone is so upset when 'it's just a movie.' " That is what they all say until they are going for an Academy Award.

And then he says he has a right "to work out his private quest for Jesus on film," not the experiences of a believer who thinks that Jesus died for their individual sins. That is what this Member believes standing in the well, that Jesus died for one of my mortal sins, and to have this blasphemy hit the screens of this country is probably one of the great outrages of this secular materialized, hedonistic age where we see Hugh Hefner who goes on the "Morning Show," and the show host calls him "Hef," and "Heffie," and after 35 years and bragging of having slept with 25,000 women he is now a great figure giving money to charities, but Jesus, the Divine Redeemer of us all, he is made the figure of ridicule in this film, and people who have seen the film clips say that it is technically so beautiful, so wonderfully crafted in its cinematography, its artful direction and its special effects, its Dolby sound, that it is every bit as pretty to look at and as historically accurate in its appearance except for God not having any blood on him that it rivals the really beautiful 6-hour treatise on Jesus. It is one of the outrages that hammers us in the face in modern life, and since I have only learned about the details this morning, I would like the reaction of my courageous and good friend from Indiana, who gave me more than a couple of minutes. I thank him and am now maybe ready to reflect on his comments.

Mr. BURTON of Indiana. All I would like to say is that I am just going to take a couple of minutes. I share the gentlemen's revulsion at these kinds of statements being made, let alone a movie being made saying these things. I did not know there was a book written that the movie was based on from 15 to 16 years ago by a defrocked Greek Orthodox priest.

Mr. DORNAN of California. He was not a priest, just a layman, a troubled layman way back in 1955.

Mr. BURTON of Indiana. I stand corrected, a Greek Orthodox layman, but in fact that is no reflection on the Greek Orthodox Church, incidentally.

The beginning of wisdom is the fear of God, the Bible says, and I am a Christian, and I am a sinner too, like all of us, but I am a Christian and I believe deeply that Jesus Christ is my Lord and Savior, and I think most of us would say the same thing. And I become very concerned about the

future of our Nation when I see the very foundations starting to crack.

□ 1700

Now up there above the Speaker's desk, up here at the top of this Chamber behind the Speaker's chair, it says "In God We Trust." Now we have a Judeo-Christian ethic in this country and we call ourselves a Christian nation. Yet we allow this kind of garbage to be consumed by our kids in the name of art. And it really, really bothers me. I do not know how to really express myself other than to say that if the Bible is accurate—and I believe it is—and if Jesus Christ was Lord—and I believe he was—and I do not believe that they are going to stand still and tolerate this kind of degradation, sacrilege to take place without some reprisals. In the United States of America, if we are a God-fearing nation and if we do believe in Jesus Christ, then we had better do something to stop this kind of thing from taking place, in the name of art or anything else.

It is just reprehensible. We see immorality on television, we go in to turn on the television screen and our kids are watching, in prime time, sex acts being performed. They said, "Well, you can always turn it off or put some kind of a lockbox on it."

Mr. DORNAN of California. "Just a movie, just television."

Mr. BURTON of Indiana. You can always put a lockbox on your television set, and I guess you can. But the fact of the matter is your kids, in a very mobile society, are going to see that sort of thing if it is on the television screens.

So we have a morality problem that has been growing and growing by leaps and bounds. But we turn our backs and we say, "Well, you know, first amendment rights, freedom of speech, freedom of art, freedom of people to do that sort of thing." And it goes on.

And we tolerate it. Then we see the immorality starting to spread and we see the pornography that is infesting our cities. And we see the drugs and all these other things that are spawned by this type of thinking. And now the very foundation of our society is being attacked through the movie industry.

You know, a lot of us here are Christians who believe deeply in Jesus Christ and we do not go around wearing it on our sleeves. Maybe we should. Maybe we ought to go around and talk more about Jesus Christ and what he means to us, and that he did die for our sins and he is our Lord and Savior. Maybe if we did that kind of talking this kind of garbage would not be put on the movie screens in this country. But all I would like to say tonight is for God's sake, where do you draw the line? For God's sake, you people in the movie industry, when are you going to be responsible? If we are a Christian nation, if we do believe in God, "In God We Trust," then why are you desecrating his name? Why are you desecrating the name of Jesus Christ? Maybe you do not believe in him. Maybe you are an atheist. That is your right in this country. But do not spread that garbage out before our kids for them to consume. We do not want it. We do not need it.

I pray to God every day that every American who cares about Jesus Christ and who cares about morality will get out there on the streets and demonstrate against this movie and I hope they do not make a dime. If they lose a lot of money maybe they will get the message.

I yield to my colleague.

Mr. DORNAN of California. If the gentleman will yield for a final thought, I was first up in special orders tonight so I hope the gentleman from Pennsylvania [Mr. WALKER] will forgive me for asking him something. But for a fluke, being caught in the hall, I would be up here for a full hour and long gone. I have introduced with Mr. DANNEMEYER, he is the lead and he is including Mr. HOLLOWAY and myself with him as coauthors of a House resolution. But we have only 19 days left. Tomorrow, then a week of 3 business days, 3 business days, 2, a 5 and a 5, 19 days and the 100th Congress is history. There is not going to be a lameduck session this year.

I would like to—and I will stay and try to help the gentleman from Pennsylvania with his special order if he wants because Mr. WALKER is going to do a fascinating thing on the Democratic so-called sleaze list. It has now exploded to 240-some people. But I wonder if Mr. HOLLOWAY who has a special order—maybe it comes ahead of you or it follows you—maybe he could just encapsulate his special order, Mr. HOLLOWAY, inside Mr. BURTON's special order right now to give it some continuity. Also I would like an observation from the gentleman from Pennsylvania about what he thinks about that. I believe he is the senior Parliamentarian in the House on either side of the aisle. What can we do? I assume even publicly the gentleman will join this and so will the gentleman from Indiana. What can we do to possibly get on the Calendar? Because they have moved up the release dates by 7 weeks. It opens Friday. They are trying to stop every beautiful eloquent word that was just said by Mr. BURTON. They are trying to stop him as a U.S. Congressman from telling his young people, and a lot of people in wheelchairs who will probably get out there to defend the name of Jesus, the Son of God; they want to get their dirty bottom dollar fast. So what can we do with the resolution when we have a fast day tomorrow, the get-away day, then we are gone for our convention, then it goes into the summer August/September work break and we do not come back until September. Then we have a couple of 3-day weeks and 2-day week, the third week in September. What can we do to get this on the Calendar?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. There are several things that can be done. I assume that the resolution that has been introduced has gone to committee. There is in fact a discharge petition open and as the gentleman knows that takes 218 signatures to get that up. We could, in fact, bring up that resolution by unanimous consent in the House of Representatives. The route to that would be to bring it up by virtue of the leaderships of both sides of the aisle signing off on that to be brought to the floor. Given the time constraints of the matter before us, it seems to me that is the route we might want to look at taking to get the minority leadership, namely BOB MICHEL, TRENT LOTT and that group, plus the people who are the ranking Members of the committees to which the bill has been assigned, and also the Democratic leadership. If that were done, the bill then could be brought to the floor under a unanimous-consent procedure. That, of course, does not guarantee you that somebody will not stand up, and under the guise of protesting free speech or whatever it might be, be against the resolution and thereby turn it down, which in my mind would be tragic.

But that seems to be the only route that this gentleman knows that could get up in any time of a timely fashion.

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. DORNAN of California. I think it would be desperate to try to put all of this together even with thoughtful men who once having heard some of this material from a secular magazine would say "yes, there is no way that this can be presented in a uplifting way. This is an outrage." But tomorrow is shot.

Now it would have been on the screens from August 12 through September 7 or 8. The only thing we would have to do is a resolution, a sense of the House resolution pleading with Universal to withdraw this picture from the screens.

If, God forbid, and I mean that as a prayer, God forbid it is a success financially over its first 3 weeks, I guess it will be playing in New Orleans, a Christian city of great historical renown, during the convention. I do not know—we will try to craft something with more immediacy to it.

But would the gentleman mind if I impose to ask Mr. BURTON to yield to Mr. HOLLOWAY? He has a short presentation of what we are going to do with this resolution. I thank the gentleman very much.

Mr. BURTON of Indiana. I would like to congratulate the gentleman from California for showing such leadership in controlling my special order. I would be happy to yield to the gentleman.

Mr. HOLLOWAY. Let me just ask one of the speakers here: Do you not really feel that in this United Pictures is really putting themselves as an irresponsible type film company that we are trying to fight here. They are really not to be respected from this point on among the 145 million Christian people of this country.

Mr. DORNAN of California. If the gentleman will yield so I could answer the question: The name is Universal, not United.

Mr. HOLLOWAY. I am sorry, Universal.

Mr. DORNAN of California. That is all right. We have heard from the great Atlantic coast, the Northeast, we have heard from California, we have heard from the Great Lakes area and the great State of Indiana and I welcome some southern input here. It is a very religious part of the country.

Here is the problem. Imagine this Hobson's choice or to use the title of an academy award winning film of great power, "Sophie's Choice," imagine this choice: Would you rather have your child see a hardcore porno film, just a couple where the guy still has his socks on, in a lust-filled sex act? Or would you rather have them see a film, beautifully done artistically, defame Christ as a diffident, bumbling buffoon and taking his divinity away from him?

Mr. BURTON of Indiana. If I might reclaim my time, that is a choice that I do not want to have to make because I do not want my kids to see pornography and I certainly do not and will not allow them to see a movie depicting Christ in a situation such as the gentleman described tonight. I think it is unthinkable.

As I said before, I hope nobody in this country goes to see it.

Mr. HOLLOWAY. Basically what I am saying is we are all Christians of one denomination or another. This pertains to Catholics as well as Protestants, Pentacostals, Southern Baptists. I guess what I am really saying is, why do we go to church? Why do people take the time to go to church if they go to look at something like this that totally disregards what has been taught to us and read to us and what we have believed in the word of God for over 2,000 years. Where are we going as a nation, where are we going with morality, where are we as Christians? Have we totally thrown God out of our lives? Are we as a country going to totally turn our backs on believing that Christ came to save us from sin and that we can look and tolerate something like this? I guess I just have a problem of seeing a Christian who has ever professed his faith—not even if you profess your faith, if you are willing to go to Mass and sit through Mass an hour every week and listen to what the priest tells you; if you go to a Southern Baptist church which I go to and you listen to a preacher who will tell you what I believe is the Holy word of God and then we go to look at something like this to make a mockery of that? I just have a real problem, totally. The only thing that hits a big conglomerate like this is when people with money hit them. I believe we as Christians and there are many, many more of us who profess Christ in this country than do not, I think we could really put some tremendous pressure if we not only hit them at the box office on their GP films, as well as the many other conglomerates that this company owns, I think that is where we really should press this company to withdraw.

I see Paramount Pictures dropped a similar project in 1983 due in part to the realization of the damage to the Christians. Where is Universal Studios at this point? Where in the world can they be coming from?

Mr. BURTON of Indiana. MCA stockholders—and I guess MCA is the parent company of Universal—I think that Pat Robertson has urged, and also Concerned Women For America have urged all MCA stockholders to sell the company's stock on September 15. I think it would be incumbent upon church leaders, I hope it is incumbent upon church leaders to find out all the companies that are subsidiaries of this corporation, including Universal and ask people to boycott their products.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. We have a lot of churches right now who are suggesting disinvesting in South Africa. We are going to have that bill up before us. My guess is that a lot of churches, main line churches and so on, that have great big funds, probably have money invested in Universal Studios or in its parent companies and so on. If ever there was an area for disinvestment, based upon this film, here is an area for disinvestment. No Christian should accept this. I mean it is just absolutely outrageous that Christians should end up, as the gentleman from California indicated, even kind of defending the fact that the film was made. Now I happen to be of the opinion that God being omnipotent, as he is, is going to survive this petty matter as well. But we as Christians, as believers should be outraged by what is going on here. One way the Christian churches could show that outrage would be to disinvest in this property.

I would suggest it would be a route to go to very quickly.

Mr. BURTON of Indiana. Let me just say it is not God I am worried about because he is omnipotent and Christ his son is, as well. It is our Nation. God is not mocked, as the Bible says very, very clearly.

If our Nation tolerates this sort of thing, this Nation is going to be in deep trouble. In the past, in the Old Testament and in the New Testament when the people of God disobeyed him for a very long period of time, they suffered the consequences. And if America thinks it can mock God and turns its back on Jesus Christ and God for very long we are sadly mistaken. If you look at all the great societies in history, Christian, Judeo societies, when they turned their backs on God they suffered dramatically. And we do believe in God, and I know we do, and if we believe in Christ as most of us do here in this Chamber, then by golly we ought to be concerned about what this bodes for the future of America. You cannot turn your back on him and expect him not to retaliate. And he does retaliate.

I yield to my colleagues from New York.

Mr. GARCIA. I thank my colleague for yielding. I just want to make certain that those who are viewing this discussion tonight understand there are Members on both sides of the aisle who feel very strongly about this. I think probably the saddest commentaries that because of the debate and because of the coverage that this movie has received, it will probably be successful. I hope that will not be the case.

I hope people who are watching tonight and who are with us tonight, who monitor these discussions, would think seriously about not viewing that movie. I think the best way to combat this is by not going to see it, by not spending your money. We have a system here that has worked for us, the system of freedom of the press, freedom of being able to put those things out in public that fall hopefully within certain guidelines.

□ 1915

As one person who has been strengthened and brought up by a dad who was a minister—and my sister is a minister also—I can just say, as one who believes very much in Jesus Christ, that I feel that this debate, while it is healthy, is necessary, and nonetheless—and we have to say it because this is what we feel—I know that historically in this country when things happen and people have a sense of outrage, we are entitled to say what we want, just as other groups are entitled to say what they want about issues that affect them, that affect the people themselves and what they believe in.

All I want to say is that I wish to thank my colleague for yielding to me in these few minutes, and I just hope that this debate is a debate in which

we will just tell people, "Please, for your own sakes and for the sake of the foundation of what this country was built on, don't see that movie."

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

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Louisiana.

Mr. HOLLOWAY. Mr. Speaker, what I want to end up with is by saying the fact is that I do not want the viewers to see that this is a bunch of fundamental radicals up here speaking. My wife is a Roman Catholic, a very faithful Roman Catholic. We married and kept our own denominations. But my wife feels as strongly as I do about this as a Catholic. And the fact is that this is wrong. So I just want to stress the fact that it is not only the fundamentalists who are carrying forward this battle. The Roman Catholics and other denominations of Christianity feel the same as we do, and I just hope they will stand up and they will be heard, just as we are, and I hope this will lead to more and more Members on the other side of the aisle speaking on this issue, letting us know that it is not a matter of party or partisanship, that it is a matter of what is right and what we found this Christian, God-fearing country on. And if we are not careful, we do not know where we are going to go with morality in this country, if we have not already gone too far that way.

But I do believe there comes a time when we can stand up and revolt. I do believe right now that time is here, and that we have to boycott this film. It is very much as the gentleman on the other side said, we have to totally boycott this film and hope that people who walk in the theaters will turn around and look to see who is looking to see that they are going to see this film. It is just wrong, and I just cannot believe we can allow it to happen in a Christian Nation, with people who believe as I do in the Holy Bible as the sacred word of God. That being so, I wonder, how can a company that should be respected in this country produce a film like this?

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Louisiana [Mr. HOLLOWAY] for his contribution. Mr. Speaker, I will just end by saying, "God bless America, and don't see that film."

DEMONSTRATIONS AGAINST ABORTION RESULT IN ALLEGED CIVIL RIGHTS VIOLATIONS

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Louisiana [Mr. HOLLOWAY] is recognized for 15 minutes.

Mr. HOLLOWAY. Mr. Speaker, I will not take the entire 15 minutes, but I have an issue that is very, very important to me. I am going to be sending a letter around, and I hope that the Members of the House will see and sign the letter. The issue I want to address for just a very few minutes involves something that took place in Atlanta starting on July 19.

We had 134 people who were arrested for participating in a peaceful demonstration against abortion. They caused no damage to personal property. They were respectful to the authorities. Yet what happened was not what has happened in many other cities. I watched the demonstrations out here, outside the Capitol last week. The people were treated very carefully, more carefully probably than they should be sometimes, but they were treated with very great care by the authorities.

Instead, these people in Atlanta were thrown over policemen's shoulders and thrown into vans. One group in Florida was even put into chicken coops and kept in 120-degree heat for 2 days before they were released.

But the people I am speaking of in particular tonight were jailed in Atlanta, and out of the 134 who were jailed there are 80 of the original participants in jail there, and we are writing a letter to the mayor hoping that he will look into the issue, hoping that he will remember the days of the civil rights movement, remembering the days of people seeking against the rights they should have had but which they did not have.

We have addressed and will continue to address the issue of the rights of unborn children. I am not saying that they were not totally within their authority in taking these people in, arresting them, but in many of the other cities they have been arrested and were charged with just simply a summary and released. These people have been in jail now for 3 weeks. I have to say that they have not given their names to the authorities simply because once they give their names to the authorities they are of the opinion that the abortion clinics there or the attorneys for the abortion clinics plan to file civil suits against them. So they are not willing to do that. They are holding out, hoping to be released on a misdemeanor or a summary, hoping to have some of the freedoms that we feel we should have in this country.

My understanding is that some of these people are from Louisiana, and others are from all over the rest of the Nation. From what I understand, there are 300 more people who are going from Louisiana to Atlanta next week to protest this, and they are willing to be arrested, if that is what it takes.

I am not going to speak until I have all the facts totally on this matter, but I had heard a statement made that there are more people in jail on this one issue of blocking an entrance to abortion clinics than there were during the entire civil rights movement at any one time. We all believe in fighting for our rights and standing up for them, and my main purpose for being here today is to say that these people believe in what they are fighting for.

We may have to clarify the law to protect the rights of unborn children. But these people are willing to suffer, they are willing to go to jail, and they are going to do whatever it takes to make sure their rights are protected.

I believe personally the city of Atlanta should be like the rest of the Nation, and they should take heed of the fact that they have many criminals on the streets there that need to be in jail much more than peaceful protesters who have done nothing really other than to try to block the entrance of a clinic.

My understanding is that the police have bodily carried people over the tops of these protesters, and they have handed ladies over who are in for abortions, and they are seeing that they get in a clinic rather than taking their time to see that they remove these people properly.

I am here to ask Mayor Young of Atlanta to take a look at this issue and see if he feels that these people's protests resemble his protests and those of many others who protested for their rights during the civil rights movement, people who gained many of the freedoms they strived for.

I am just here to say that we will address the issue of right to live, but at this point I believe this is a more fundamental right that is being violated against these people than the actual fundamental right to life movement. I think actually their civil rights are being violated. They are not being treated fairly, as people are in other parts of the country.

So in closing, I am just going to say, "Please, Mayor Young, do something for these people." I would ask if he would look into the situation. I feel it is going to get out of hand there in Atlanta if he does not look into it.

I feel it is something that we need. My understanding is that the people do want to be released. Once it is shown that they are simply being charged with a summary or whatever it is that will be filed against them, they will give their names to the authorities, and we will be able to solve that situation there. But the taxpayers of Fulton County, in my opinion, should require more of their authorities than to spend the money for imprisonment of people who are simply trying to make their protest known, people who are willing to go to jail, knowing they are going to jail but hoping that they will be released immediately.

So my request is that they would look into the situation, and I would hope the people throughout this country will let them know their feelings on it. If it takes a mass march on Atlanta, much as we have had before, I hope the people are willing to go and march for these people who are in prison.

I am going to continue to fight this battle until I see these people released to go back to their homes and back to their churches—many of them are pastors—and continue the work that they do in their communities. But these people know that if it is required, they are willing to do it again over and over and over. I applaud them for their part in this. I applaud them for standing up for what they believe in, trying to make something happen to correct something that they consider is wrong in this country. They are trying to change it, and we will try to reverse Roe vs. Wade. We will try to treat the issue of the rights of the unborn child, and hopefully, we can continue to address that issue in the House, and hopefully we will have candidates run and be elected who will address that issue and we will be able to pass the legislation.

Mr. Speaker, I appreciate very much the Members bearing with me, and I hope we will have interest on the other side of the aisle also to show that this is a bipartisan issue, one that we all feel should be considered in giving the rights to these people.

AN UPDATE OF THE SLEAZE FACTOR

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, during the last several weeks there has been quite a bit of discussion about the so-called sleaze factor in politics. In particular, there have been discussions about the sleaze factor in the Reagan administration.

During the Democratic Convention last month a number of the speakers at that convention alluded to the overwhelming sleaze factor in the Reagan administration and the need to clean up the corruption in Government that had occurred over the last several years. The Presidential nominee of the Democratic Party in fact referred to that at the Democratic Convention and has referred to it since as one of the things he is going to do.

In fact, the Democrats have come forth with a fairly comprehensive list of what they regard as the sleaze factor. I have been able to obtain a copy of that list. I have it here this evening. It is a list that is compiled by the House Subcommittee on Civil Service. It says here, "Representative PATRICIA SCHROEDER," and it gives a phone number. It lists 242 people who allegedly have been a part of the sleaze factor of the Reagan administration. Let me read from the front of this document to tell the House what it is this document purports to do.

It says this: The following is an index updated to March 30, 1988, of newspaper articles concerning individuals appointed by or serving in the Reagan administration who have been the subject of charges of unethical conduct. The allegations have not been further investigated by the subcommittee.

So, what they have done is, they have compiled all the sleaze they can find out there, and they have come up with 242 individuals who are involved. And they rightfully make the point that 242 individuals in an administration is far too many people involved in sleaze. I do not quarrel with that.

I do quarrel, however, with this report, and I do suggest that the sleaze factor in the Reagan administration, if in fact this is true, is compounded in this Congress.

Let me tell the Members why. I recently did a little research. What I found was that President Reagan has appointed in that 7-year period, since taking office in 1981, 18,270 individuals to executive branch positions. If in fact the Democrats are correct, that 242 of those individuals are charged with some kind of misconduct, that means that 1.3 percent of the people appointed by this administration have in fact been engaged in some kind of misbehavior.

Now, let me say to the Members that that is a very conservative estimate because I did not include in that estimate any of the people appointed to judicial offices, despite the fact that this report to which I am referring discusses people who were appointed as judges. But I did not include that because that would be another few thousand people, and that would make the percentage even lower. But I am going to use the most conservative figure, and I am going to say that 1.3 percent of all the people in the Reagan administration have been accused of sleaze as a result of this report.

Let us examine the report. Is that figure in fact a true figure? Is this 242 figure that has been used over and over and over again to define sleaze in the administration a real figure?

Let us remember what I said that the report says it does. It says that it is an index concerning individuals appointed by or serving in the Reagan administration. That is interesting, because as I leaf through this report, guess who I find in the report? I find Mrs. Caspar W. Weinberger. Mrs. Weinberger was never appointed to anything by this administration. She is the wife of the former Secretary of Defense.

How in the world did she get on the list if the list is what it purports to be? She is not a member of the administration, and never has been.

Then I leaf further back here in the report, and who do I find? Well, I found Mrs. Donald Regan, again the wife of a Cabinet officer.

□ 1930

I found in the report Mrs. Drew Lewis, the wife of a former Cabinet officer. They took family and included them as members of the administration.

As my colleagues know, I went through the list, and do they know who I found on their list? Nancy Reagan, the President's wife.

Now what is she accused of? What is the sleazy thing she did?

Well, it turns out she took fancy clothes as gifts from American designers. Well, she has admitted to that. I mean that was open and so on. It was part of the inaugural activities and things like that, and so on, but to suggest as one of 242 people that are the sleaze factor of the Reagan administration, Nancy Reagan is on this list, makes this list almost ludicrous.

But it gets worse. Michael Reagan, the President's son, who has never been appointed to anything by this administration, is on this list. He is one of the 242.

But it goes even further, and perhaps even more disturbing is the fact that they took family members and put them on the list.

Mr. Speaker, I found on this list the name of James M. Beggs, and for my colleagues who do not remember Mr. Beggs, he was the distinguished Administrator of NASA, of the space agency. Mr. Beggs was literally railroaded out of his job. It is one of the more horrid incidents of the kind of railroading of a government official that can ever be found. Mr. Beggs has been apologized to by the Attorney General of the United States. Distinguished Americans, such as the columnist Jack Anderson, have pointed out that Mr. beggs did absolutely nothing wrong. The court to which he was taken found him completely innocent. On this list, the man is regarded as guilty of sleaze despite being proven in the courts as being innocent.

In other words, if one takes the Democratic sleaze factor for what it is on this list, we have not only abandoned the idea that one is innocent until proven guilty. Under the Democrat formulation on this list one is guilty even though proven innocent. What a horrid kind of thing.

And my colleagues may say, "Well, it's probably just one mistake, one itsy-bitsy little mistake. WALKER, don't make a big deal out of one little mistake like that."

Then I leafed back here in the report, and who do I find on the report? Ray Donovan, former Secretary of Labor, same thing. He went to court on these charges. He was found innocent in the court, and yet he still shows up on the Democrat's list as being someone who is a sleaze factor despite the fact that they say in this report that Mr. Donovan was acquitted.

So, one is still sleazy, one is still a slime ball even though one has been acquitted. What kind of system is this? This is absolutely absurd to have a list like this, but it gets better.

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

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding.

I think it is perfectly appropriate that we mention Secretary Donovan. Secretary Donovan was a man that served nobly in the Cabinet of this President, was put under repeated investigations, not unlike Attorney General Meese. After repeated investigations and finding nothing of significance, Members of this Congress continued to call for further investigations. Finally he was indicted shortly before the 1984 election, indicted by a very politically motivated prosecutor.

As he immediately resigned thereafter due to the fact that he was under indictment to one of the first cabinet officials in many, many years, he then spent the next year, several months, going to trial, and in the course of the trial, after many, many weeks and tremendous political and press coverage, he was acquitted, as the gentleman said. He was found not guilty of anything, and the gentleman may recall when Secretary Donovan came out of the courthouse and stood on the steps before the reporters.

He said, "Well, someone now please tell me what window I go to get my reputation back."

Now, when we ask prominent, capable, dedicated American citizens to serve in the Government, subject them to this type of harassment to which the gentleman is referring today, and when people are accused politically of political motivated purposes and are then acquitted in a court of law, but that is not satisfactory for some because their motivation is not honesty or truth or fairness, their motivation is politcal power and will destroy reputations for political gain.

Mr. Speaker, this is extremely damaging to our system of goverment. It does a disservice to us all, and I appreciate the gentleman from Pennsylvania [Mr. WALKER] bringing this out.

Mr. WALKER. I thank the gentleman from Ohio [Mr. McEWEN], and the answer to Secretary Donovan's question, "Where do I go to get my reputation back," there is only one answer to that I know we can give him.

The answer is, "'Don't go to the House Committee or Subcomiittee on Civil Service because, despite the fact you have been proven innocent in the courts, the House Subcommittee on Civil Service is still listing you as one of the sleaze factors in the Reagan administration."

Mr. Speaker, I think that that is just positively appalling.

Mr. McEWEN. Under their reports one is not guilty until proven innocent. One is guilty even though proven innocent.

Mr. WALKER. That is precisely the point of this particular special order, that within this document one is guilty even though proven innocent in some instances.

Now that is not to say they do not have some legitimate people in there. There are some legitimate cases in here, and, as I leafed through it, I found a number of people that I agree with them are people that should not have been in the administration or who misbehaved while they were in the administration and should have been thrown out. Actions should have been taken against them, all kinds of things.

But I think that they abuse their own case when they include items like some of the rest of them that I am going to cite here this evening.

For example, one person accused of being a sleaze in this administration is a gentleman who was a public affairs specialist at the Department of Housing and Urban Development. Why is he a sleaze factor in this administration?

Well, it turns out, according to this document, the Democrats' own document, he is a sleaze factor for routinely arriving late for work.

Now wait a minute. I mean there are a lot of Americans who come into work a little bit late. They do not think of themselves as being unethical. Now it may not be a good practice. I happen to not tolerate that in my office, but it says here that he was verbally reprimanded regarding his work hours, which is what happens in my office, but I do not regard a staff member who arrives late as being unethical. I regard them as someone who should not be doing that, but to say that it is a sleaze factor for everybody in the country that has gone into work a little late, that one has become a sleazeball because he got to work late, come on, folks. This is ridiculous. And that is one of the charges in this particular document.

Oh, I got some more, too. Some of these are real dandies.

Oh, I got a guy back here who his problem is, according to the Democrats' own document, that he accused his staff of using communistic language and being trained in Moscow. Well, that is not exactly the way one ought to talk to their staff, but it is not necessarily an ethics charge, and this is what really got him on the list, I guess: He did not turn over his logs to the Congress because his dog barfed all over them. Now, if someone has a problem at home and their dog barfs on their records, they got a problem because Congress has decided, at least over there in the Subcommittee on Civil Service, that this person is a slimeball and they have got a real problem.

Oh, there are a few others, too. We got a guy here that wrote a nasty letter to somebody. He also is a sleazebag. He was an economist at the Department of the Treasury who responded to the postcard of a citizen who evidently wrote some nasty things because this guy wrote back calling this person an amazingly pathetic creature who espoused small-minded tripe. Now those are not very nice things to say to somebody out in the country, and I would not endorse somebody writing them, but I can tell my colleagues that there are a lot of Members of Congress around here that, when they get nasty letters from constituents, also write back fairly strong replies. I do not think that we regard them as ethical problems in the Congress because they write strong letters to people. But in this case we have got somebody, one of the 242 people, who has ethical violations because he wrote a strong letter.

Oh, we have got someone else back here. Here is a lady who in the course of performing her duties down at the Department of Health and Human Services took a very strong antiabortion stance. According to this document that strong antiabortion stance makes her a sleaze. Well, we can have a difference of opinion about the issue, but to suggest that because someone stood up for what she believes within the administration and took that position as a matter of policy that she is a sleaze is just wrong. And to put her on the list of the 242 is completely wrong.

Oh, there are a couple of more here that they have on the list as well. Here is a gentleman who is the chairman of the Federal Service Impasses Panel. I never even heard of that. I did not know it was part of the administration, but I guess it is, and he was appointed and so on.

Now what did he do wrong? Well, it says here that he was "a powerful crusader against Communist influence in the film industry." What is wrong with that? I mean there may be people around here who do not think one should be a powerful crusader against Communist influence in the film industry, but how does that make him a sleaze? And yet that is how he got on

the list. I am reading from the list itself.

Mr. Speaker, I have to say the list goes on, and on and on. There are all kinds of people on this list that really raise questions, 242 people, many of whom are highly questionable representing, if one takes all 242 though, 1.3 percent of all of the appointments made by President Reagan and to his administration.

Well, I thought that it would be interesting, maybe, to quantify the sleaze factor then as it applies to this body. Let us take the same 7-year period and find out how many people in this body might have been involved in things which could be regarded as sleaze, taking the same thing, people who have been the subject of charges of unethical conduct.

Now, whereas this document from the Democrats includes violations like drunk driving, it includes people who write nasty letters, it includes spouses who travel overseas; some of the wives that are included in here are people who traveled overseas, I am not going to include any of those on my list. I am not going to include the Members of Congress who have been picked up for drunk driving and we know about it. I am not going to include on my list some of those who we know come to the floor and brag about the fact they wrote nasty letters to their constituents, and I am not going to talk about any people who have had spouses travel overseas with them when they have gone out on junkets, not going to include any of that even though that is included on this list.

I am going to just include individuals where there have been real charges of questionable conduct on their part.

Since 1981 there have been at least 31 Members of Congress that fall into that category. That is, out of 635 individuals who have served as Members of Congress during that period, that is 4.9 percent of all of the people who have served in this body who have been charged with unethical conduct.

In other words, the sleaze factor in this body is three times the sleaze factor in the Reagan administration. If we really believe that we have got a terrible problem of sleaze downtown, what have we got here? We have got a massive problem here. If these 242 people are a big, big problem, we have got an even bigger problem here because nearly 5 percent of all the Members of this body who have served in the same period of the Reagan administration have been charged with unethical conduct. Probably should be dealt with.

Now, if someone wonders why there are a few of us who come to this floor and suggest that it is time to get tough on the committee on ethics, it is time to get tough in dealing with ethical problems in this Congress, the answer lies in what has already been said in the Presidential campaign, that 242 individuals, even though some of them are on questionable status, is far too many people to have been accused of corruption in the Reagan administration.

□ 1945

That being the case, 1.3 percent of the people being accused, 4.9 percent of Members of Congress being accused of unethical conduct is far too much.

The sleaze factor in this body is three times the sleaze factor in the Reagan administration and should be corrected.

Let me make one more statement. I am not simply accusing Democrats of sleaze on that list. This list includes Democrats and Republicans because it is an institutional problem. It is not a partisan problem. We have an institution problem that we have too much corruption in Congress. It needs to be dealt with and it needs to be dealt with openly and honestly. It should not be dealt with using documents like the one prepared by the House Committee on Civil Service, because the House Committee on Civil Service has done a disservice to America with this document, including on it people that just should not be there.

I want to make as my final point, I hope the press will get their hands on this document and will look at it carefully so that the next time when they are writing that figure of 242 people in the Reagan administration accused of sleaze, they will at least know honestly that they are writing a falsehood when this document includes lies, it includes judgeship nominees who were not a part of the nomination.

In fact, as you go through this document what you find is that some of the people included in this document never ever took office. They were in fact people who withdrew their nominations. It had all kinds of things. They never even were part of the administration. It is a very disturbing document.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, one of the things about this document, because I was most anxious to look at it when the gentleman showed it to me earlier, I did not know where the people at the convention in Atlanta, the Democratic Convention, were getting this list of a 101 names, 105 names, 150 names, now it is 200 and something. Some of these people sat here during all administrations. Some were here during the Carter years. Some of the unfortunate instances, less than 1 percent of the people who work in the Pentagon procurement process, were there through several administrations.

I remember Time magazine had a cover story last year called "Ethics in America." It was across the board. Every institution could use that word, every group.

There was ripping off of needles and pharmaceutical drugs in hospitals, Lutheran hospitals, Catholic hospitals, open public sector hosptials. There is not a profession that is not touched in some part of American life, and it is an almost identical profile, maybe a little worse in Europe.

It comes with the territory of a free society. What a free society means when you get it right down to basics, it is a Judeo-Christian concept, free will, the ability to chose between good and evil, and if you are locked up in some little rural village in China and told you can only have one child, two suits of clothes, and you will perform on this job, there is very little opportunity to expand yourself and to use your free will.

One of the horrors they are finding in China, and they just broke up a whole week long think tank meeting about what the direction of there economy is going to be, they broke up in 3 days last week because there were signs of some black marketeering starting and some corruption. They are opening Pandora's box a little bit and people are not adapting too well, and they have helped to drive religion out of that society. What little faith is left is rudimentary Confucianism. They still have a few priests and ministers in prison of Chinese nationality heritage.

So this is a problem that is universal. I hope some of the reporters on the left and the right are correct when they say that the sleaze factor seems to be cancelling itself out and we are going to get down to really what kind of a President do we want and who has what it takes, who has got the right stuff, Governor Dukakis or Vice President BUSH.

The gentleman from Pennsylvania has done a great service in bringing this to the floor. Can reporters and myself included and other Members and the Speaker, because I know he is interested, can we get this document from the gentleman's office?

Mr. WALKER. Surely, I will be very glad to make this document available, as well as the document that I have prepared that indicates the names of people that I have listed in that total of 31. We are going to be expanding that list some because I am going to try to make that list a duplicate of this list, so I think I will probably include some people for later use that were in drunk driving incidents and some of the people who have also had those kinds of charges made, since this document is of the same kind.

So while this particular document, the figure is going to remain at 1.3

percent of appointees, my figure of 4.9 percent here in the Congress is likely to go up as we discover more people who would rightfully fit on the list if they are to be matched bodies, but I can certainly provide both of those.

I would say to the gentleman that the one thing we should remember about the sleaze factor, given this, is that the level of sleaze is more than three times, more than three times the level in this House than it is in the administration.

Mr. DORNAN of California. A fascinating observation. I thank the gentleman.

Mr. WALKER. It is a very interesting kind of situation I think.

With that, Mr. Speaker, I yield back the balance of my time.

AMERICA'S ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, I appreciate the indulgence and tolerence of the Chair tonight, because there are a couple quick points I wanted to make before we recess for the Labor Day district work period.

Mr. Speaker, it is apparent that America is in a state of economic growth. We have totally revolutionized the direction of the country as opposed to the way we entered this decade.

During the beginning of the 1980's, we were told by our political leadership that America had crested, that we had entered an era of limits in which we had to think small, freeze in the winter, roast in the summer, wear your sweater, ride your bicycles, that America's best days were behind her and there was nothing anyone could do about it.

You remember that Gov. Jerry Brown, of California, and President Jimmy Carter told us that we had better learn to live with less because we had entered an era of limits and that America's future held only gaslines and diminished standards of living.

Many of us did not believe it. We felt that there was nothing wrong with America that a good decent leadership could not correct, and so we went back to some basic fundamentals. We began to encourage savings, investment, productivity, growth, jobs, hope, and opportunity.

If you tax something, you get less of that thing. If you tax savings, you will get less savings. If you tax investment, you wil get less investment. If you tax energy production, you will get less energy production. If you tax productivity growth and jobs, you will get less of that.

If you subsidize something, if you pay people to do it, they will do more of it. If you subsidize unemployment, mediocrity, debt, inflation and high interest, you will get more of that.

So at the beginning of the 1980's our President just said very simply, "Why don't we go back to basics? Let's go back and reward the engine that drives the American economy," and so we did. We cut taxes on savings and we got an increase in savings. We cut taxes on investment and we got an increase in investment. We cut taxes on work and began to get more work.

We began to encourage the creation of employers so that we could create more employees.

So now the Department of Commerce announced just last Thursday at 8 o'clock that America is in its 67th consecutive month of economic growth. That it the longest period of expansion in our Nation's history since 1796.

The country is creating more goods, raising the quality of the standard of living and making the quality of life for all Americans better, the envy of the world, creating 17 million new jobs just since 1982 alone.

And you say, "What does that mean to me? How does that relate to the rest of the world?"

America has created two and a half times as many jobs as Japan, Canada, and Western Europe combined. As a result of that, black unemployment has begun to collapse. Unemployment across the board is at a 15-year low. People are finding new jobs at alltime record rates. Sixty-four percent of all adults in America, male and female over age 16, are employed. This is an alltime record high for any nation ever.

So when faced with these facts, when it is apparent now that people are able to provide for themselves, able to put food on their tables and clothes on their backs and a roof on their heads, and it is an election year and you are from a little State in New England or you are, as was brought to my attention on Monday when the President was visiting our district in Ohio and made the observation about the new jobs, a man of oratorical fame, the Governor of Arkansas, Mr. Clinton, held a press conference to say that,

> Never mind the fact that we are back at work. Forget the fact that people are not as unemployed as they were when we were driving. Never mind the fact that instead of closing factories, we are opening factories at a ratio of 6 to 1.

When we entered this decade we were losing jobs at the rate of 50,000 a week and now we are creating jobs at the rate of 280,000 jobs a month for 67 consecutive months. We are creating new jobs at the rate of 9,000 new jobs every working day for now 6½ years.

Never mind the fact that we have all these jobs in America, instead of collapsing and learning to live with less, riding our bicycles, wearing our sweaters, turning our thermostats down, America is growing and prospering again.

Mr. Speaker, Mr. Dukakis and Mr. Clinton and Mr. Jesse Jackson say, "I know you've got more jobs, but they are just rotten little jobs. They are crummy jobs. When we were in charge, you were unemployed waiting in line, but now that you have created all those jobs, those jobs aren't any good. You shouldn't be interested in those goods because those are McJobs. Those are hamburger flipping jobs. Those are jobs that are not of any count."

Well, I think that once and for all we ought to look at the facts. You remember on the "Good Morning America Program" when they said, "Let's go to the videotape." I think we ought to go look at the facts. The facts are that during any period of expansion throughout our Nation's history, of the new jobs that are created it is customary that in the top wage-paying category, the managerial or high paying jobs, usually 24 percent, our national average from 1796 until this expansion beginning in 1982, 24 percent of the new goods that are created are in the highly skilled or managerial level, except during this expansion. During this expansion, 46.7 percent, or nearly half of all the new jobs created since 1982 are in the top paying category, $28,000 or above of the highly skilled or managerial levels.

You say, "All right, if half the jobs are high paying, what about the McJobs? What about the hamburger flipping jobs? What about the jobs that aren't any good and we speak so contemptuously of?"

Every time we are faced with the facts that America is growing and prospering and people are at work and people are buying new automobiles and factory orders are at all-time record highs and we are making refrigerators again and American products are selling again, what about the rotten little jobs that we have to tell Americans they have?

Let us look at the facts. In the bottom category, $7,500 and below, the McJobs, the hamburger flipping jobs if you will, in the bottom category, 6 percent of all the new jobs created since 1982 are in that bottom category.

In other words, 94 percent of the 17 million new jobs that have been created since 1982 are in the middle or upper income category.

So for Michael Dukakis or Bill Clinton or Jesse Jackson or anyone else to look down their noses with contempt at those people who are providing food for their families and clothing and shelter for their homes, it is absolutely abominable. They are doing a disservice to themselves, a disservice to their

party and a disservice to our country, because it is untrue.

I think before we recess for the next 3 weeks that we are going to be subjected to just such inaccuracies and such rhetoric, that those facts can and should be brought out.

The gross national product is expanding. The predictions that have been made by the President for the past 7 years, we always talk about the President's expectations for the economy, for the 7 years he has been in office and sent predictions to the Congress, in 4 of the 7 years his predictions of increases in growth in the economy have been less than what actually took place.

Unemployment, as I mentioned, is at a 14- or 15-year low. The increase from the new jobs is at the highest percentage of new jobs created, as I mentioned. Inflation has virtually collapsed. Interest rates are always higher than inflation. So interest rates are at a 9-year low, and whenever inflation goes up that drives interest rates up, and as we bring inflation down interest rates have come down.

New construction is at record highs. Personal income is growing at seven and a half times what its average was during the last decade.

Business inventories are strong.

Real final sales are up. Leading economic indicators are up. Durable goods orders are all up.

You know, they used to talk about supposedly our manufacturing sector was being depleted. After encouraging investment in 1984, we had about a 34-year high in long-term capital investment.

□ 2000

In 1985 we had a 38-year high in long-term capital investment, making our factories competitive once again as we made goods that the world and Americans would buy. Once again, as a result, we are creating the new jobs. As we are becoming increasingly more efficient, industrial production is up, consumer confidence is up, and very simply, as we look to the days ahead, this country, in 1976, had a 4-percent inflation rate, a 6¼ prime rate, and America was proud. We decided to take a chance, to experiment, but a fellow came in with his wife and said we just want a government as good as the American people, and as a result we took a gamble. Just 48 months later we had the highest inflation and interest rates since the Civil War, and our factories, instead of growing, we had a collapsing, diminishing economy, a negative 2½-percent growth, losing jobs at the rate of 50,000 a week.

Our Embassies were being burned around the world, and they told us that that was our future. Now, just 8 years later, that inflation has gone, instead of 18 percent to less than 3, interest rates far less than half, instead of a collapsing economy, the greatest and strongest growth economy in the world, instead of losing jobs, creating jobs, and instead of having the Soviets marching into Afghanistan, and the most that we could ever do was stand boldly with our hands on our hips and say, "Listen here, Mr. Brezhnev, just for that, we are not going to go to the Olympics," but we have changed that foreign policy to the point through strength America is championing the world again in Angola and in Southeast Asia, in Afghanistan, and in fact virtually every place in the world where it has been unencumbered by the kind of congressional intervention as we have seen in Central America where earlier this year when the Sandinistas were opening their prisons to release political prisoners and allowing public assemblies again, opening La Prensa, the newspaper again, and allowing free access to the radio, then on February 3, the Congress of the United States, hopefully in anticipation of a President who would support their actions next year, pulled the rug out from beneath those freedom fighters and said that in Nicaragua we would not support democracy, we will not allow that Reagan doctrine to succeed as it has in Afghanistan and as it has in Angola and in Grenada, we want to maintain the preservation of the Carter doctrine in Nicaragua, and we want to be able to make sure the Carter doctrine in Iran and the Carter doctrine in Nicaragua survives.

The Congress reversed the Reagan efforts, and that is the one exception of our success around the world, but now as we are entering the 1990's, the question before us is very simply do we want to go forward; with low inflation and low interest rates keeping taxes down, an America strong, or have we enjoyed it long enough? Do we want to go back to experimenting again? Do we want to go back to the high taxes, high inflation, high interest rates, low growth that they have promised us and that they have delivered? That is what we are going to decide about 100 days from now.

Mr. Speaker, I just want to begin to say that the Members will notice we do not hear much about inflation anymore that robs senior citizens of their life's savings, we do not hear much of interest rates that deny a farmer the right to put a crop in the field or a businessman to expand his company and put people to work, or young people the hope of owning a home or buying an automobile or sending a child to college, because inflation and interest rates are under control. We do not hear much talk about America's defenses, that during the late 1970's our naval capacity was cut in half, we had ships that could not sail for lack of sailors, we had planes that could not fly because of lack of parts, we had soldiers that were on food stamps. We reversed all of that, so now it is not even a topic of discussion as America is strong once again.

Then when it comes to unemployment, the jobs that we have talked about, the 17 million new jobs, two and a half times more than Japan, Canada, and Europe combined, their only response is to say, "I know that. We cannot deny that. But the jobs are not any good. We do not care about them."

Mr. Speaker, the question facing us is that this did not happen by accident. It was policies that we decided to pursue. We decided that we wanted to go in this direction, and if we change direction, American will reverse in all of those areas. I call upon our colleagues to recognize history, to do what is in the best cause of freedom, democracy in America, and that is to stand by those principles that have brought us to the brink of economic success that we are enjoying today.

Mr. Speaker, with that, I thank the Speaker very much.

MOB INVOLVEMENT IN HAZARDOUS WASTE DISPOSAL: WHY WE NEED A STRONG RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS Mr. Speaker, on August 7, 1987, when I announced my intention to introduce, along with my distinguished colleague, the gentleman from California, Mr. DON EDWARDS, RICO legislation, I included in the RECORD a copy of a resolution of the National Association of Attorneys General that called for making the criminal violations of our hazardous waste management and disposal laws predicate offenses within RICO. (133 Cong. Rec. E 3362 daily ed., Aug. 7, 1987). Nevertheless, I did not at that time include in H.R. 3240 the toxic waste criminal violations, as I had not had the opportunity to study the issue sufficiently. I rise now to share the results of my subsequent examination of the issue with the House. I note, too, that these offenses are included in the RICO reform legislation, H.R. 4920, which Mr. EDWARDS and I introduced on June 28, 1988. (134 Cong. Rec. H. 4832 daily ed. June 28, 1988).

The generation of hazardous waste is one of the side effects of modern industrial production. Factories must cope daily with large accumulations of unrecyclable chemical byproducts generated by normal production techniques. Until recently, such waste disposal was unregulated. The generators of hazardous waste disposed of it cheaply, generally by dumping it in costal waters or in landfills, neither of which has the capacity to absorb the volume of such material now being produced.

In the 1970's, concerned citizens, rightly, came to believe that the improper disposal of such hazardous waste was creating an environmental and public health burden of an un-

known, but potentially massive scale. Although the great uncertainty still exists about the ultimate effect of industrial waste on public health, improper management has clearly resulted in explosions, fires, pollution of water resources, and other uncontrolled releases that have resulted in harm ranging from skin irritation, lung disease and cancer to birth defects. In response to this concern, the States and the Federal Government passed regulations dealing with the problem. The centerpiece of this regulatory scheme has been the Resource Conservation and Recovery Act [RCRA], passed in 1976. (42 U.S.C. 6901 (1982)) The RCRA mandates comprehensive mechanisms to guarantee the safe disposal of hazardous waste. It establishes standards and procedures for classifying substances as hazardous. It also authorizes the States to register corporate generators of hazardous waste and license hauling and disposal firms. Today, approximately 66,000 firms have been identified and brought within the regulatory scheme, a scheme that as recently as 1985 had to handle 264 million metric tons of hazardous wastes. Finally, the 1976 statute mandates the creation of a manifest system that documents the movement of hazardous waste from the generator, through the transporter, to the shipment's final destination at a licensed disposal site.

II

The new regulations that resulted from this pioneer legislation dramatically increased the demand for hazardous waste hauling and disposal services. Unfortunately, recent State and Federal investigations have tragically documented that illegal waste disposal is widespread and that organized crime elements—traditionally active in garbage hauling and landfilling—have entered this new market. (See generally, Szasa, Corporations, Organized Crime and The Disposal of Hazardous Waste, 24 Journal of Criminology 1 (1986) for an excellent review of the literature.) The involvement of organized crime elements has been particularly prevalent in the tristate region of New York, Connecticut, and New Jersey. This region produces a great deal of hazardous waste, and the mob's involvement in the region and in the problem is thoroughly documented. As such, a situation now exists where corporations, some of which are at the heart of the American economy, discharge their regulatory obligations under RCRA by entering into direct contractual relationships with firms dominated by organized crime.

Mr. Speaker, the problem is not minor in character. The percentage of hazardous waste that is disposed of illegally is astounding. The Office of Technology Assessment [OTA] estimates that no more than 10 to 20 percent of all hazardous waste is rendered harmless by incineration or by chemical or biological treatment. Few facilities exist, however, that can treat wastes in these ways, and the price of treatment is much higher than other means of disposal. The remaining 80 to 90 percent is either landfilled—or disposed of illegally. Tragically, it is apparent that only a small portion of hazardous waste goes into landfills that have the siting studies, proper containment practices, and continuous monitoring to be fully licensed by the EAP. Only 200 such landfills are to be found in the Nation. Most hazardous waste, therefore, goes to landfills that have only interim licenses to operate that are a much poorer quality and are likely to pollute the surrounding land and water within a few years.

Illegal dumping is even more likely to have adverse short term environmental consequences. The full extent of illegal activity is, of course, largely unknown. State officials interviewed by the GAO in its comprehensive 1985 study of the illegal disposal of hazardous waste agreed that illegal disposal was occurring, but had no firm information on the scope of the activity. (See generally, Illegal Disposal of Hazardous Waste: Difficult to Detect or Deter (GAO: Feb. 22, 1985)). In that same study, the Director of EPA's National Enforcement Investigations Center reported that the Center received 240 allegations judged as having good potential for investigation during fiscal years 1921-84. Nevertheless, due to staff limitations, the Center was able to open investigations on only 70! The manager of the Illinois environmental agency's Land Pollution Control Division reported that he believed the number of illegal disposal cases to be between 170 to 340 cases. Officials in Massachusetts, New Jersey, and California also reported that illegal disposal is a problem but no way existed to quantify its extent.

A wide array of illegal disposal practices have occurred and are occurring. The 1985 GAO study illustrates the variety of illegal ways waste shipments may end up commingled with ordinary garbage—and few of these cases reflect organized crime related activities. The problem, in short, is not only organized crime, but also illegal business-related activity generally. A manufacturing company, for example, dumped 10 gallons of highly flammable liquid solvent into a trash bin. (GAO, case No. 7) An engine and mechanical equipment manufacturer placed about 600 gallons of corrosives, solvents, and oil wastes into a large rollaway trash bin. (GAO, case No. 22) Liquid hazardous waste may be released along a roadway (GAO, case No. 11) where a transporter abandoned a stolen truck trailer loaded with 78 drums of sulfuric acid and cyanide wastes. (GAO, case No. 34) Shipments may also be stockpiled at sites unsuited for hazardous waste or at disposal facilities that have no real disposal capabilities. Twelve hundred drums of highly flammable wastes were stored in a building adjacent to a fully occupied high-rise tenement. (GAO, case No. 33) Wastes may be drained into local city sewer systems, rivers, oceans, or dumped in out of the way rural spots. A metal recovery company disposed of its wastes in an oil field that the company leased in a national forest. (GAO, case No. 23) Similarly, a battery-lead recovery operator discharged acid wastes to the ground; the wastes were described by county investigators as potentially injurious to the workers and to the neighboring environment, and the soil samples contained a toxic lead concentration that was more than 1,000 times the maximum concentration allowed by State law. (GAO, case No. 29) The list of alarming illustrations could easily be extended.

III

Mr. Speaker, organized crime was ideally suited to develop its special form of illegal hazardous waste disposal practices to the fullest. In those parts of the Nation where garbage hauling and landfilling was historically controlled by organized crime, its movement into the newly created hazardous waste market was an obvious extension of its traditional criminal activity. In New Jersey, for example, organized crime has, for a number of years, controlled major portions of the garbage industry through the ownership of garbage hauling firms, ownership of, or control of, landfills, and through labor racketeering. As such, organized crime elements easily entered both the hauling and disposal phases of the hazardous waste hauling industry. It is a sad, but tragic story.

The mob began with an established organizational infrastructure, which governed its relationship in a particular geographical area. Threats and violence quickly persuaded other firms to join the infrastructure and abide by its rules—or to sell and get out. Accordingly, when the RCRA mandated the licensing of firms deemed fit to transport hazardous waste, mob-connected garbage haulers found it easy to acquire State permits and declare themselves to be hazardous waste haulers. (See generally, Organized Crime and Hazardous Waste Disposed: House Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, 92 Cong. 2 Sess. 22 (Dec. 16, 1980) (hereinafter "House 1980") Naturally, these elements brought their traditional form of special organizational talent with them. Indeed, they immediately met as a group to set up a Trade Waste Association to apportion and enforce "property rights" in the new market. (See generaly, id. at 9-10; Organized Crime Links to the Waste Disposal Industry, House Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce, 92 Cong. 2 Sess. 1-12, 212 (May 28, 1981)).

The RCRA, however, requires more than just licensed haulers. The manifest system requires that someone be willing to sign off on the manifest and declare that a waste shipment has been properly disposed of. Thus, the mob had to have ownership of, or at least influence over, final disposal sites. Many landfills were already owned wholly, or in part, by organized crime figures, a legacy of past mob involvement in the garbage business. Accordingly, these sites regularly began to accept dubious shipments of hazardous waste thinly disguised as ordinarily municipal waste. Landfill owners not directly associated with organized crime were also bribed or threatened to sign manifest for shipments never received or to accept hazardous waste that was manifested somewhere else. In addition, known organized crime figures started to seized control of a network of phony disposal and treatment centers, including the Chemical Control Corp., Modern Transportation and Duane Marine.

Modern Transportation, a firm that would ultimately receive half the manifested hazardous waste originating in northern New Jersey, was incorporated in 1972 by Richard Miele, co-owner with organized crime figures of numerous garbage-related firms and landfills. See generally, A. Block and F. Scarpitti, Poisoning For Profit: The Mafia and Toxic Waste in America 297 (1985)) Chemical Control Corp. was taken over by Johnny Albert, one of the

organizers of the job related New Jersey Trade Waste Association. (1980 House at 10) Duane Marine was so enmeshed in organized crime networks and activities that its former employee, Harold Kaufman, became, in fact, the central Federal informant on these criminal activities.

Licensed by the State, these outfits could legally receive hazardous waste and sign off on the manifest. They would then either stock pile it on site or dump it along roadways, down municipal sewers, into the ocean, or elsewhere. In one case, several major corporations signed over their wastes to an out of State facility that subsequently was shown to simply not exist.

IV

Mr. Speaker, it is hardly surprising that given the opportunity, organized crime elements entered the newly created market for hazardous waste handling. They had the equipment and the organization. They had the know-how and the will to corrupt the manifest system. It was an attractive prospect. Both the potential size of the market and the potential profits were enormous. But even if these criminal elements charged only a fraction of the true price of legitimate hazardous waste disposal, the price would be much higher than the price charged to move the same stuff when it was just garbage, yet the operating expenses were largely the same. That organized crime entered into the hazardous waste hauling activity needs no subtle unraveling. The more complex task is how to curtail it—and the similar activity by so-called legitimate businesses.

While public outcry against hazardous waste led to the State and Federal regulation of the industry, the enforcement of these regulations—unfortunately—has been minimal. Voluntary compliance—particularly by the mob—is not likely to occur. Truly legitimate businesses may be expected to follow the law. The problem is that all too often the businesses in this area are far from legitimate. The companies and people who haul the waste and dump it illegally, or operate dumping sites in an illegal fashion, are making a handsome profit and do not want to see an end to it. Attainment of full compliance by Government by traditional forms of civil and criminal suits is not likely to happen in the foreseeable future. In the meantime, industry will continue to produce the goods of a civilized world, which results in hazardous waste. As the struggle to regulate continues, the environment, property, and all of us still suffer injury. In fact, an individual injured in his property or person has little effective recourse under current Federal or State law. The traditional measures of recovery for damages contained in the various State's common law and statutory scheme as tragically inadequate. Although many commentators have called for new remedial State and Federal laws, they have not been adopted in sufficient number, and there is a need to strengthen present law—criminally and civilly.

Mr. Speaker, part of the solution will come if only we will reexamine our own thinking. We must begin to view the illegal dumping of hazardous waste, not only as an economic crime, but as a crime of violence. Unfortunately, most Federal and State environmental laws are lenient—even where their violation is criminal. If more severe criminal penalties were available under these laws, we would still have the problem of limited investigative and prosecutorial resources. Accordingly, criminal and civil RICO suits may offer a promise of an avenue to deal with the aggravated violations or our hazardous waste statutes. Criminal RICO includes several penalties. Civil RICO, too, includes powerful civil sanctions—triple damages, attorney's fees and injunctions—and, most importantly, it allows injured individuals themselves to bring suit. Indeed, forward looking litigators have already begun to use civil RICO to vindicate their client's rights where they had in fact been injured by illegal toxic and hazardous waste abuse. For example, Standard Equipment, Inc., a California corporation engaged in mining and construction activity, has, in the last 3 years, won over $5 million in settlements for the Civil RICO litigation it began in 1984. Standard Equipment was a neighbor to Western Processing, which, according to Standard Equipment, posed as a recycling plant, while at the same time allowing hazardous waste to be dumped on its ground. Eventually, it contaminated Standard Equipment's property. While Civil RICO, as it is presently drafted, has afforded Standard Equipment important and valuable civil relief, the statute needs to be more carefully tailored to meet the task of dealing with illegal toxic and hazardous waste abuse.

Mr. Speaker, I am convinced now that criminal hazard waste violations should be added as a predicate offense to RICO. I look forward to soliciting the views of appropriate parties in the coming months as the Subcommittee on Criminal Justice processes the various proposals for reform in the RICO area.

CONFERENCE REPORT ON H.R. 4867

Mr. YATES submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 100-862)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 16, 19, 22, 23, 25, 26, 36, 37, 41, 48, 51, 55, 60, 64, 65, 66, 67, 70, 71, 72, 74, 75, 78, 88, 90, 96, 97, 99, 102, 111, 113, 141, 143, 144, 146, 163, 171, 174, 177, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 194, 198, 200, 201, and 204,

That the House recede from its disagreement to the amendments of the Senate numbered 8, 17, 20, 57, 73, 79, 80, 81, 91, 101, 119, 121, 126, 133, 139, 145, 147, 160, 168, and 192, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$508,462,000*; and the Senate agree to the same.

Amendment numbered 6:

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

In lieu of the sum proposed by said amendment insert *$60,000,000*; and the Senate agree to the same.

Amendment numbered 9:

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

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

: 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 the Wynne complex on Matagorda Island, Texas, except for agreements or arrangements existing as of the date of enactment of this Act; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$57,529,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,645,000*; and the Senate agree to the same.

Amendment numbered 18:

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

In lieu of the sum proposed by said amendment insert *$744,835,000*; and the Senate agree to the same.

Amendment numbered 32:

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

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

In lieu of the sum proposed by said amendment insert *$1,450,000*; and the Senate agree to the same.

Amendment numbered 44:

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

In lieu of the sum proposed by said amendment insert *$170,744,000*; and the Senate agree to the same.

Amendment numbered 46:

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

In lieu of the sum proposed by said amendment insert *$159,292,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$91,010,000*; and the Senate agree to the same.

Amendment numbered 49:

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

In lieu of the sum proposed by said amendment insert *$101,095,000*; and the Senate agree to the same.

Amendment numbered 50:

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

In lieu of the sum proposed by said amendment insert *$193,160,000*; and the Senate agree to the same.

Amendment numbered 54:

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

In lieu of the sum proposed by said amendment insert *$992,767,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

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

: Provided further, That $250,000 of the funds made available in this Act shall be available for cyclical maintenance or tribally owned fish hatcheries and related facilities; and the Senate agree to the same.

Amendment numbered 68:

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

In lieu of the sum proposed by said amendment insert *$92,767,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$89,741,000;* and the Senate agree to the same.

Amendment numbered 77:

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

In lieu of the sum proposed by said amendment insert *$32,360,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$49,067,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$18,749,000*; and the Senate agree to the same.

Amendment numbered 100:

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

In lieu of the sum proposed by said amendment insert *$137,867,000*; and the Senate agree to the same.

Amendment numbered 108:

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

In lieu of the sum proposed by said amendment insert *$225,518,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,914,000*; and the Senate agree to the same.

Amendment numbered 110:

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

In lieu of the sum proposed by said amendment insert *$191,604,000*; and the Senate agree to the same.

Amendment numbered 112:

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

In lieu of the sum proposed by said amendment insert *$75,000,000*; and the Senate agree to the same.

Amendment numbered 115:

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

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

and $400,000 for acquisition of land and interests therein and near the White Salmon National Recreational River, Klickitat County, Washington, described as Government lot 2, SW¼ of the NW¼, sec. 18. T.4N., R. 11E., Willamette Meridian, pursuant to the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428(a)), to remain available until expended; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$35,999,000*; and the Senate agree to the same.

Amendment numbered 138:

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

In lieu of the sum proposed by said amendment insert *$37,000,000*; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$61,668,000*; and the Senate agree to the same.

Amendment numbered 161:

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

In lieu of the sum proposed by said amendment insert *$71,553,000*; and the Senate agree to the same.

Amendment numbered 162:

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

In lieu of the sum proposed by said amendment insert *$52,748,000*; and the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,373,000*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$750,000*; and the Senate agree to the same.

Amendment numbered 175:

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

In lieu of the sum proposed by said amendment insert *$124,300,000*; and the Senate agree to the same.

Amendment numbered 176:

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

In lieu of the sum proposed by said amendment insert *$22,270,000*; and the Senate agree to the same.

Amendment numbered 178:

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

In lieu of the sum proposed by said amendment insert *$1,778,000*; and the Senate agree to the same.

Amendment numbered 179:

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

In lieu of the sum proposed by said amendment insert *$2,334,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 5, 7, 10, 11, 13, 14, 21, 24, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 40, 42, 43, 45, 52, 53, 58, 59, 61, 62, 63, 76, 82, 83, 84, 86, 89, 92, 93, 94, 95, 98, 103, 104, 105, 106, 107, 114, 116, 118, 120, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 140, 142, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 165, 166, 167, 169, 172, 173, 182, 191, 193, 195, 196, 197, 199, 202, and 203.

J.P. MURTHA,
NORMAN D. DICKS,
EDWARD P. BOLAND,
LES AUCOIN,
JAMIE L. WHITTEN,
TOM BEVILL,
RALPH REGULA,
JOSEPH M. MCDADE,
BILL LOWERY,
SILVIO O. CONTE
(except 131),
SIDNEY YATES,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,

DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,
HARRY M. REID,
JOHN C. STENNIS,
JAMES A. MCCLURE,
TED STEVENS,
THAD COCHRAN,
JAKE GARN,
WARREN B. RUDMAN,
LOWELL P. WEICKER, Jr.,
DON NICKLES,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 4867 incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 100-713 and Senate Report 100-410 shall be complied with unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $508,462,000 for management of lands and resources instead of $500,959,000 as proposed by the House and $510,595,000 as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of $1,500,000 for Alaska lands; $750,000 to inventory, enhance, and monitor riparian areas in grazing management; $250,000 for noxious weed control, and $190,000 for research on fire resistant grasses and shrubs with the University of Idaho in grazing management; $500,000 for challenge grants, $750,000 for fishery resources, $215,000 for the San Pedro Conservation Area (AZ), and $110,000 for Cascade fire rehabilitation in Idaho, all in wildlife habitat management; $740,000 in threatened and endangered species; $50,000 for Chacoan outliers (NM), $75,000 for the San Pedro Conservation Area (AZ), and $200,000 for trial maintenance, all in recreation management; $3,800,000 for Alaska cadastral surveys; and $100,000 for facilities maintenance; and decreases of $200,000 in rights-of-way processing; $750,000 for riparian areas in soil, water, and air management; $337,000 for base restoration in wildlife habitat management $100,000 for cultural resources management; and $50,000 for King Range NCA (CA), $100,000 for El Malpais NCA (NM), and $100,000 for East Mojave Scenic Area (CA), all in recreation management.

The managers agree that $50,000 within available funds should be provided to the National Academy of Sciences for a study of how oil and gas exploration and development is considered in land management planning, and that a total of $750,000 has been provided for the "Oregon/Washington Riparian Enhancement Plan".

The managers consider that pilot projects in privatization of "undeveloped public lands" as contained in fiscal year 1989 budget documents are subject to reprogramming guidelines.

The managers agree that oil and gas program funding contains $1,864,000 for Alaska.

If the transfer to the Bureau of Lands in Black Canyon and Kofa, AZ is authorized, the managers agree the bureau may use up to $75,000 from recreation management funds for operations in these areas.

The managers agree to the new budget structure for the management of lands and resources and Oregon and California grant lands appropriations. Reprogramming levels are to be at the level of activity identified in the House and Senate reports, and transfers of funds at levels identified in the budget, but below report tables, are to be reported to the Committees quarterly with an explanation of the changes.

For the wild horse and burro program, the managers agree that:

(1) sanctuary guidelines should be submitted to the Committees by January 1, 1989 as proposed by the Senate;

(2) a report on strengthened procedures for monitoring potential adopters should be submitted to the Committee within 90 days of enactment;

(3) quarterly reports on sanctuaries should be submitted to the Committees;

(4) more than one sanctuary in more than one climate or geographical type should be established, and no specific funding limitation is provided;

(5) the Bureau must establish an oversight activity for the overall program with a broad spectrum of the interested public;

(6) no funds are provided for the fee waiver adoption program; and

(7) the goal of the program should be the orderly achievement of appropriate management levels in a humane and cost effective manner.

Amendment No. 2: Provides $70,000,000 for firefighting and repayment to other accounts from which funds were borrowed under Secretarial authority as proposed by the House instead of $75,000,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 3: Appropriates $5,431,000 for construction and access as proposed by the House instead of $2,631,000 as proposed by the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Payments in Lieu of Taxes Act. The effect of the Senate amendment is to allow two boroughs in Alaska, organized after passage of the Act, to share in payments in lieu of taxes.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of Senate with an amendment which appropriates $12,290,000 for land acquisition instead of $11,640,000 as proposed by the House and $12,020,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition Management	$600,000
Big Morongo Canyon, CA	110,000
Bizz Johnson Trail, CA	50,000
Carrizo Plain, CA	5,000,000
Chuckwalla Bench ACEC, CA	1,300,000
Colorado River Access, CO	600,000
Desert Tortoise NA, CA	1,000,000
El Malpais NCA, NM	1,000,000
Rock Creek Ranch, UT	35,000
Warner Basin Potholes, OR	2,000,000
Westwater Canyon, UT	95,000
Wilderness and wilderness study areas	500,000
Total	12,290,000

Within the $500,000 for wilderness and wilderness study areas is $170,000 for the Dominiques WSA, CO. Priority consideration should be given to the Willow Creek & Mahogany Ridge Wilderness Study Areas in the Trout Creek Mountains.

Amendment No. 6: Appropriates $60,000,000 for Oregon and California grant lands instead of $61,445,000 as proposed by the House and $59,141,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of $314,000 for timber management and $1,131,000 for timber development. The conference agreement contains an increase of $1,340,000 over the budget for reforestation.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted, insert: *$360,688,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $360,688,000 for resource management instead of $350,251,000 as proposed by the House and $360,654,000 as proposed by the Senate.

The net increase to the House position includes the following changes: increases of $500,000 for endangered species recovery; $110,000 for a fishery biologist and a contaminant specialist in West Virginia; $1,000,000 for the farm bill wetland conservation program; $250,000 for the National Wetlands Inventory of which $130,000 is for West Virginia; $100,000 for contaminant investigation on refuges; $400,000 related to Arctic Goose activities; $250,000 for pintail duck production research and waterfowl inventory; $500,000 for Alaska refuge operations; $974,000 for Alaska subsistence grants; $1,500,000 for education and informational materials at an ecological study center; $200,000 for Challenge grants; $250,000 for nongame migratory bird management; $84,000 for operations at Bowden NFH, WV and $241,000 for operations at White Sulphur Springs, NFH, WV; $254,000 for the Quniault NFH, WA which is transferred from Bureau of Indian Affairs management; $288,000 for the Lower Snake River Compensation Fund; $946,000 for Leetown NFC, WV of which $300,000 is for striped bass studies, $200,000 is for fish health and fish disease research, $146,000 is to restore the 1988 level and $300,000 is to install an air injection system; $165,000 for operations at the Hagerman Research Field Station, ID; $60,000 to investigate the feasibility of restoring anadromous fish to the Snake River Basin; $650,000 for Alaskan marine mammal research; $315,000 for the wildlife review publication; $250,000 for the fisheries review publication; $300,000 for a procedure to assess and test how well exist-

ing preserves protect natural communities; $1,200,000 for the National Wetlands Research Center, Lafayette, LA; $500,000 for the Cooperative fish and wildlife units of which $200,000 is to establish a new unit and $300,000 is for staffing at existing units; and decreases of $250,000 for non-game management through the endangered species program, $500,000 for development of bioassessment technology which is to be carried out within the existing program and $100,000 for brown tree snake research.

The increase for the farm bill wetland conservation program includes up to 30% for technical assistance with the balance to be used on actual wetland restoration in the most critical areas including the Lower Mississippi Valley. Within the amount provided for hatchery maintenance, $130,000 is for the Bowden NFH, WV; $95,000 is for White Sulphur Springs, WV and $195,000 for Tishomingo NFH, OK.

Within the $900,000 provided for the Southeast Fish Culture Laboratory and Auburn University over the budget request, the managers recommend an increase of $600,000 to expand aquaculture research at the Southeastern Fish Culture Lab in Marion, AL of which $300,000 shall be directed to Auburn University.

The Southern Fish Culture Laboratory, in Marion, AL, is directed to coordinate its research in the conservation, management, investigations, and protection of warm water fish farming with the Alabama Cooperative Fishery Research Unit and the Department of Fisheries and Allied Aquaculture of Auburn University, toward a missing of improving the economics of farm aquaculture, including the commercial production of catfish, tilapia, striped bass, and other species in the Southeast.

Beyond the above increases to maintain FY 1988 levels, the budget is increased by $300,000 to establish a permanent field station at Auburn University in FY 1989 under the Fort Collins Research Center starting with two professionals to develop in stream flow methodology for warm water fisheries management in the Southeastern United States.

The managers agree to delete Senate language which would have made the funds available for two years.

The Service is to consider the Stewart B. McKinney NWR, CN when allocating funds designated for newly established refuges. The Service is to give preference in establishing new cooperative fish and wildlife units to the first State to have fully resolved intrastate questions of unit sponsorship and managment and communicated notice of this resolution to the Service. Of the increase for the endangered species recovery funds, no less than $100,000 is for the red wolf captive breeding program at the Point Defiance Zoo and Aquarium, Tacoma, Washington.

Of the increase provided for operations at the Northeast Anadromous Fish Laboratory, $360,000 is for the base research program which brings the base level to $500,000.

The managers approve the reprogramming proposed by the Service providing fresh water to the San Luis NWR, CA.

Amendment No. 8: Provides $6,811,000 for the Lower Snake River Compensation Plan as proposed by the Senate instead of $6,523,000 as proposed by the House.

Amendment No. 9: Restricts language proposed by the House and stricken by the Senate to Federal management of the Wynne Complex on Matagorda Island, Texas. The House language would have applied to all refuges.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $1,500,000 for the development and installation of displays, exhibits, films, and other educational material for an ecological center.

CONSTRUCTION AND ANADROMOUS FISH

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $31,834,000 for construction and anadromous fish instead of $23,756,000 as proposed by the House and $25,294,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Anadromous Fish Grants	$1,500,000
Bowden NFH, WV (expansion)	2,000,000
Dam safety	7,343,000
Leetown NFC, WV (water supply)	1,700,000
Little River NWR, OK (planning)	270,000
Little White Salmon NFH, WA	990,000
National Fisheries Research Center (Seattle)	1,000,000
National Wetland Research Center, LA (planning)	1,050,000
Nisqually NFH, WA	5,067,000
Northeast Anadromous Fish Laboratory	5,600,000
North Attleboro NFH, MA (complete design)	180,000
Oklahoma refuges (flood damage)	1,500,000
Patuxent River MD (visitor center, planning and design)	900,000
Striped bass study	500,000
Tensas NWR, LA (road repair)	2,000,000
Wichita Mountains NWR, OK (Corral)	234,000
Total	31,834,000

The managers concur in the Service's plan to expend up to $250,000 for site development at Tinicum NEC, PA. Final plans and a progress report are to be provided the Committees by March, 1989.

The managers are committed to completing the expansion of striped bass facilities at Bowden NFH, WV in FY 1990. The managers direct that $350,000 remaining for the Kodiak NWR, AK ranger station be reprogrammed to fund the Skilak Loop Visitor Center in the Kenai NWR, AK.

LAND ACQUISITION

Amendment No. 12: Appropriates $57,529,000 for land acquisition instead of $50,809,000 as proposed by the House and $61,849,000 as proposed by the Senate.

The managers agree to the following distribution:

Administration	$2,834,000
Alaska Peninsula NWR, AK	100,000
Arivaca Creek, AZ	2,000,000
Bog Brook NWR, ME	250,000
Bogue Chitto NWR, LA	2,000,000
Bowerman Basin/Grays Harbor, WA	850,000
Chincoteague NWR, VA	770,000
James Campbell NWR, HI	1,500,000
Kirtlands Warbler NWR, MI	535,000
Klamath Forest NWR, OR	2,000,000
Lower Rio Grande NWR, TX	10,000,000
Mason Neck NWR, VA	1,400,000
Matagorda Island, TX	5,500,000
National Driftless Area, IA	500,000
National Key Deer NWR, FL	3,000,000
Oahu Forest NWR, HI	1,500,000
Rachel Carson NWR, ME	1,000,000
Sacramento River NWR, CA	2,000,000
San Francisco Bay NWR, CA	3,000,000
San Joaquin River NWR, CA	2,000,000
Stewart McKinney NWR, CN	500,000
Sunkhaze Meadows NWR, ME	1,100,000
Tensas NWR, LA	2,000,000
Tishomingo NFH, OK	190,000
Inholdings	1,000,000
Wetlands	10,000,000
Total	57,529,000

The managers have provided funds for the Stewart McKinney NWR, CN with the understanding that new appraisals are being undertaken for the properties involved.

Of the $10,000,000 provided for wetlands, $2,000,000 is for the National Fish and Wildlife Foundation for matching purposes.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert: *:Provided, That of the funds provided to the United States Fish and Wildlife Service under the heading "Construction and Anadromous Fish" in Public Law 100-71, $1,200,000 shall be expended for the lease or purchase of water rights, from willing sellers, for the benefit of Stillwater Wildlife Management Area, Nevada: Provided further, That the lease or purchase shall be carried out pursuant to the statutory and procedural requirements of the laws of the State of Nevada, and the Secretary shall proceed with any such lease or purchase pursuant to this appropriation if and only if the Secretary receives certification from the State of Nevada that the transfer of water rights and associated change of use for the beneficial use of Stillwater Wildlife Management Area is approved by the State of Nevada.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment modifies language added by the Senate permitting the use of $1,200,000 to purchase water rights from willing sellers for the benefit of the Stillwater Wildlife Management Area, Nevada. The managers agree that the Secretary of the Interior is to continue to pursue a comprehensive settlement of water rights disputes on the Carson and Truckee Rivers among the affected parties. Further, the Stillwater Wildlife Management Area may be considered a high priority wetland for funding undertaken pursuant to the North American Waterfowl Management Plan.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Secretary may acquire lands on the Sacramento River, including formerly submerged lands, and waters which are subject to the interest of the State of California, including the public trust, and subject to any other adverse claim arising out of the riparian character or location of the property.

MIGRATORY BIRD CONSERVATION ACCOUNT

The managers note that the Migratory Bird Conservation Commission plans to acquire property in fiscal year 1989 in Forsythe NWR, NJ ($1,500,000), and Cache

River, AR ($2,300,000), among others. The managers urge the Commission to give acquisition priority in the future to Cache River, AR; Little River, OK; Chenia Plain, TX; Neches River, TX; and Forsythe NWR, NJ.

Amendment No. 15: Appropriates $6,645,000 for the National Wildlife Refuge Fund instead of $7,645,000 as proposed by the House and $5,645,000 as proposed by the Senate.

Amendment No. 16: Deletes language proposed by the Senate to allow donated aircraft to be accepted as additions to the fleet. Language included in the Working Capital Fund, Office of the Secretary already provides this authority. The managers are concerned about the Department's ability to enforce adequately waterfowl hunting regulations and recommend that the Service provide up to $400,000 to acquire a helicopter from the Isaac Walton League to be used for expanded enforcement of waterfowl hunting regulations in the lower Mississippi flyway, and to equip, operate and maintain said helicopter.

NATIONAL PARK SERVICE

Amendment No. 17: Earmarks $442,000 for the Roosevelt Campobello International Park Commission as proposed by the Senate instead of $424,000 as proposed by the House.

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 18: Appropriates $74,835,000 for Operation of the National Park System instead of $742,181,000 as proposed by the House and $746,024,000 as proposed by the Senate.

The managers agree to the following changes to the House position: increases of $150,000 for the Harpers Ferry NP, WV shuttle bus system; $300,000 for Harpers Ferry NP operations; $400,000 for Buffalo NR, AR; $350,000 for Glen Canyon NRA, AZ/UT; $300,000 for Lake Mead NRA, NV; $100,000 for Saguaro NM, AZ; $300,000 for Hot Springs NP, AR; $300,000 for Canyonlands NP, UT; $150,000 for Fort Jefferson NM, FL; $315,000 for Jean Lafitte NHP, LA; $48,000 for Stika NHP, AK; $600,000 for Yellowstone NP; $60,000 for Apostle Islands NL, WI; $100,000 for Salinas NM, NM; $200,000 for El Malpais NM, NM; $60,000 for the New River Parkway Authority; $35,000 for operations at Pierce Point Ranch, Point Reyes NS, CA; $60,000 for trail development at Ice Age NSP, WI; $540,000 for New River Gorge NR, WV; $400,000 for National Trail system management; $85,000 for Harpers Ferry police; $1,500,000 for trail maintenance; $100,000 for international affairs including US/Soviet cooperation; $83,000 for a study of alternatives for managing and protecting historic Georgetown, Clear Creek, CO; $50,000 for a study of Alaska National Park recreation opportunities; $100,000 for a statewide park assessment for West Virginia; $40,000 for a restorations assessment at Apostle Islands NL, WI; $30,000 to assist Marquette County in a feasibility study of Muir Park; $150,000 for a review of Spanish culture in New Mexico and of the Mimbres culture; $40,000 for the Fort Knox II Historical Site at Vincennes, IN; $10,000 for a bike trail feasibility study at Everglades NP, FL; $115,000 for a study at Colorado NM, Co; $150,000 for a review of lands around Harpers Ferry WV; $150,000 for studies of parks and national landmarks with black themes; $60,000 for women's theme studies related to parks and landmarks; $18,000 for the Roosevelt Campobello International Park Commission; $2,000,000 for Fort Lincoln, Mandan, ND; and $33,000 for the Mary McLeod Bethune NHS; and decreases of $500,000 for exotic plant/pig control at Haleakala/Hawaii Volcanoes NP which is transferred to the construction account; $200,000 for operations at Golden Gate NRA, CA; $100,000 for Women's Rights NHP, NY; $150,000 at Indiana Dunes NL, IN; $4,700,000 for the Krejci waste site which is addressed in the construction account; $200,000 for the airplane oversight study; and $978,000 for the Director's discretionary fund.

Within the increase for El Malpais NM, NM are funds for Masau trail planning and implementation. Wtihin the increase for trail maintenance is $150,000 for the Santa Fe Trail and $200,000 for Olympic NP trails. There is $30,000 within resoruces management for range management guidelines at Point Reyes NS, CA. The managers agree that parks may use more funds for the Student Conservation Association and the Volunteers in Parks program if there is sufficient need.

The managers agree that the return of the wolf to Yellowstone NP is desirable. There are a number of concerns about the reintroduction and $200,000 has been included to study questions which have been raised. The managers believe the studies should address, but not be limtied to the following:

1. The issue of whether wolves would or would not be controlled either within or without the Park;

2. How a reintroduced population of wolves may affect the prey base in Yellowstone NP and big game hunting in areas surrounding the park;

3. Would a reintroduced population of wolves harm or benefit grizzly bears in the vicinity of the park;

4. Clarification and delineation of wolf management zone boundaries for reintroduction; and

5. An experienced wolf coordinator with the FWS will oversee the program in full cooperation with the NPS.

The managers agree that the National Park Service may provide technical assistance and concept planning to the Port of Oakland in the restoration of the ship "Potomac" and in the development of an interpretive center. Any plans should provide for private sector cost sharing.

The managers agree that one additional clerical staff is to be provided to the Office of Congressional Liaison. There is up to $40,000 from within available funds for conduct of an origin and destination survey within the boundaries of the Delaware Water Gap NRA, NJ.

The managers agree that future budget justifications for the National Park Service must identify the amount proposed for the conduct of conferences with a description of the types of conferences to be conducted. The amount provided for conferences would be subject to reprogramming guidelines. For fiscal year 1989, the Service is to submit to the Committees within 30 days of enactment of this Act the amount to be used for conferences, a list of proposed conferences and a proposed definition of conferences. Changes to this amount will be subject to reprogramming guidelines.

The managers note that both House and Senate reports contain language providing guidance for management of park units. The guidance is to be complied with, unless specifically addressed to the contrary in the conference agreement and accompanying statement of the managers.

The managers are concerned about the inadvertent acquisiton of lands which may contain toxic or hazardous materials. There appears to be no well stated policy regarding the precautions to take when acquiring land to ascertain whether there are toxic or hazardous materials. Accordingly, the managers direct the Service to prepare a policy statement on acceptance of donations or acquisitions of lands which may contain toxic or hazardous materials.

Amendment No. 19: Deletes Senate language which would have provided for a permanent appropriation for park fee receipts beginning in fiscal year 1989. It is the managers intent that the allocation by function, and by park, provide at least 1988 funding levels and also maintains the fee incentives built into the fee legislation.

The managers direct that the Service submit two budget presentations in fiscal year 1990 for the "Operation of the National Park System" appropriation. The first presentation should reflect the President's recommendations. The second presentation should display the budget estimate as if the fee legislation included a permanent appropriation account provision, keeping in mind the managers intent to fund parks and functions at least at the 1989 level, plus base increases and decreases, and also recognizing the incentive for the public to pay, and park managers to collect, park fees.

The Service is directed to consult with the House and Senate Committees concerning the exact features of the alternative budget presentation.

Amendment No. 20: Deletes earmarks for certain Operation of the National Park System activities proposed by the House. The managers are concerned that the National Park Service cannot account for funds on the same basis as the funds are requested. The General Accounting Office will be asked to report on National Park Service accounting capability and provide recommendations for improving the system.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $85,000 for police operations at Harpers Ferry, WV.

Amendment No. 22: Deletes Bill language proposed by the Senate directing the National Park Service to continue its review of the proposal to acquire property in and around Natchez, Mississippi for the Mississippi River National Park. The managers strongly support efforts of the National Park Service to extend the Natchez Trace Parkway to the historic Natchez Bluff area and the inclusion of Fort Rosalie and Melrose as part of the Park system and urge the Park Service to complete the work now underway.

Amendment No. 23: Provides $250,000 for the National Institute for the Conservation of Cultural Property as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits removal, obstruction, dewatering, filling or damage to the Brooks River fish ladder in Katmai National Park, AK.

Amendment No. 25: Deletes Senate language regarding wolf research in Alaska. The Alaska National Interests Lands Conservation Act requires the Secretary of the Interior to consider persons who have lived or worked in or near a conservation system

unit in Alaska for all available employment opportunities therein. The managers have been informed that the National Park Service has not complied with this provision of the law in its hiring decisions in Denali National Park, despite written assurances to local residents that it would do so.

The managers direct the Service to submit a report on its compliance actions to the Senate and House Committees on Appropriations no later than February 1, 1989. The Committees will insist on compliance with the law.

Amendment No. 26: Deletes Senate language regarding wolf research in Alaska which is discussed under amendment No. 25.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which repeals Public Law 97-341 and makes provision for phasing out grazing at Capitol Reef NP, UT.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $14,608,000 for national recreation and preservation instead of $14,093,000 as proposed by the House and $13,470,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the House level includes increases of $100,000 for assistance to river communities in the New River Gorge NR, WV; $150,000 for Rails to Trails assistance; $200,000 for a national inventory of trails and direction; $400,000 for other national trails programs; and $100,000 for Federal archeological programs. There are decreases to the House position of $35,000 for the San Francisco Bay Area Trail, $100,000 for urban parks grant administration and $300,000 for women's studies and black historic park and landmark studies. Women's studies and black historic park and landmark studies are addressed in the Operation of the National Park System appropriation.

HISTORIC PRESERVATION FUND

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $30,500,000 for the historic preservation fund instead of $30,000,000 as proposed by the House and $30,250,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the Senate level includes $250,000 for the critical issues fund of the National Trust for Historic Preservation.

For the States, the allowance may be used for survey and planning activities, or for architectural, engineering, and management assistance grants for land-based or maritime-related projects nationwide, at the discretion of the States.

The managers also agree that, for the purposes of grant administration procedures, the grant to the National Trust shall be considered one grant.

The managers do not intend to provide additional funding for the Bicentennial Lighthouse Fund in subsequent years.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $1,000,000 for the Bicentennial Lighthouse Fund and establishes procedures for distribution of the money.

CONSTRUCTION

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $159,108,000 for construction instead of $131,809,000 as proposed by the House and $119,072,000 as proposed by the Senate.

The managers have agreed to the following distribution of funds:

Emergency projects	$2,000,000
Planning	15,850,000
Line item request	6,634,000
America's Industrial Heritage, PA	7,400,000
Bighorn Canyon NRA, MT	412,000
Biscayne NP, FL	1,784,000
Boston NPH, MA:	
Faneuil Hall	5,556,000
Old State House	5,280,000
Buffalo River NR, AR	1,380,000
C&O Canal, MD (Bridge replacement)	100,000
Canaveral NS, FL (Playalinda Beach Rd)	6,614,000
Chamizal NM, TX	1,500,000
Chickamauga/Chattanooga NMP (road relocation)	6,000,000
Crater Lake NP, OR (Rim development)	1,761,000
Cuyahoga Valley:	
Brandywine Falls	785,000
Erosion control	200,000
Kendall Unit utilities	600,000
Plug unsafe oil and gas wells	204,000
Krejci waste site	4,500,000
Dam safety	3,450,000
Delaware Water Gap NRA, Smithfield Beach	1,500,000
New Jersey access	473,000
Denali NP, AK (road repair)	619,000
Employee Housing	10,000,000
Fire Island NS, NY (dredging)	300,000
Fort Union Trading Post	750,000
Fossil Butte NM, WY (completion)	350,000
Gateway NRA, NY:	
Great Kills Seawall	3,070,000
Sandy Hook bathroom facilities	971,000
George Washington Parkway (Spout Run Bridge)	5,000,000
Golden Gate NRA, CA (restrooms)	917,000
Guadalupe Mtns. TX	750,000
Harpers Ferry NHP, WV	5,450,000
Hawaii Volcanoes/Haleakala, HI (fencing)	500,000
Hot Springs NP, AR	1,881,000
Ice Age NSR, WI	500,000
Indiana Dunes NL, IN (West Beach access)	850,000
Jean Lafitte NHP, LA	7,165,000
Klondike Gold Rush NHP, AK	1,480,000
Knife River Indian Villages, ND	600,000
Lincoln Home NHS, IL	325,000
Lowell NHP, MA:	
Boott Mill	1,300,000
Commission	1,450,000
Mt. Raineir NO, WA (Longmire Inn)	1,450,000
Natchez Trace Parkway	10,100,000
New River Gorge NR, NV	6,050,000
North Cascades NP, WA (Henry Jackson visitor center)	1,450,000
Petersburg, NB, VA (City Point Erosion)	350,000
Steamtown NHS, PA	8,000,000
Suitland Parkway, MD	6,500,000
Tuskegee NHS, AL	4,000,000
Voyaguers NP, MN	480,000
Yellowstone NP, WY	1,400,000
Yosemite NP, CA	1,200,000
General reduction	−83,000
Total	159,108,000

Within the amount provided for planning, the managers agree to the following projects:

Big Thicket NP, TX (visitor contact center)	$450,000
Blue Ridge Parkway (Roanoke visitor center)	450,00
Denali NP, AK (Southside)	500,000
Florrisant Fossil Beds NM, CO (visitor center)410,000	
Fort Clatsop NM, OR (expansion)	256,000
Gateway NRA, NY (Canarsie Pier)	800,000
Great Smokie Mtns. NP, NC (Occonaluftee)	560,000
Harpers Ferry NHP, WV	1,500,000
Indiana Dunes NL, IN:	
Lakeshore Campgrounds	260,000
Parkway study	332,000
Jean Lafitte NHP, LA	300,000
Kennedy Center (garage)	900,000
Lincoln Home NHS, IL	50,000
Lake Mead NRA, AZ (flood hazard)	300,000
Mesa Verde NP, CO (Soda Point)	250,000
National Museum Conservation Lab	465,000
New River Gorge NR, WV	1,775,000
Salem Maritime NHS, MA	600,000
Saltsburg Canal	125,000
Saratoga Monument, NY	303,000
Scranton Area Heritage Park	175,000
Springfield Caserne	100,000
Staple Bend Tunnel	150,000
Stones River NB, TN (Fortress Rosencrans and trails study)	70,000
Summit Level	400,000

The $4,500,000 provided for the Krejci Waste Site includes $1,200,000 to reimburse EPA for containment costs already incurred; $2,300,000 for additional containment and $1,000,000 for the remedial investigation feasibility study.

The managers do not object to the Service providing up to $500,000 for furtherance of a Civil War Museum at Gettysburg NMP, PA. The Service should provide the Committees, by February 15, 1989, with a plan for completion of the Museum, including estimated costs, a timetable for implementation, and a proposal for funding such a plan.

The managers agree to the following distribution of funds for Jean Lafitte NHP, LA:

a. $5,500,000 to complete construction of the Acadian Cultural Centers in Lafayette, Eunice and Thibodaux.

b. $500,000 to complete construction of the environmental education center and some of the related facilities.

c. $100,000 to continue construction of a tour boat landing and interpretive wayside exhibits in the vicinity of Wagner Bridge.

d. $700,000 to renovate the permanent location of the Park's Headquarters and French Quarter Visitor's Center.

e. $95,000 to realign the rampart, renovate the bathrooms, clean the headstones in the cemetery and improve drainage/landscape at the Chalmette Unit.

f. $150,000 for rehabilitation of the Chalmette monument.

g. $15,000 to upgrade exhibits at the Chitimacha Unit of the Park.

h. $15,000 in planning money for the German Cultural Center.

i. $25,000 to improve the Kenta Canal, Coquille, and Ring Levee trails at the Barataria Unit.

j. $25,000 to replace the roof and repair the electrical system at the Islenos Center.

k. $40,000 to build a boat launch and boat storage for Park Service boats at the Barataria Unit.

The $1,000,000 reduction from the House position on the America's Industrial Heritage Project is from Staple Bend. The managers urge the Service to seek cost sharing for the construction of a new lodge at Crater Lake NP, OR.

The managers have included $10,000,000 to begin to address the need for improved employee housing, and understand that $3,000,000 shall be available for planning and $7,000,000 shall be available for repair and rehabilitation of existing units, including a limited amount of new construction logically related to repair and rehabilitation needs at park units. While no specific earmarks are provided, the managers agree with the Service on the priority needs of addressing winter housing problems at Yellowstone NP, and other pressing issues at Crater Lake NP and Grand Canyon NP. The Service may explore housing alternatives other than direct Federal construction, and shall provide the Committees with the proposed spending plan when it is available.

Amendment No. 32: Provides $1,450,000 to carry out the provisions of sections 302, 303, and 304 of the Public Law 95-290 instead of $2,950,000 as proposed by the House and nothing as proposed by the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $72,609,000 for land acquisition and state assistance instead of $62,206,000 as proposed by the House and $64,961,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Assistance to States:	
Matching grants	$16,700,000
Administrative expenses	3,300,000
Subtotal, States	20,000,000
National Park Service:	
Acadia NP, ME	2,000,000
Antietam NB, MD	1,000,000
Appalachian NST	7,000,000
Black Canyon of the Gunnison NM, CO	700,000
Congaree Swamp NM, SC	3,000,000
Cuyahoga Valley NRA, OH	3,000,000
Delaware Water Gap NRA, PA/NJ	888,000
Ft. Frederica NM, GA	300,000
Indiana Dunes NL, IN	500,000
Jimmy Carter NHS, GA	100,000
New River Gorge NR, WV	8,000,000
Pictured Rocks NL, MI	300,000
Saint Croix NSR, WI/MN	1,500,000
Salem Maritime NHS, MA	500,000
Santa Monica Mtns. NRA, CA	11,000,000
Stones River NB, TN	530,000
Timucuan NP, FL	1,000,000
Women's Rights NHP, NY	50,000
Emergencies, hardships, deficiencies, inholdings, and relocations	5,000,000
Acquisition management	6,241,000
Subtotal	52,609,000
Total	72,609,000

The managers have agreed to provide an additional $700,000 for land acquisition in the Black Canyon of the Gunnison National Monument. If the appraised value of the tracts exceeds this amount, the managers urge the Service to use funds available in the Emergencies, hardships, deficiencies, inholdings and relocations account.

The managers agree that $350,000 is included to be provided to the National Academy of Sciences for a review of the land acquisition criteria and programs of the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service. The agencies are directed and encouraged to participate fully in such a review. The Committee convened by the Academy should address, at least, the following items:

Existing criteria used to evaluate potential land acquisition projects and assess agency compliance with existing criteria.

Existing criteria and procedures of the four agencies involved, evaluating their strengths and weaknesses.

Comparable land acquisition criteria, procedures, and guidelines of non-governmental groups, such as The Nature Conservancy, and evaluate their strengths and weaknesses.

The effectiveness of existing or potential criteria in terms of achieving stated public policy objectives.

Report its findings to the Committees in approximately 18 months.

The Academy should consult with the Committees prior to initiating its review.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That $3,000,000 of the funds made available herein shall be available for land acquisition at Congaree Swamp National Monument, South Carolina, subject to enactment of authorizing legislation: Provided further, That notwithstanding the provisions of Public Law 95-625, the Secretary may initiate condemnation with the consent of the owner of property, improved or unimproved, within the boundary or at a currently authorized administrative site of the New River Gorge National River, West Virginia*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides $3,000,000 for land acquisition at Congaree Swamp National Monument, SC subject to enactment of authorizing language.

The managers are aware that there are several willing sellers of improved properties in New River Gorge NR, with whom the Service has not been able to come to terms for the acquisition of their property. These properties are needed to complete the construction of the Park headquarters at Glen Jean, WV. The managers have agreed to include bill language authorizing the Secretary to initiate condemnation with the consent of the owner.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes permanent language authorizing contracts to be awarded on the basis of contractor qualifications as well as price for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts.

Amendment No. 36: Appropriates $250,000 for the Illinois and Michigan National Heritage Corridor Commission as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 37: Appropriates $4,765,000 for the American Revolution Bicentennial Administration as proposed by the House instead of nothing as proposed by the Senate.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as follows:

NATIONAL FILM PRESERVATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Film Preservation Board in the Library of Congress, $250,000: 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 throughout the world;

(2) certain motion pictures represent an enduring part of our Nation's historical and cultural heritage; and

(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 REGISTRY.

The Librarian of Congress (hereafter in this Act referred to as the "Librarian") shall establish a National Film Registry pursuant to the provisions of this Act, for the purpose of registering films that are culturally, historically, or aesthetically significant.

SEC. 3. DUTIES OF LIBRARIAN OF CONGRESS.

(a) POWERS.—The Librarian shall, after consultation with the Board established pursuant to section 8, and pursuant to the rulemaking procedures provided in subchapter II of chapter 5 of title 5, United States Code, known as the Administrative Procedures Act—

(A) establish criteria for guidelines pursuant to which such films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such films first theatrical release;

(B) establish a procedure whereby the general public may make recommendations to the Board regarding the inclusion of films in such National Film Registry;

(C) establish general guidelines so that film owners and distributors are able to determine whether a version of a film regis-

tered on the National Film Registry which is in their possession has been materially altered.

(2) In addition, the Librarian shall—

(A) determine, from time to time, after consultation with the Board, which films satisfy the criteria developed pursuant to paragraph (1)(A) and qualify to be included in the National Film Registry, except that the Librarian shall not select more than 25 films per year for inclusion in such Registry;

(B) convene, from time to time, a panel of experts, as provided in subsection (b), solely to advise the Board on whether it is necessary to petition Congress to revise the definition of "material alteration";

(C) 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 and such seal may then be used in the promotion of any version of such film that has not been materially altered; and

(D) have published in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3)(A) The Librarian shall submit annual reports to the appropriate Committees of the Congress listing films included on the National Film Registry and describing the criteria used in determining why specific films were included in the National Film Registry.

(B) The first such report shall be submitted within 12 months after the date of enactment of this Act.

(b) COMPOSITION OF PANEL.—The panel provided for in subsection (a)(2)(B) shall be chosen by the Librarian. It shall be comprised of four persons, one representative each from the Motion Picture Association of America and the National Association of Broadcasters, and one representative of the Directors Guild of America and one representative of the Screen Actors Guild of America. The Presidents of these four organizations shall recommend three nominees to serve on such panel.

(c) APPEALS TO THE LIBRARIAN.—(1) The owner, exhibitor, or distributor of a film may appeal to the Librarian—

(A) objecting to the Boards recommendation of such film for inclusion in the National Film Registry; or

(B) the determination that a version of film which is included in the National Film Registry has been materially altered.

(2) The Librarian shall refer such appeals to the Board for its recommendation.

(c) REGISTRY COLLECTION.—The Librarian shall endeavor to obtain, by gift from the owner an archival quality copy of an orginal version of each film included in the National Film Registry. All films so received by the Librarian shall be maintained in a special collection in the Library of Congress to be known as the "National Film Board Collection". The Librarian shall, by regulation, provide for reasonable access to films in such collection.

SEC. 4. LABELING REQUIREMENTS.

(a) LABEL REQUIRED.—Except as otherwise provided in this section, no person shall knowingly distribute or exhibit to the public a materially altered version of a film included in the National Film Registry unless the version is labeled as required by this section.

(b) EFFECTIVE DATE OF LABEL.—Except as provided in subsection (c), any labeling requirement established pursuant to this section shall be effective 45 days after publication in the Federal Register indicating that film has been selected for inclusion in the National Film Registry.

(c) EXCEPTIONS.—With respect to films intended for home use through either retail purchase or rental, the provisions of subsection (b) shall apply, however no requirements imposed under this section shall apply to—

(1) a film which has been packaged for distribution prior to the effective date of such requirement with respect to such film, except that the provisions of this paragraph shall not apply if the packaging has been accelerated in contemplation of imposition of such requirement; or

(2) a retail distributor of films for home use, other than a manufacturer or packager, who has in good faith relied on compliance with the provisons of this Act by the manufacturer, wholesaler, or packager of a film.

(d) REQUIREMENT OF THE LABEL.—(1)(A) 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:

"This is a materially altered version of the film originally marketed and distributed to the public. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."

(B) Such a label shall appear in a conspicuous and legible type.

(2)(A) 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:

"This is a colorized version of a film originally marketed and distributed to the public in black and white. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film.".

(B) Such a label shall appear in a conspicuous and legible type.

(3)(A) A label for a film package of a materially altered film, other than a colorized version, shall consist of—

(i) an area of a rectangle on the front of the package which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."; and

(ii) an area of a rectangle on the side of the package which bears the following statement:

"This is a materially altered version of the film originally marketed and distributed to the public. See front panel.".

(B) Such labels shall appear in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

(4)(A) A label for a film package of a colorized version of a film shall consist of—

(i) an area of a rectangle on the front of the package which bears the following statement:

"This is a colorized version of a film originally marketed and distributed to the public in black and white. It has been altered without the participation of the principal director, screenwriter, and other creators of the original film."; and

(ii) an area of a rectangle on the side of the package which bears the following statement:

"This is a colorized version of original work. See front panel.".

(B) Such labels 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 section 3(a)(2)(C) of this Act if such film—

(1) is not included in the National Film Registry; or

(2) is included in the National Film Registry, but such version has been materially altered.

SEC. 6. REMEDIES.

(a) JURISDICTION AND STANDING.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of sections 4 and 5 of this Act upon the application of the Librarian to the Attorney General of the United States acting through the several United States Attorneys in their several districts.

(b) RELIEF.—(1) Except as provided in paragraph (2), relief shall be limited to the prospective inclusion or application of, or removal of, a label as appropriate.

(2) In the case in which the Librarian finds a pattern or practice of the willful violation of this Act, the United States District Courts may order civil fines of not more than $10,000 and appropriate injunctive relief.

SEC. 7. LIMITATIONS OF REMEDIES.

(a) The remedies provided in 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 section 3(a)(2)(C) or labeling of materially altered films.

(b) No remedies under section 6 of this title shall be available with respect to any film which is exempted from the labeling requirements of this Act pursuant to section 4(c).

SEC. 8. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of thirteen members, selected by the Librarian in accordance with the provisions of this paragraph. Each organization listed in subparagraphs (A) through (M) shall submit a list of not less than 3 qualified candidates to the Librarian. The Librarian shall appoint one member from each such list submitted by the following organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend:

(A) the Academy of Motion Picture Arts and Sciences;

(B) the Directors Guild of America;

(C) the Writers Guild of America;

(D) the National Society of Film Critics;

(E) the Society for Cinema Studies;

(F) the American Film Institute;

(G) the Department of Theatre, Film and Television, College of Fine Arts at the University of California, Los Angeles;

(H) the Department of Cinema Studies in the Graduate School of Arts and Science at New York University;

(I) the University Film and Video Association;

(J) the Motion Picture Association of America;

(K) the National Association of Broadcasters;

(L) the Association of Motion Picture and Television Producers; and

(M) the Screen Actors Guild of America

(2) Before the Librarian selects nominees for such Board, such Librarian shall request that each of the entities listed in paragraph (1) who do not currently have a nominee on such Board nominate three individuals to serve on such Board. No individual may serve on the Board for more than one term and each entity shall be represented a comparable number of times.

(b) CHAIRPERSON.—The Librarian shall appoint one member to serve as Chairperson.

(c) TERM OF OFFICE.—(1) The term of each member of the Board shall be 3 years.

(2) A vacancy in Board shall be filled in the manner prescribed by the Librarian, except that no entity listed in subsection (a) may have more than one nominee on the Board at any one time. 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.

(d) QUORUM.—Seven members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) BASIC PAY.—Members of the Board shall serve without pay. 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.

(f) 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 Act. Meetings shall be at the call of the Chairperson or a majority of its members.

(g) CONFLICT OF INTERESTS.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibiltiies of the Board.

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, and in no case may a Board member be paid as an expert or consultant.

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. The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian with respect to the inclusion in the Registry, and with respect to the powers defined in section 3.

(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 25 films a year for inclusion in the Registry.

SEC. 11. DEFINITIONS.

(a) DEFINITIONS FOR SECTIONS 1 THROUGH 6.—As used in section 1 through 6:

(1) The term "Librarian" means the Librarian of Congress.

(2) The term "film" 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) The term "material alteration" means to colorize or to make other fundamental post-production changes in a version of a film for marketing purposes but does not include changes made in accordance with customary practices and standards and reasonable requirements of preparing a work for distribution or broadcast.

(6) The term "to colorize" means to add color, by whatever means, to versions of motion pictures originally produced, marketed, or distributed in black and white.

(7) The term "colorization" means the process whereby a film is colorized.

(b) EXCLUSION FROM DEFINITION OF "MATERIAL ALTERATION".—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.

To carry out the purposes of this Act, there are authorized to be appropriated to the Librarian of Congress, such sums as may be necessary to carry out the purposes of this Act, but in no fiscal year shall such sum exceed $250,000.

SEC. 13. EFFECTIVE DATE.

The provisions of this Act shall be effective for three years beginning on the date of enactment of this Act. The provisions of this Act shall not apply to any copy of a film materially altered prior to such effective date if such copy of such film is owned by an individual for his personal use, in the inventory of the manufacturer or packager of a videocassette or already distributed to retail or wholesale distributors of videocassettes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Motion pictures are a significant part of our Nation's historical and cultural heritage which uniquely reflect their time. Through the eyes of the filmmaker we relive moments in history gaining insight into the time as the artist intended. The motion picture is a significant art form worthy of recognition and protection. To this end, bill language is included establishing a National Film Preservation Board within the Library of Congress to protect this art form from alteration.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as folllows: *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: Provided, That such statement shall be completed within two years of the date of enactment of this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language provides for an environmental impact statement to be prepared before permits may be granted for seismic exploration of Big Cypress National Preserve, Florida. The statement is to be completed within two years of the date of enactment of this Act.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *None of the funds provided in this Act shall be available for an appeal to the February 26, 1988 special rate pay approved by the Office of Personnel Maangement for the U.S. Park Police.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment modifies language proposed by the Senate regarding pay increases for U.S. Park Police.

Amendment No. 41: Deletes language proposed by the Senate regarding Hetch Hetchy Valley. The managers agree that no funds should be used to study, plan, investigate or otherwise advance restoration of Hetch Hetchy Valley.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed, insert: *The Director of the National Park Service shall administer a fellowship program, within available funds, to improve mutual understanding and cooperation between Service employees, and Members and Committees of Congress. The program is dedicated to the memory of Pietro Antonio (Tony) Bevinetto, and Service employees participating in the program shall be known as "Bevinetto Fellows".*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment clarifies that an existing program may carry the name "Bevinetto Fellows".

GEOLOGICAL SURVEY

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *up to $500,000 for a 50 percent cost-shared scientific project for test and observation wells near Kohala, Hawaii: Provided, That upon enactment of this Act and hereafter, final costs related to the National Petroleum Reserve in Alaska may be paid from available*

prior year balances in this account, and $451,006,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $451,006,000 for surveys, investigations and research instead of $448,056,000 as proposed by the House and $448,045,000 as proposed by the Senate, and up to $500,000 for test and observation wells in Hawaii as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of $500,000 for image mapping; $1,500,000 for Louisiana wetlands studies; $1,500,000 for mineral resource surveys on RARE II Forest Service lands; $1,000,000 for coal availability studies in VA, KY, and WV; $400,000 for the regional aquifer program; and $375,000 for nuclear waste hydrology; and decreases of $375,000 for geographic information systems (GIS); $250,000 for Federal geologic mapping; $1,500,000 for offshore geologic surveys; and $200,000 for studies of the coast of Mississippi and Alabama (to be done within existing funds).

The managers have agreed to include bill language permitting payment of close out costs for the National Petroleum Reserve in Alaska from available prior year balances.

MINERALS MANAGEMENT SERVICE

Amendment No. 44: Appropriates $170,744,000 for leasing and royalty management instead of $170,009,000 as proposed by the House and $171,847,000 as proposed by the Senate.

The net difference over the amount proposed by the House consists of increases in royalty management of $200,000 for nonstandard Indian leases, $400,000 for the audit program, $35,000 for the State of Louisiana to conduct 8(g) audits, and $100,000 for two less paid days in fiscal year 1989.

The managers agree that MMS is to provide quarterly reports on the "revenue neutrality" of the revised product value regulations, improvements to the Auditing and Financial System and conversion of the prosecution accounting system.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$35,000 shall be used by the Secretary to enter into a cooperative agreement with the State of Louisiana to carry out or conduct audit activities on any lease or portion of a lease subject only to section 8(g) of the Outer Continental Lands Act of 1953, as amended (43 U.S.C. 1337(g)): Provided, That notwithstanding the provisions of sections 201 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1731), sections 202 through 206 of that Act (30 U.S.C. 1732-1736) shall apply to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act: Provided further, That for purposes of those provisions and for no other purposes, such lease or portion of a lease shall be regarded as within the coastal state or states entitled to receive revenues from it under section 8(g), and of which not less than $52,302,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language which authorizes the Secretary to enter into a cooperative agreement with the State of Louisiana to participate in 8(g) audits. In addition, the amendment earmarks $52,302,000 for the royalty management program instead of $51,567,000 as proposed by the House and $53,605,000 as proposed by the Senate.

BUREAU OF MINES

Amendment No. 46: Appropriates $159,292,000 for mines and minerals instead of $146,254,000 as proposed by the House and $165,167,000 as proposed by the Senate.

The net decrease in the amount proposed by the Senate consists of increases in health and safety and mining technology of $350,000 for mine disaster prevention, $200,000 for advanced mining systems, and $500,000 for selective mining; in minerals and materials $250,000 for materials performance research; in environmental technology $700,000 for detoxification of mine waste including $500,000 for flame reactor research, and $300,000 for decontamination of mining and processing waters; and in general administration, $500,000 for deferred maintanance.

These increases are offset by reductions in health, safety and mining technology of $600,000 for self-contained self-rescuers, $250,000 for methane drainage, $400,000 for haulage, $250,000 for cost-shared field tests of innovative mining concepts, $500,000 for Casa Grande pilot test, $500,000 for insitu leaching of precious metals, $500,000 for coal bumps and outbursts which provides a total of $1,500,000 to be divided equally between mountain bump and rock bust research; in minerals and materials $500,000 for flame reactor research; in environmental technology, $300,000 for the National Mine Land Reclamation Center, $225,000 for acid mine drainage, and $50,000 for soil revegetation; in mineral institutes $2,000,000 for generic research centers; in general administration $2,200,000 to maintain employment throughout the Bureau; in facilities $200,000; and a general reduction of $200,000 for two less paid days.

The managers agree that the Mineral Institute Advisory Committee is to review each generic center annually for the relevance and effectiveness of the research conducted, efficiency of the research performed, the need for further research in the generic area under consideration, the potential for other consortia to perform the work more efficiently and effectively and such other criteria as the Advisory Committee may deem appropriate. Based on this review, the Mineral Institute Advisory Committee shall recommend to the Secretary of the Interior and to the Committees on Appropriations, by order of priority, the continuation, termination, expansion, reconstitution or recompetition of the generic centers.

Amendment No. 47: Earmarks $91,010,000 to remain available until expended instead of $84,435,000 as proposed by the House and $92,785,000 as proposed by the Senate.

Amendment No. 48: Deletes language proposed by the Senate regarding sealing abandoned mine sites in and around the Town of Galena, Kansas.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 49: Appropriates $101,095,000 for regulation and technology instead of $104,086,000 as proposed by the House and $100,837,000 as proposed by the Senate.

The increase over the amount proposed by the Senate is $258,000 for assessments and collections for six additional auditors.

The managers agree to a general reduction of $229,000 for the two less paid days as proposed by the Senate instead of reducing general administration as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 50: Appropriates $193,160,000 for the Abandoned Mine Reclamation Fund instead of $191,154,000 as proposed by the House and $201,328,000 as proposed by the Senate.

The net increase over the amount proposed by the House consists of $2,000,000 in State reclamation program grants to review projects in the Abandoned Mine Land Inventory for consistency in approach and content and $112,000 in general administration to restore the reduction for the two less paid days in fiscal year 1989. These increases are offset by a general reduction of $106,000 for the two less paid days.

Amendment No. 51: Deletes language proposed by the Senate which would mandate that the allocation formula used in fiscal year 1988 to distribute the Secretary's discretionary share of the Abandoned Mine Reclamation Fund be used in fiscal year 1989.

The managers agree that the allocation formula to be used in fiscal year 1989 should distribute the Secretary's discretionary share on the basis of historic coal production prior to 1977.

The managers are concerned that the allocation formula from the Secretary's discretionary share of the Abandoned Mine Reclamation Fund has not stabilized over the past few years. Moreover, guidance to the States during fiscal year 1988 regarding appropriateness of projects and projected reclamation costs for certain types of reclamation activities under the inventory has been inconsistent at best. This has led to wasted effort and resources, contention among the States and reduced progress in the effort to reclaim hazardous abandoned mine sites.

Despite the Office of Surface Mining Reclamation and Enforcement's (OSMRE) sloppy execution of improvements to the Abandoned Mine Lands inventory, the managers continue to believe that the inventory of high priority abandoned mines sites requiring reclamation should be a useful tool for allocation purposes. Flaws in the development of the present inventory, however, make it impractical for use in its present form. According to GAO, different State approaches to performing the inventory update, changing OSMRE requirements during the update period, and inconsistent implementation of OSMRE's inventory update guidelines, make the present inventory an inaccurate picture of the relative reclamation needs of one State versus another. Consequently, the managers have recommended that additional funding of up to $2,000,000 be used by OSMRE to conduct a thorough review and revision, as appropriate, of the existing inventory. This process should be designed to apply standard definitions, guidelines and cost factors, where applicable, to all projects in the inventory. As a first step, the OSMRE should consider other appropriate criteria as well as procedural matters necessary to improve project consistency, and these factors should then be discussed with the States within thirty days of enactment of this bill. The Office should continue to meet with the States on this "consistency" effort and should report to the relevant Committees of Congress on a quarterly basis with the intent of having a

"sound" inventory available for use in the FY 1990 grant cycle.

In the interim, the managers agree that OSMRE should base the FY 1989 allocations of discretionary funds upon historic coal production prior to 1977. The managers are aware that a number of members are concerned about using historic coal production as the sole tool for allocating reclamation funds. Therefore, the OSMRE is directed to make every effort to ensure that a return to the FY 1988 formula, based in part on a sound inventory, is possible in FY 1990. The managers will review OSMRE's effort to improve the inventory's consistency during next year's appropriations process.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Office of Surface Mining Reclamation and Enforcement (OSMRE) to provide for the travel and per diem expenses of State and tribal personnel attending OSMRE training.

The managers have agreed to bill language which allows OSMRE to reimburse State employee travel and per diem to attend OSMRE training programs. OSMRE is to use no more than $250,000 for this purpose and is to provide such funds only when State funds are not available.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *: Provided further, That the Secretary shall conduct a thorough accounting and reconciliation of the Abandoned Mine Reclamation Fund, under title IV of the Surface Mining Control and Reclamation Act of 1977, for the period from fiscal year 1977 through fiscal year 1988. This accounting and reconciliation shall determine, by State, the source of all contributions to the fund and shall denote all fund disbursements by purpose and fiscal year including letter of credit grants to States.*

Funds authorized as grants to States shall be reconciled according to:

(1) the Surface Mining Control and Reclamation Act of 1977, including the 50 percent State share; and

(2) the formula for allocation of the discretionary share as expressed by the Office of Surface Mining and Reclamation during each relevant fiscal year under review.

The findings of the Secretary shall be transmitted to the Committees on Appropriations by May 1, 1989. Such information shall not be used to amend or revise State allocations during fiscal year 1989

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to include bill language which directs the Secretary to conduct an accounting and reconciliation of Abandoned Mine Lands funds which have been granted to the States. The findings of the Secretary shall be transmitted to the Committees on Appropriations by May 1, 1989. This information shall not be used to amend or revise State allocations during fiscal year 1989.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 54: Appropriates $992,767,000 for operation of Indian programs instead of $996,024,000 as proposed by the House and $980,486,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of increases of $350,000 for social services for children of Job Corps training participants in Arizona, $200,000 for employment development, $1,696,000 for Indian services—tribe/agency operations, $141,000 for agriculture for San Carlos fencing, and $110,000 for the Close Up Foundation; and decreases of $95,000 for Haskell Indian Junior College, $50,000 for Navajo Community College, $250,000 for the tribally-controlled community colleges endowment fund, $100,000 for Klamath economic development plan, leaving $150,000 to complete the plan, $500,000 for the proposed Institute for Tribal Government, $2,500,000 for contract support, $175,000 for the geographic information system, $564,000 for wildlife and parks, $70,000 for natural resources—tribe/agency operations, $500,000 for facilities management, and $950,000 for automated data processing.

The $200,000 increase for employment development is for the United Tribes Technical College. The managers expect the College to meet operating expenses in future years within the increased base level provided, or through other sources, rather than seeking additional appropriations each year. The managers expect the Bureau to work with the Oglala Sioux Tribe to identify possible sources of funding for the tribal community college learning resource center.

Under Indian services—tribe/agency operations, a total increase of $4,000,000 is provided for law enforcement, consisting of $500,000 for the Gila River juvenile detention center, $450,000 to be divided equally for retroceded law enforcement programs on the Quileute, Swinomish and Chehalis reservations in Washington, $250,000 to continue the Tohono O'Odham substance abuse initiative, and $150,000 for the Sault Ste. Marie Tribe to fund its law enforcement program, since State and county law enforcement agencies have withdrawn services from the area. In addition, restoration of the 1988 increases is provided for the Winnebago Tribe ($70,000), the Lummi Tribe ($100,000), the Quinault Tribe ($175,000), the Miccosukee Tribe ($50,000), the Rosebud Tribe ($150,000), the Standing Rock Sioux Tribe ($50,000), and the Cheyenne River Sioux Tribe ($250,000), and a general increase of $1,805,000 is provided. The balance of the increase for tribe/agency operations consists of increases of $186,000 for the Chitimacha Tribe, $60,000 for Pasqua Yaqui fire protection, and $60,000 for the Penobscot tribal court; and a decrease of $300,000 to the self-governance planning funding, leaving $1,200,000 to continue second-year planning funds for those tribes needing additional planning, and to allow several new tribes to begin planning efforts in fiscal year 1989. All add-ons in tribe/agency operations are to be added to the base unless it is indicated they are one-time only additions. The additional funds for Pasqua Yaqui fire portection are to be added to their base, which is understood to be $111,000. The managers have not provided additional new tribes funding for the Lac Vieux Desert Tribe of Michigan pending final passage of the authorizing legislation. If necessary, the Bureau should consider a reprogramming to address the needs of the Lac Vieux Desert Tribe if the authorizing legislation is approved prior to submission of the fiscal year 1990 budget. None of the funds provided for contract support are to be used for contract monitoring.

With respect to funding provided for welfare assistance grants, the managers reiterate that the Bureau should not make any changes with regard to the income disregard for per capita payments until Congress has reviewed the issue and acted on proposed legislation. It is the expectation of the managers that the Bureau will continue the provision of institutional care services in Arizona at the level presently provided, pending implementation of the Arizona Health Care Cost Containment System. The managers do not recommend any earmarks within the total level of funding provided for self-determination grants, including the $280,000 proposed to be earmarked by the Senate for a microwave digital telephone system for the Havasupai Tribe, AZ. However, the managers direct the Bureau to work with the tribe to identify other needs in the fiscal year 1990 budget or through a fiscal year 1989 reprogramming that the Bureau could appropriately fund, in order to free up non-Federal tribal resources which could be used for this purpose. With respect to the Tohono O'Odham tribal court, the managers concur with the Senate language regarding future funding for the court, but only if the Tribe establishes funding for the court within its Indian Priority System base. The managers expect the Office of the Secretary to consult and work with the tribes in preparing to take over the function of indirect cost negotiations beginning in fiscal year 1990. The managers agree that none of the business development grant funds or road maintenance funds are earmarked.

The decrease of $564,000 for wildlife and parks from the House level consists of increases of $100,000 for the Leech Lake hatchery, $100,000 for grants to Montana tribes, and $120,000 for the Navajo heritage program; and decreases of $50,000 for tribal fish hatchery maintenance, $250,000 for Chippewa Ottawa Treaty Fishery Management Authority, $330,000 to the amount transferred from the tribe/agency line (so the amount becomes $11,410,000), and $254,000 for transfer of the Quinault NFH to the Fish and Wildlife Service.

The minerals and mining funding includes $250,000 for the Council of Energy Resource Tribes. There is also $75,000 for a gold mining feasibility study, Fort Belknap reservation.

The decrease of $70,000 in natural resources—tribe/agency operations from the House level consists of an increase of $330,000 to the amount transferred to wildlife and parks, and decreases of $250,000 for Passamaquoddy forest development, $100,000 to Leech Lake hatchery, and $50,000 to Umatilla fisheries.

The total decrease of $500,000 for Geographic Information Systems consists of reductions of $100,000 for GIS coordinators, $100,000 for software development/acquisition, $200,000 for technical specialists, $50,000 for increased map digitizing, and $50,000 for hardware and peripherals.

The managers direct the Department of the Interior to negotiate a new lake-wide management agreement for Lake Roosevelt and to report back to the Appropriations Committees on the progress made in completing that agreement by January 31, 1989.

Within water resources funds, there is $387,000 for the Confederated Salish and Kootenai Tribes of the Flathead reservation, $190,000 for the Seminole Tribe's water office, and $315,000 for the Navajo Nation.

The total decrease of $1,950,000 to automated data processing consists of $700,000 in maintenance, $100,000 in software, $200,000 in central management, $100,000 to the task force, $750,000 to field offices and $100,000 to the Detroit Office. None of the funds are to be used for the operation of an office in Detroit.

With regard to the funds under trust responsibilities for the Little Colorado River Basin water rights adjudication, $50,000 each should be provided to the Hopi and Navajo tribes to cover the cost of historical studies and engineering work being undertaken by the tribes with the approval of the Bureau. The Bureau should also work with the Yakima tribe to see that its needs are addressed with regard to their ground water study.

Amendment No. 55: Provides $71,004,000 for scholarships and Johnson-O'Malley educational assistance as proposed by the House instead of $68,564,000 as proposed by the Senate.

Amendment No. 56: Provides that $250,000 of appropriated funds will be available for cyclical maintenance of tribally-owned hatcheries, instead of $300,000 as proposed by the House, and deletes Senate language which would have provided for the maintenance from savings from hatcheries transferred to the Fish and Wildlife Service.

Amendment No. 57: Provides $230,000 for a grant to the Close Up Foundation as proposed by the Senate instead of $120,000 as proposed by the House.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Cow Creek Band of Umpqua Tribe of Indians Recognition Act.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert: *: Provided further, That notwithstanding any other provision of law, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the basis of the formula recommended by the Assistant Secretary—Indian Affairs in a letter to the Commitees on Appropriations dated June 27, 1988, except that for the fiscal year ending September 30, 1989 the minimum weight factor shall be 1.1 rather than 1.3 and for the fiscal year ending September 30, 1990 the minimum weight factor shall be 1.2 rather than 1.3*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This provision provides for the phased-in implementation over a three-year period of a new formula for the distribution of Johnson-O'Malley educational assistance funds.

Amendment No. 60: Deletes language proposed by the Senate which would have amended legislation to change the distribution of income derived from the interest in the Chilocco School Reserve lands in Oklahoma.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the Hosue will offer a motion to recede and concur in the amendment of the Senate which authorizes the payment of general assistance funds for dependent children of Job Corps participants in Arizona at the full State AFDC A-2 grant level.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed $700,000 remaining available under the authority of Public Law 93-530 shall be transferred to the San Carlos Apache Tribe for economic development purposes, and that the Federal Government shall have no further obligation to appropriate funds for the purposes identified in Public Law 93-530.

CONSTRUCTION

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $79,283,000 for construction instead of $79,136,000 as proposed by the House and $78,513,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House consists of increases of $790,000 for Turtle Mountain Middle School, ND, and $29,000 to restore the reduction made by the House for two less paid days; and decreases of $372,000 for the Red Cliff Chippewa hatchery, and $300,000 for the Milk River, MT irrigation project.

The managers have agreed to provide $790,000 in additional funds for the Turtle Mountain Middle School. The cost of the specific items to be included in the project with these funds may be subject to change due to renegotiation of the original bid estimates.

No specific funds have been provided for planning and design of the Pine Ridge, SD high school. However, the managers recognize this facility has been ranked high on the new construction priority list, and that planning and design funds will be made available for the project in order of its ranking.

Amendment No. 64: Provides $1,100,000 for rehabilitation of tribally-owned fish hatcheries as proposed by the House instead of $1,500,000 as proposed by the Senate.

Amendment No. 65: Deletes language proposed by the Senate which would have transferred $332,000 to the Institute of American Indian and Alaskan Native Culture and Arts Development for renovation of a building and relocation of museum collections.

Amendment No. 66: Deletes lanugage proposed by the Senate which would have transferred $34,000 from Northern Cheyenne irrigation construction unobligated balances to the Dull Knife Memorial College.

MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 67: Appropriates $13,952,000 for miscellaneous payments to Indians as proposed by the House instead of $13,955,000 as proposed by the Senate.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 68: Appropriates $92,767,000 for administration of territories instead of $82,397,000 as proposed by the House and $96,087,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of $500,000 for Virgin Islands water improvements, $10,000,000 for a grant to the Northern Mariana Islands for the Saipan Harbor project and $170,000 for the grant to the Close Up Foundation; and a decrease of $300,000 for American Samoa hospital improvements.

The Government of the Northern Mariana Islands is to provide the balance of funding for both the onshore and offshore portions of the Saipan Harbor project. The managers expect the Northern Marianas government, with the assistance of the Army Corps of Engineers, to develop a plan to coordinate the management of construction for the harbor development. This plan shall provide for coordination and cooperation between all parties directly involved in design and construction so that savings anticipated from concurrent construction of the onshore and offshore components of the harbor development will be realized. The plan may require the two components to be combined and contracted as one project, if that is decided to be the best approach. The managers expect the Department of the Interior to cooperate in the implementation of the plan as developed by the Northern Marianas government with the assistance of the Army Corps of Engineers.

The funds included in the appropriation for the Ordot landfill in Guam shall not be made available until a system of user fees for the landfill is in place.

The funds for hospital improvements in American Samoa are to be made available only upon creation and implementation of an independent hospital authority, which shall in its charter of origin possess the authority to establish its own fee schedule for reasonable cost recovery.

The funds provided for drug enforcement in the Virgin Islands shall be spent consistent with the agenda finally approved by the National Drug Policy Board.

Funding is not included at this time for additional improvements to the fuel tank farm in American Samoa. The managers remain concerned, however, about safety conditions at the tank farm which have resulted from the failure to properly maintain the facility. Accordingly, the managers request that the Department of the Interior Office of Territorial and International Affairs, in cooperation with the American Samoa Government, submit a report to the Appropriations Committees by March 1, 1989, outlining options and making recommendations for a permanent solution to the deteriorating conditions at the tank farm, including a funding mechanism for that solution. The managers request that the report include, but not necessarily be limited to, the following options: a firm financial commitment by the American Samoa Government to meet its obligations as owner of the tank farm to make capital improvements necessary to bring it into compliance with applicable safety and environmental standards; transfer of ownership of the tank farm to a Federal government agency; and, domestic privatization of the tank farm. The report should also include an up-to-date appraisal of the value of the tank farm and the property on which it is located; and a status report on relocation efforts on behalf of Gataivai Village residents.

Amendment No. 69: Provides $89,741,000 to remain available until expended instead of $79,371,000 as proposed by the House and $93,041,000 as proposed by the Senate.

Amendment No. 70: Provides $3,026,000 for salaries and expenses as proposed by the House instead of $3,046,000 as proposed by the Senate.

Amendment No. 71: Restores the word "those" stricken by the Senate, and deletes the word "the" inserted by the Senate. These words are related to the Agreement of the Special Representatives on Future

United States Financial Assistance for the Northern Mariana Islands.

Amendment No. 72: Restores language stricken by the Senate which provides that covenant grant funding is provided according to those terms of the agreement between the United States and the Northern Marianas which were approved by P.L. 99-396. The managers understand that there is disagreement concerning this language and suggest that the authorizing committees work together to resolve the disagreement.

Amendment No. 73: Provides $710,000 for a grant to the Close Up Foundation as proposed by the Senate instead of $540,000 as proposed by the House.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 74: Appropriates $28,434,000 as proposed by the House instead of $18,287,000 as proposed by the Senate.

Amendment No. 75: Restores language stricken by the Senate which provides $10,304,000 for payment of claims pursuant to the Micronesian Claims Act of 1971.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that unobligated balances that remain available when the Palau Compact is implemented shall be used to reduce the Trust Territory deficit.

COMPACT OF FREE ASSOCIATION

Amendment No. 77: Appropriates $32,360,000 for Compact of Free Association isntead of $36,160,000 as proposed by the House and $30,360,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of an increase of $200,000 to the general reduction to Federal services assistance, and a decrease of $4,000,000 in Federal disaster aid reimbursement funds. This reduction is possible because the Federal Emergency Management Agency (FEMA) has been providing disaster aid to the freely associated States (FAS) out of the disaster assistance fund without reimbursement. This action is not intended in any way to disrupt the provision of disaster assistance to the FAS, and pursuant to the Compact, FEMA is to continue to provide such assistance as necessary.

With regard to the $1,000,000 provided for the causeway project to link Ebeye and Gugeegue, the Kwajalein Atoll Development Authority (KADA) is expected to use the funds it receives annually under the Compact to cover the remaining costs of the project. The managers also expect that KADA and the Army will cooperate to use project funds available to each most efficiently, and request that KADA, in cooperation with the Army, submit a report to the Appropriations Committees on the steps taken to coordinate these projects prior to the award of any contracts.

Amendment No. 78: Restores House language stricken by the Senate which provides $2,500,000 for the Enjebi Community Trust Fund. This is the last increment of the $10,000,000 trust fund authorized by the Compact.

Amendment No. 79: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 80: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 81: Deletes House language on Bikini resettlement as proposed by the Senate.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the deposit of $90,000,000 into the Resettlement Trust Fund for the People of Bikini in installments, beginning with $5,000,000 in fiscal year 1989.

The managers on the part of the House concur with the Senate report language on the Bikini resettlement in lieu of the House report language, and agree that this language reflects Congressional intent regarding this provision.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for modification of the terms of the Bikini Resettlement Trust Fund.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for eventual extinguishment of the Bikini Resettlement Trust Fund, and that payment of funds in accordance with this language is for the sole purpose of implementing and fulfilling the terms of the Section 177 Agreement referred to in the Compact of Free Association.

OFFICE OF THE SECRETARY

Amendment No. 85: Appropriates $49,067,000 for the Office of the Secretary instead of $49,580,000 as proposed by the House and $48,809,000 as proposed by the Senate.

The net decrease to the House position includes reductions of $30,000 in the Office of the Assistant Secretary, Policy, Budget and Administration, $33,000 in acquisition and property management, $50,000 in financial management and $400,000 in the amount provided for restoration of the historic characteristics of the Interior building.

Within the amount provided is $75,000 to provide for the transition of indirect cost negotiation from the Inspector General to the Office of the Secretary.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That the National Park Service shall reissue a Notice of Proposed Rulemaking on the mandatory use of seatbelts while traveling on National Park Service roads within 30 days after the date of enactment of this Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides for a Notice of Proposed Rulemaking on seatbelt use on National Park Service roads instead of withholding 5 per centum of Office of the Secretary funds until final rules are issued. The Park Service should take special measures to solicit comments on proposed rules from appropriate State and Federal highway safety agencies as well as other interested health and safety organizations.

Amendment No. 87: Appropriates $18,749,000 for the Office of the Inspector General instead of $18,858,000 as proposed by the House and $18,649,000 as proposed by the Senate.

The decrease to the amount proposed by the House includes decreases of $55,000 because of an overestimate of GSA space costs and $54,000 for overestimated pay cost annualization.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 88: Limits consultant services to $500,000 as proposed by the House instead of $810,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken, amended to read as follows: *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: Provided, That no funds made available by this or any other Act shall be expended to exchange lands located within the boundaries of the Lake Mead National Recreation Area in Nevada in township 32 south, range 22 west, Mount Diablo Meridian.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment restores House language which prohibits changing the name of Mount McKinley and includes Senate language which prevents an exchange within the boundaries of the Lake Mead NRA, NV.

Amendment No. 90: Deletes Senate language which prevents any exchange of lands located within the boundaries of the Lake Mead National Recreation Area in Nevada in township 32 south, range 22 west, Mount Diablo Meridian. This item is addressed in Amendment No. 89.

Amendment No. 91: Deletes language proposed by the House which amends section 5 of the Outer Continental Shelf Lands Act by adding a new subsection which requires that any new construction of vessels, rigs, platforms or other structures be built from articles, materials, or supplies at least 50 percent of which, by cost, shall have been mined, produced or manufactured in the United States.

The managers agree to delete language requiring 50 percent domestic construction and content for any new construction of vessels, rigs, platforms and other structures used in the Outer Continental Shelf. The managers recognize that the design and manufacture of equipment used in the exploration and production of America's offshore oil resources is an important strategic American industry and the managers will continue to closely monitor developments in this area to assure that the industry remains a viable one. As such, the managers again urge the oil and gas industry, in every reasonable instance, to contract with U.S. manufacturers and fabricators for oil drilling and production equipment. Absent progress in this area there may be a need to include language such as the "Buy-Build America" provision.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *SEC. 113. Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the approval of permits for the acquisition of geologic and geophysical data*

in Outer Continental Shelf areas, except that exploratory drilling shall not be permitted by this provision in lands within the Eastern Gulf of Mexico Planning Area which lie south of 26 degrees North latitude and east of 86 degrees West longitude and for areas identified as the Northern California Planning Area and the Georges Bank-North Atlantic Planning Area out to 400 meters.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have permitted some geological and geophysical activity, including high energy seismic surveys, in areas which are under moratoria. The managers agree that exploratory drilling activities are still prohibited in areas under moratoria.

The managers expect MMS to continue conflict resolution when permits for high energy seismic surveys are requested. In addition, the managers anticipate that when the results of environmental studies currently underway on the effects of geologic and geophysical studies are completed, the MMS will report to the Committees on Appropriations on the need for the development of a new Environmental Assessment or Environmental Impact Study on seismic surveys.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *SEC. 114. Notwithstanding any other provision of law, and subject to valid existing rights, the Secretary of the Interior shall transfer to the Housing Authority, Clark County, Nevada, without consideration, all rights, title, and interest of the United States, in and to the land described as township 21 south, range 60 east, Mount Diablo Meridian, section 24, north half of southwest quarter, Clark County, Nevada, for use only as a mobile home park for low income senior citizens, reserving to the United States all minerals under applicable law and such regulations as the Secretary of the Interior may prescribe, and as required by the Act of August 30, 1980 (43 U.S.C. 945), a right-of-way thereon for ditches or canals constructed by the authority of the United States: Provided, That if such land ceases to be used as a mobile home park for low income senior citizens, all rights, title, and interest in and to such land shall revert to the United States.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The agreement clarifies the Senate amendment which transfers land to Clark County, Nevada for use as a mobile home park for low income senior citizens by specifying the rights retained by the United States in the land transfer and providing for reversion of the land to the United States if the land ceases to be used for a low income senior citizens' mobile home park.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the Compact of Free Association Act to provide for supplemental food assistance to Rongelap and Utrik.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes a guaranteed loan to the Government of Guam for water system improvements.

Amendment No. 96: Deletes language proposed by the Senate which reduces object classes 21, 25, 26 and 31 by 2 per centum and directs the Minerals Management Service toward leases consistent with bid review procedures for Outer Continental Shelf Lease Sale 92 in October 1988.

Amendment No. 97: Deletes language proposed by the Senate which would have provided that funds received by the Government of Guam in excess of the 30 percent limitation for reasonable development costs contained in P.L. 98-454 would be used for the development of port facilities, subject to the prior approval of the Secretary of the Interior.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *SEC. 117. Within currently available funds, the Secretary of the Interior is directed immediately to appoint and compensate an independent third party factfinder mutually agreed upon by the Secretary and the Governor of Louisiana, to make all appropriate factual findings relating to past drainage on State and Federal leases occurring along the boundary of the State of Louisiana and Federal waters. Such factual findings shall include:*

(a) whether drainage of either United States or State hydrocarbons has occurred during the time period starting April 7, 1986, and ending on the date the factfinding proceeding is completed;

(b) the areas or reservoirs from which the drainage occurred;

(c) the quantity of recoverable hydrocarbons, determined on a volumetric basis, originally in place within such areas or reservoirs prior to any production therefrom;

(d) the respective percentages of such recoverable hydrocarbons within the Federal and State portions of such areas or reservoirs;

(e) the total accumulated volume of any net drainage from each area or reservoir, including the value thereof (together with a description of the method for determining such value) and all production costs incurred during that period;

(f) the net dollar impact to the United States, United States lessees, the State of Louisiana, and the State lessees that has resulted from any such drainage from each area or reservoir;

(g) the proper allocation of production from each field from all time periods starting April 7, 1986; and

(h) the proper prospective allocation of production from the field involved.

Within 180 days of the date of enactment of this Act, the third party factfinder shall submit a written report containing the factual findings to the Secretary, the Governor of Louisiana, and the Congressional Committees of jurisdiction. The Secretary shall then prepare a plan 60 days after receipt of the written report regarding options for the potential redistribution of royalty receipts, if warranted by the finding of this written report.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to require a report by an independent third party factfinder which will review drainage on all leases between the boundary of the State of Louisiana and Federal waters. The factfinder has 180 days to complete this study and submit a written report. The Secretary of the Interior is to prepare a plan for the Congressional committees of jurisdiction regarding options for the potential redistribution of royalty receipts, if warranted by the findings of this written report. This report is not intended to serve as the basis for requiring any additional payments by the Federal lessee on the West Delta Field as a result of past production from that field.

Amendment No. 99: Deletes language proposed by the Senate regarding a study to determine a site for a National Fisheries Research Center.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 100: Appropriates $137,867,000 for forest research instead of $139,865,000 as proposed by the House and $312,599,000 as proposed by the Senate. The net decrease from the amount proposed by the House consists of increases of $85,000 for hardwood supply research, Princeton, WV, $160,000 for southern pine genetics, Gulfport, MS, $201,000 for hardwood research, Parsons, WV, $300,000 for hydrologic evaluation, Oxford, MS, $102,000 for acidification research, Parsons, WV, $375,000 for anadromous fish, Boise, ID, $190,000 for processing research, Pineville, LA, $42,000 for harvesting research, Morgantown, WV, $78,000 for hardwood utilization research, Princeton, WV, and $650,000 for the hardwood bridge initiative; and decreases of $54,000 for urban-wildland interface, Riverside, CA, $161,000 for multiple-use evaluations, Fort Collins, CO, $125,000 for non-point-source pollution, Boise, ID, $131,000 for second growth Douglas fir research, Portland, OR, $601,000 at Madison, WI (including $219,000 for biological wood pulping, $167,000 for design procedures, $107,000 for light-frame construction, and $108,000 for wood strength properties) $109,000 for wood-coal combustion, Carbondale, IL, and $3,000,000 for competitive grants.

The managers agree that the Department of Agriculture should include the forest research competitive grants program within the Cooperative State Research Service competitive grants program beginning in fiscal year 1990. The recommended level includes $1,350,000 to support the Advanced Hardwood Processing and Technical Resource Center at Princeton, WV. This allowance continues the 1988 earmark of $50,000 for a cooperative agreement with West Virginia University.

The recommended level includes $1,050,000 for FIR/COPE research.

The recommendation also includes $200,000 for planning a nationwide study of the effects of forest fire smoke on firefighters under the auspices of the National Wildlife Coordinating Group, with the participation of Johns Hopkins University.

Amendment No. 101: Deletes House language which would have provided $3,000,000 for competitive grants, as proposed by the Senate.

Amendment No. 102: Deletes language proposed by the Senate which would have earmarked $637,000 for research at Lincoln, NE. The recommended level includes $643,000 for research at Lincoln, NE.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

The Secretary is directed to convey by quitclaim deed, without a requirement for reimbursement, all right, title, and interest of the United States in and to all improvements (1) situated on leased land as recorded in Docket 5191, pages 258-260, Maricopa County, Arizona, and (2) situated on leased land as recorded in Docket 4388, pages 452-455 and Docket 4673, pages 147-148, Maricopa County, Arizona.

The Secretary is further directed, concurrently with conveyances under this section, to relinquish, without a requirement for reimbursement, that certain lease dated October 13, 1962, as amended on May 15, 1963, and that certain related Memorandum of Understanding of like date therewith (collectively referred to herein as the "lease agreement"), which instruments cover and pertain to the real property located on the campus of Arizona State University in Tempe, Arizona: Provided, That the United States is hearby released from any and all liability arising from the future use of the facilities or lands affected by this Act: Provided further, That the Forest Service shall continue to occupy the facilities described herein, at no increased expense, until such time as replacement space which is determined to be comparable by the Forest Service is available: Provided further, That the Forest Service may not move from the facilities described herein unless the move is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included language which terminates a lease and transfers title of a forestry sciences laboratory, parking area, and headhouse to Arizona State University, in order to allow the university to proceed with its plans for a new engineering center. However, until such time as comparable replacement laboratory facilities are provided to replace the existing facility, the Forest Service will continue to occupy its laboratory space at Arizona State University.

STATE AND PRIVATE FORESTRY

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $86,668,000 for State and private forestry instead of $78,143,000 as proposed by the House and $82,918,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House consists of increases of $5,600,000 for the Appalachian integrated pest management demonstration project, $75,000 for Two Forks, CO resource analysis, $2,700,000 for the hardwood timber bridge initiative, $500,000 for economic diversification studies, and $250,000 for New England timber resource analysis; and a decrease of $600,000 for a grant to Oregon for the Old Columbia River Highway.

The managers have agreed to provide a total of $3,350,000 for an initiative related to increasing the use of hardwoods in the construction of timber bridges. The initiative will be managed out of the Hardwood Timber Bridge Information Resource Center in Morgantown, West Virginia. The funding includes $650,000 funded under the Research account, including $500,000 for research and $150,000 for cooperative agreements with West Virginia University's civil engineering department, forestry school, and the Harley O. Staggers National Transportation Center; $500,000 for technical assistance and technology transfer; $200,000 for project administration; and $2,000,000 for a demonstration program for the construction of timber bridges, $1,000,000 of which shall be used in West Virginia.

The managers have agreed to review the progress of constructing the demonstration bridges. No commitment is made for additional demonstration bridges.

$250,000 is provided for a study of the timberland resources in New York, Vermont, New Hampshire and Maine, and the managers expect the States to spend an equal amount. Changes in forest land ownership in northern New England and New York are leading to increased subdivisions, development of large tracts of lands, and a loss of traditional economic and recreational uses of these lands and it has been suggested that a similar situation may occur in the State of Maine at some time in the future. Unless prompt action is taken, there may be an irreparable loss of these forest resources. Accordingly, funds have been provided for the Secretary of Agriculture, acting through the Forest Service, to conduct a study of forest lands in these four states. The study shall be completed and submitted to the Congress within one year of enactment of this Act.

The Study shall include identification and assessment of: (1) forest resources including, but not limited to, timber and other forest products, fish and wildlife, lakes and rivers, and recreation; (2) historical land ownership patterns and projected future land ownership, management, and use; (3) the likely impacts of the changes in land and resource ownership, management, and use of traditional land use patterns, including economic stability and employment, public use of private lands, natural integrity, and local culture and quality of life; and (4) alternative strategies to protect the long-term integrity and traditional uses of such lands. Specifically, the alternative conservation and management strategies shall consider a sustained flow of renewable resources in a combination which will meet the present and future needs of society, permanent public access for recreation, protection of fish and wildlife hatitat, preservation of biological diversity and critical natural areas, and new State or Federal designations.

The study shall be done in consultation with the Governors' Task Force on Northern Forest Lands, and the Secretary shall provide for public involvement including State and local governments, landowners, private organizations and the general public. This study is not intended to lead to administrative action by any agency of the Federal government, but rather to provide Congress and the affected State governments with information for possible future action.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: 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, and a grant of $1,350,000 shall be provided to the County of Kootenai, Idaho, for construction of the Idaho Centennial Trail*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides funding for centennial trails in the States of Washington and Idaho. Funding proposed by the House for the Old Columbia River Highway in Oregon has been deferred.

NATIONAL FOREST SYSTEM

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $1,329,488,000 instead of $1,309,244,000 as proposed by the House and $1,329,018,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the Senate consists of increases of $872,000 for minerals management, including an additional $100,000 for the Tongass NF, $3,000,000 for real estate management, $13,000,000 for additional fuels treatment, $248,000 for range management, and $1,182,000 for land line location, $600,000 for cooperative law enforcement, $500,000 for road maintenance, $10,800,000 for timber sales, (including $3,300,000 for advance preparation of timber sales, $2,000,000 for non-timber support, $500,000 for the old-growth inventory, and $5,000,000 for harvest administration), $3,450,000 for wildlife and fish habitat (including decreases of $500,000 to the funds provided for an additional 100 FTE's, $500,000 to wildlife habitat improvement, $1,300,000 to inland fish habitat, $1,142,000 to anadromous fish habitat, $704,000 for the Monongahela NF, and an increase of $696,000 for repair of fire damage), and $1,470,000 for general administration, including a decrease of $925,000 for the Tongass NF.

Increases included for the Tongass are $423,000 in trail maintenance, $967,000 in recreation, $1,000,000 in wildlife and fish habitat, and $1,000,000 in soil, water and air management.

The following earmarks are included for the Monongahela NF: $382,000 for land line location, $500,000 for road maintenance, $456,000 for wildlife and fish administration, $142,000 for wildlife habitat improvement, $106,000 for inland fish habitat and $206,000 for soil, water and air management. Within the recreation program, there is $50,000 for wild and scenic river inventory, $220,000 for recreation use, $226,000 for cultural resources, and $50,000 for wilderness.

In the soil, water and air managment program, there are increases over the estimate of $2,500,000 for operations, including $500,000 for the Federal facilities compliance program, and $730,000 for fire damage costs; $4,058,000 for improvements, including $852,000 for fire damage repair; and $2,000,000 for inventories, including $108,000 for fire damage costs.

Within available funds, there is $90,000 to be provided to the National Academy of Sci-

ences for a study of how oil and gas resources are considered in land use planning.

The managers agree that the portion of the land line location program related to the timber sales program shall be included in the timber sales support table included in the budget justification beginning in fiscal year 1990.

There is an increase of $500,000 to accelerate the ongoing old growth inventory, to include Forest Service, National Park Service, Bureau of Land Management, and State lands.

The managers expect the Forest Service to spend additional K-V funds as necessary to meet increased timber salvage-related reforestation needs.

For the challenge cost share program, the Forest Service may use up to $3,000,000 in the recreation program, $1,500,000 in the anadromous fish habitat program, and some or all of the $1,500,000 increase in wildlife habitat management. The threatened and endangered species program shall be included in the challenge cost share program. The Forest Service may use up to $500,000 in the recreation challenge cost share program for archaeological law enforcement programs in Utah, Colorado and New Mexico, comparable to the program in Arizona. Included in the anadromous fish habitat program is $450,000 for the Green Mountain and White Mountain NF's. Within the inland fisheries program, there is an additional $200,000 for fishery protection and to halt erosion on the Clearwater, Payette, and Panhandle NF's.

Within the soil, water and air program, a total of $400,000 is provided to continue water quality monitoring in the Bull Run watershed, Mount Hood NF.

The managers agree on the following regional breakdown for the 1989 timber sales program:

[In billions of board feet]

Region 1	1.138
Region 2	.371
Region 3	.400
Region 4	.400
Region 5	1.800
Region 6	4.950
(net merchantable sawtimber	4.350)
Region 8	1.324
Region 9	.753
Region 10	.319
Total	11.455

The managers agree that the Forest Service may prepare and offer up to 800 million board feet of timber in Region 9 in 1989 if there is sufficient demand, within the funding provided.

The managers intend that regular reprogramming guidelines be followed in the timber sales program.

The managers are aware that the Forest Service has proposed a reprogramming of funds needed to offer salvage sales in 1988. The source of funds which was proposed was land acquisition, which is not acceptable to the managers.

However, the managers note that the Forest Service is likely to carry over 1988 funds into 1989 because a number of Forest Service employees have been engaged in fighting forest fires during 1988. Therefore, the managers have no objection to the reprogramming of up to $2,300,000 from funds which will not be obligated in 1988 in the National Forest System account, from activities other than recreation, fish and wildlife, soil and water and trail maintenance.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That appropriations in this account remaining unobligated at the end of the fiscal year 1988, both annual and two-year funds, and which would otherwise be returned to the General Fund of the Treasury, shall be merged with and made a part of the fiscal year 1989 National Forest System appropriation, and shall remain available for obligation until September 30, 1990: Provided further, That funds available for forest firefighting and emergency rehabilitation of National Forest System lands are available for liquidation of obligations made in preceding fiscal years*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to language extending the availability of unobligated fiscal year 1988 funds until September 30, 1990, and providing that funds available for firefighting are available for liquidation of obligations made in preceding fiscal years.

The managers expect the Forest Service to distribute the reductions for FERS and two less workdays among the National Forest System and Construction line items and submit an adjusted line item table to the Appropriations Committee within 30 days.

CONSTRUCTION

Amendment No. 108: Appropriates $225,518,000 for construction instead of $216,542,000 as proposed by the House and $225,997,000 as proposed by the Senate. The decrease from the amount proposed by the Senate includes increases of $925,000 for Jefferson NF, VA recreation facilities and $3,140,000 for rehabilitation of recreation facilities (for a total of $16,035,000); and decreases of $44,000 for Mount St. Helens recreation facilities and $4,500,000 for road construction (including reductions of $1,000,000 to purchaser credit/purchaser election support, $500,000 to augmentation, and $3,000,000 to timber road construction/reconstruction).

Since the Sewanee, TN research laboratory is being closed, the Forest Service may use the funds budgeted for asbestos removal for other high priority projects.

Within the trail construction program, there is a total of $620,000 for Mount St. Helens, $912,000 for fire damage repair, $718,000 for the Monongahela NF, and $480,000 for the Tongass NF.

The road construction funding includes $806,000 for payment of excess cost balances. The road construction allowance is sufficient to support a 400 million board feet timber sales program in Region 3.

The Forest Service is directed to add sufficient FTE's to oversee developed and undeveloped recreation projects in the Monongahela NF.

Amendment No. 109: Provides $33,914,000 for construction and acquisition of buildings and other facilities, instead of $35,038,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 110: Provides $191,604,000 for construction of forest roads and trails instead of $181,504,000 as proposed by the House and $197,541,000 as proposed by the Senate.

Amendment No. 111: Deletes language proposed by the Senate which would have provided $1,250,000 for road reconstruction for access to the Monongahela NF, WV. The State of West Virginia has not yet acted to provide the required equal match of funds for this project.

Amendment No. 112: Provides $75,000,000 as a ceiling on obligations for the construction of forest roads by timber purchasers instead of $64,000,000 as proposed by the House and $125,367,000 as proposed by the Senate.

Amendment No. 113: Restores the words "Forest Development" stricken by the Senate and deletes the word "State" inserted by the Senate. This language provides for Mount St. Helens road construction to be constructed to forest development rather than to State standards.

LAND ACQUISITION

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $63,805,000 for land acquisition instead of $41,645,000 as proposed by the House and $57,734,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distribution:

Acquisition management	$4,600,000
Appalachian National Scenic Trail	1,500,000
Chequamegon National Forest, WI: Chippewa flowage	1,360,000
Cibola National Forest NM: Rounds Estate	4,250,000
Columbia River Gorge National Scenic Area, OR/WA	4,300,000
Eleven Point Wild Scenic River, MO: Greer Springs	2,000,000
Flathead National Forest MT: Laudenberg	2,000,000
Green Mountain National Forest, VT	2,000,000
Lake Tahoe, CA/NV	11,000,000
Mount Baker-Snoqualmie, WA: Noisy Creek	2,500,000
Mount Rogers National Recreation Area, VA	1,000,000
Nantahala National Forest, NC: Panthertown	2,000,000
Oceola National Forest, FL: Pinhook Swamp	6,700,000
Ouachita National Forest, AR	5,900,000
Pisgah National Forest, NC: Catawba Falls	1,000,000
Red Butte Canyon Research Area, UT	160,000
San Bernardino National Forest, CA	1,000,000
Shawnee National Forest, IL	1,000,000
Siuslaw National Forest, OR: Searose	1,000,000
Spruce Knob-Seneca Rocks National Recreation Area, WV	500,000
Toiyabe National Forest, NV/CA	1,100,000
Wayne National Forest, OH	1,000,000
Wayne-Hoosier National Forest, IN	650,000
White Mountain National Forest, NH:	
Diamond International	5,250,000
Mirror Lake	435,000
Total	64,205,000

Within the amount provided for the Appalachian Trail, there is $236,000 for the Peake property.

Amendment No. 115: Provides $400,000 for acquisition of land and interests in and near the White Salmon National Recreation

River instead of $600,000 as proposed by the House.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted, insert the following:

Notwithstanding any other provision of law or order based thereon, if requested by the Secretary of Agriculture, the Secretary of the Interior is authorized and directed to take such actions (including but not limited to the revocation of the Shay Creek withdrawal (Mount Diablo Meridian: T. 10N., R. 19E., Sec. 24, SE ¼ NE ¼ E ½ SE ¼, and SW ¼ SE ¼) under Public Land Order 2301 and the issuance of patents) as may be necessary to consummate the exchange within the Toiyabe National Forest in California of the Shay Creek parcel for private holdings of equal value.

The following may be cited as the "New Hampshire Forest Management Initiatives Act of 1988".

SEC. 1(a). For the protection and management of the timber resources and the scenic, natural, recreation and other resource values associated with certain forest lands in the State of New Hampshire, and in cooperation with State and private entities as provided herein, the Secretary of Agriculture (hereafter "Secretary") is authorized and directed to acquire by purchase, donation, or otherwise, lands and interests therein now or formerly owned by Diamond International Corporation in the State of New Hampshire (hereafter "Diamond lands").

(b) The Diamond lands are generally depicted on maps dated July 1988 and entitled "New Hampshire Forest Initiatives", which maps are on file with the Chief, Forest Service, Washington, D.C. The Secretary may correct technical and clerical errors on any map.

(c) Acquisitions made pursuant to this Act shall be commensurate with appropriated and donated funds and shall be completed by the Secretary notwithstanding any other provision or requirement of law or condition precedent. The Secretary may exclude from acquistion such rights-of-way, easements and other outstanding rights deemed unacceptable to the Secretary, and may also exclude from acquisition any small or isolated parcels which the Secretary deems are not manageable for Federal purposes. It is the intent of Congress that these acquisitions be completed prior to October 15, 1988.

SEC. 2(a). To the extent deemed practical by the Secretary in furtherance of this Act, the Secretary shall cooperate and assist ongoing and future initiatives by State and private organizations (hereafter "cooperating entity(ies)") to acquire the Diamond lands. Cooperating entities include, but are not limited to, the Society for the Protection of New Hampshire Forests, The Nature Conservancy, and the State of New Hampshire or instrumentality therof.

(b) Any information provided by the Secretary by any cooperating entity relating to the study and acquisition of lands shall be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

SEC. 3. Subject to the availability of donated and appropriated funds, if by October 1, 1988, the Secretary or a cooperating entity has not acquired title or a land purchase option or contract to purchase the lands referenced in section 1, less any exclusions, the Secretary is directed to condemn such lands, or portions thereof, commensurate with available funds. Condemnation shall be as soon as possible after October 1, 1988, by a declaration of taking filed in accordance with the Act of February 26, 1931 (40 U.S.C. 258a, as amended). Nothing herein shall preclude filing of a condemnation action at any time if the Secretary deems further negotiations for the acquisition of the Diamond lands to be futile or if the condemnation is for the purpose of clearing title. No Congressional oversight or approval shall be required for the filing of a declaration of taking or any other aspect of the land acquisitions herein authorized, it being the intent of the Congress that the Diamond lands be acquired as soon as practicable.

SEC. 4. All lands acquired by the Secretary under authority of or pursuant to this Act shall be administered under the Weeks Act of March 1, 1911 (36 Stat. 961, as amended). For lands acquired by the United States located outside of and not contiguous to national forest boundaries existing as of the date of this Act, the primary management emphasis shall be the sustained yield of forest products consistent with the traditional uses, including public access, and conservation of other resource values. Within two years from the date lands are acquired pursuant to this Act, the Secretary shall report to Congress with recommendations for the permanent administration and disposition of such Federally-owned lands.

SEC. 5. In furtherance of the public purposes associated with the present nad future protection and management of the timber, scenic, natural, recreation and other resources of forest lands in New Hampshire, and for other similar purposes as may be authorized by Congress, the Secretary may enter into written cooperative agreements with States and their political subdivisions, and private organizations, for the study, acquisition, management and administration of forest lands. Such agreements may include provisions for limited financial assistance for such purposes.

SEC. 6. Of the amount provided herein, $5,250,000 shall be available from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of lands and interests therein, and associated administrative costs.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment modifies language proposed by the Senate to reflect the cooperative nature of the endeavor among The Nature Conservancy, the State of New Hampshire, the Society for the Protection of New Hampshire and the Secretary of Agriculture. The amendment also provides for condemnation in the event that a negotiated settlement is not achieved by October 1, 1988. Management of these lands is to be consistent with traditional multiple use management of the New England forests which allows for timber harvesting, hunting, fishing and public access.

The amendment also allows a land exchange of approximately 200 acres associated with the Toiyabe National Forest.

TONGASS TIMBER SUPPLY FUND

Amendment No. 117: Appropriates $35,999,000 for the Tongass Timber Supply Fund instead of $25,264,000 as proposed by the House and $40,699,000 as proposed by the Senate. The decrease from the amount proposed by the Senate consists of decreases of $1,000,000 to timber stand improvement, and $3,700,000 to road construction/reconstruction.

For fiscal year 1989, the managers agree to a total funding level for the Tongass National Forest of $51,660,000, exclusive of purchaser road credits, trust funds, and permanent appropriations, but including National Forest System and Construction funds.

Funds for the Timber Supply Fund, the National Forest System, and Construction are allocated as shown in the table below:

[In thousands]

Tongass Timber Supply Fund:	
Research	$1,800
Timber resource planning and inventory	3,548
Timber sales preparation	2,217
Timber sales administration	3,520
Timber support	1,345
Reforestation	35
Timber stand improvement	930
Engineering support	8,334
Road construction/reconstruction	4,930
Log transfer site	1,470
Tongass plan revision	1,755
General administration	6,115
Subtotal, Tongass Timber Supply Fund	35,999
National Forest System:	
Minerals management	807
Real estate management	277
Land line location	472
Facilities maintenance	370
Fire protection	188
Cooperative law enforcement	25
Forest road maintenance	1,030
Forest trail maintenance	728
Timber sales	69
Reforestation and TSI	42
Recreation use	3,567
Wildlife and fish	3,506
Soil, water and air management	1,861
General administration	1,485
Subtotal, National Forest System	14,427
Construction:	
Road construction	165
Recreation facilities construction	429
Trail construction	640
Subtotal, Construction	1,234
Total, appropriated funds	51,660
Purchaser credit	(6,845)
Brush disposal	85
Timber salvage	133
Cooperative work—KV	2,095
Cooperative work—other	237
Subtotal	2,550
Total, Tongass National Forest	54,210

The funds provided will allow the Forest Service to prepare 300 million board feet in fiscal year 1989 and assumes a harvest level of 370 million board feet.

The managers agree that the Forest Service may use Tongass Timber Supply funds to prepare environmental reviews for up to 370 million board feet of timber volume in fiscal year 1989, to be available for sale or release in future fiscal years if market conditions warrant an increase above the fiscal year 1989 level of 300 million board feet. In the event that the Forest Service does advanced preparation work (through the environmental clearance process) on more than

300 million board feet in fiscal year 1989, the Forest Service shall submit a report to the House and Senate Committees on Appropriations, and shall explain the source and application of funds committed to such efforts.

TIMBER ROADS, PURCHASER ELECTION, FOREST SERVICE

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate rescinding $40,000,000 of unneeded timber roads purchaser election funds.

MISCELLANEOUS TRUST FUNDS

Amendment No. 119: Appropriates $90,000 for miscellaneous trust funds as proposed by the Senate instead of $30,000 as proposed by the House.

The Forest Service is requested to provide a report on actual expenditures in fiscal year 1988 in this account as soon after the end of the fiscal year as possible.

ADMINISTRATIVE PROVISIONS

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *, and for sales preparation of timber sales to replace sales lost to fire or other causes, and sales preparation activities to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides that the timber salvage sale fund may be used for sales preparation to replace sales lost to fire or sales inventory, and for design, engineering and supervision of road construction associated with the timber sales program. Such funds are not to be used for construction or reconstruction of roads.

Amendment No. 121: Provides that $47,561,000 will be made available from the timber salvage sales fund in fiscal year 1989 as proposed by the Senate, instead of $37,561,000 as proposed by the House.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That moneys received from the timber salvage sales program in fiscal year 1989 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides that receipts from the timber salvage sales program shall be considered as money received for purposes of distributing the 25 percent payments to local governments.

This is a temporary provision, which the managers have agreed to continue this year because of the unique situation caused by the extensive fires of a year ago. Salvage sales of timber burned in those fires will continue to be sold during fiscal year 1989, offsetting green sale volumes which would normally result in receipts to be shared with local governments. This action is not intended to set a precedent for any changes in the basis for calculating the local share of timber receipts in the future.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that any funds available to the Forest Service may be used to provide nonmonetary awards of nominal value to volunteers and those who contribute in various ways to Forest Service programs.

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that annual recreation residences fee adjustments shall be phased-in on a four-year basis beginning January 1, 1989.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the Forest Service to negotiate and enter into cooperative arrangements with States and private, non-profit organizations in the recreation and wildlife and fish challenge cost-share programs.

Amendment No. 126: Deletes House language as proposed by the Senate, which would have prohibited the Forest Service from adopting or implementing modifications to the Small Business Timber Set-Aside Program.

During fiscal year 1989, the managers urge the Department of Agriculture not to proceed with final regulations changing the Forest Service Small Business Timber Set-Aside program. The managers are aware of the controversy over the so-called "freeze" proposal advanced in May, 1987, by the Department. Because of that controversy, the managers expect the Department to withdraw this proposal and proceed to consider other options that might be available to address perceived problems in the set-aside program. The managers urge the Department to examine the possibility of constructing a small business timber set-aside program which recognizes regional differences. In conducting these studies, the Department shall assure full public participation and shall invite comments from all interested parties and segment of the industry, as well as the Small Business Administration.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Nothwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, to remain available until expended, all National Forest Fund timber receipts received by the Treasury during fiscal year 1988 from the harvesting of National Forest Timber in excess of $791,000,000, the 1988 National Forest Fund timber receipts contained in the President's Budget proposal for fiscal year 1989: Provided, That this estimate of 1988 receipts shall not be adjusted for the purposes of this section: Provided further, That such funds shall be made available during fiscal year 1989, and shall be in addition to any funds appropriated in this Act: Provided further, That this transaction will not affect, diminish, or otherwise alter the payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): Provided further, That the funds associated with this section shall be scored in a manner consistent with the President's request for fiscal year 1989: Provided further, That funds made available to the Secretary of Agriculture pursuant to this section shall be used for the necessary expenses, including support costs of National Forest System programs as follows: 6 per centum for National Forest trail maintenance; 4 per centum for National Forest Trail construction; 20 per centum for wildlife and fish habitat management; 20 per centum for soil, water, and air management; 5 per centum for cultural resource management; 5 per centum for wilderness management; 10 per centum for reforestation; and 30 per centum for timber sales administration and management, including all timber support costs, for advanced preparation work for fiscal year 1990 and fiscal year 1991 timber sale offerings: Provided further, That not later than 30 days after the submission of the President's fiscal year 1990 budget, the Chief of the Forest Service shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this section and shall include an assessment of National Forest resource outputs to be produced in fiscal year 1989, fiscal year 1990, and subsequent years, using funds made available under this section, and a comparison of the outputs achieved in fiscal year 1989 and proposed for fiscal year 1990, with the output levels for the program areas listed described in the Forest Service resource management plans in effect at the time of the report required by this section.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have included bill language directing the Secretary of the Treasury to make available to the Secretary of Agriculture timber receipts above the fiscal year 1988 receipts estimate of $791,000,000 included in the President's fiscal year 1989 budget submission. These receipts are accruing because of changes made by the Congress in the fiscal year 1988 timber sales program and the historically high timber harvest level. Bill language precludes the use of mid-session adjustments in calculating the amount to be provided to the Forest Service. These excess receipts are in addition to all funds appropriated in this Act, and shall remain available until expended.

The distribution of these funds is provided for in the bill language and recognizes the multiple use nature of National Forest System lands. The inclusion of this bill language will provide such needed funding in the non-commodity programs, as well as increasing the likelihood that the Service will have adequate volume of timber prepared to have the option to continue to offer timber sales in future years at levels comparable to recent years. The portion of these funds to be made available to the timber sales program shall be used only for advanced sales preparation for future years, and related support costs, and shall not be used for preparation, offer or harvest administration of timber sales in fiscal year 1989. The managers do not intend the 1989 timber sales program to differ significantly from the

11.455 billion board feet program outlined under the National forest system account.

In addition to the report required to be submitted by the Chief within 30 days after the fiscal year 1990 budget is submitted on the amount and distribution of funds provided under this amendment, a report shall be submitted as soon after the end of the fiscal year as possible detailing the actual distribution and expenditure of funds received under this provision, and the actual outputs achieved.

Amendment No. 128; Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Forest Service to make cash payments in lieu of payment through collection rights with regard to cooperative right-of-way construction and use agreements. These are the excess cost balances for which $806,000 is included in the road construction account.

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that money collected from States for fire suppression assistance shall be used to reimburse the applicable appropriation.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Of the funds available to the Forest Service, $1,500, is available to the Chief of the Forest Service for official reception and representation expenses.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment will allow the Chief of the Forest Service to use up to $1,500 within available funds for official reception and representation expenses.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., $575,000,000 shall be made available on October 1, 1989, and shall remain available until expended: Provided, That projects selected pursuant to a general request for proposals issued pursuant to this appropriation shall demonstrate technologies capable of retrofitting or repowering existing facilities and shall be subject to all provisos contained under this head in Public Laws 99-190 and 100-202 as amended by this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides $575,000,000 in fiscal year 1990 for a third Clean Coal Technology procurement as proposed by the Senate, and clarifies that the procurement is for retrofit and repowering technologies and is subject to the cost-sharing provisions of the previous two procurements.

The managers agree that a request for proposals should be issued by May 1, 1989, with proposals due no later than 120 days after issuance of the request for proposals, and that the Secretary of Energy should make project selections no later than 120 days after receipt of proposals.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *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 "$190,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended, $135,000,000 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 outlays in fiscal year 1989 resulting from the use of funds appropriated under this head in Public Law 100-202, as amended by this Act, may not exceed $15,500,000: Provided further, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment changes the availability of $525,000,000 originally made available for fiscal year 1989 in Public Law 100-202 by making $190,000,000 available in 1989, $135,000,000 available in 1990, and $200,000,000 available in 1991 and also provides an outlay ceiling in fiscal year 1989. The House had proposed $100,000,000 in fiscal year 1989, $225,000,000 in fiscal year 1990, and $200,000,000 in fiscal year 1991, and the Senate struck the House language.

Both of these changes are necessary because of budget allocation constraints, but neither action has an effect on the execution of the Clean Coal program, or on the Congress' overall support for the program, as is evidenced by additional appropriations provided for a third procurement of technologies.

The managers agree that administrative contract expenses may be incurred up to the budget level of $9,820,000, but caution that close control of such expenditures is necessary to assure that the outlay ceiling provided will be sufficient to cover project costs.

Amendment No. 133: Modifies public law citation as proposed by the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that funds borrowed by REA Electric Cooperatives from the Federal Financing Bank are eligible as cost-sharing in the clean coal technology program.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which specifies clean coal projects may proceed 30 calendar days after receipt by Congress of required reports, provided the reports are received prior to the end of the 100th Congress.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $380,595,000 for fossil energy research and development instead of $357,361,000 as proposed by the House and $367,829,000 as proposed by the Senate. The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of increases of $13,000 for UNDEMRC in oral coal preparation and analysis; $9,000 for UNDEMRC in coal gas, cleanup; $4,000 for UNDEMRC, $400,000 for three low emission, direct coal-fired turbine concept contracts, and $500,000 in supporting research, all in gas stream cleanup; $6,000 for UNDEMRC in waste management; $235,000 for WVU FBC probe research, $39,000 for UNDEMRC, $200,000 for instrumentation research, and $800,000 for bioprocessing research at INEL, all in advanced research and technology development; $1,400,000 for the Consortium for Fossil Fuel Liquefaction Science and $14,000 for UNDEMRC in advanced coal liquefaction research; $19,000 for UNDEMRC in direct liquefaction; $9,000 for UNDEMRC in atmospheric fluidized bed combustion; $2,000,000 for hot gas cleanup at the Tidd plant and $14,000 for UNDEMRC in pressurized fluidized bed combustion; $9,000 for UNDEMRC in alternative fuels utilization; $500,000 for diesel contracts and $1,000,000 for a combustion turbine test facility at METC in heat engines; $68,000 for WRI in underground coal gasification; $2,000,000 for magnetohydrodynamics; $900,000 for mild gasification mechanisms and catalysts, $300,000 for inhouse mild gasification R&D, $600,000 for membrane separation of gas/liquid mixtures and CO_2 separation, and $9,000 for UNDEMRC, all in advanced surface and coal gasification research; $400,000 to modify METC facilities and $350,000 for a study comparing costs and performance of first and second generation IGCC systems in power production surface gasification technologies; $450,000 to modify a METC reactor and $5,000,000 for four contracts in mild gasification; $39,000 for UNDEMRC in synthesis gas surface gasification technology; $13,000 for UNDEMRC and $800,000 for advanced exploratory research in advanced process technology; $800,000 for reservoir characterization, $600,000 for microbial and other novel processes, $600,000 for a pilot venture in oil mining, and $1,000,000 for assessments of the economics of producing unrecovered oil, all in enhanced light oil recovery; $59,000 for WRI, $750,000 for eastern research and $750,000 for western research in tar sands as described in the Senate report; $1,000,000 for INEL in heavy and light oil for integration of advanced reservoir monitoring and multiphase flow research; $200,000 for WRI and $3,000,000 for hot solids retorting in oil shale; $1,000,000 for verification of production at wells of opportunity, including multiple strata completions in eastern gas shales, $250,000 for assessments in Southern West Virginia, $500,000 for analysis and modeling in western tight sands, $500,000 for deep gas, and $400,000 for liquids from gas, all in unconventional gas recovery; $4,500,000 for continued construction of an administrative wing at METC; and $9,000,000 for ongoing construction at the National Research Center for Coal and Energy at WVU; and decreases of $400,000 for acid rain procurements in coal preparation and analysis; $2,100,000 for acid rain procurements and $500,000 for advanced separations in flue gas cleanup; $800,000 for an integrated PDU for particle testing in gas stream cleanup; $595,000 for solids transport in advanced re-

search and technology development; $300,000 for base funding in advanced coal liquefaction research; $400,000 for generic process research in indirect liquefaction; $500,000 for coal liquefaction support studies; $400,000 for beneficiated coals in advanced combustion research; $30,000 for special applications in atmospheric fluidized bed combustion; $500,000 in advanced combustion technology; $800,000 for fuel characterization in alternative fuels utilization; $500,000 for phosphoric acid fuel cells; $200,000 for post-burn analysis at the Rocky Mountain I site in underground coal gasification; $1,750,000 in base funding in advanced surface coal gasification research; $5,000,000 for geosciences; $1,000,000 for general research in oil shale; $500,000 for slant drilling in eastern gas shales, $500,000 in slant drilling in western tight sands, and $500,000 for the cost-shared secondary gas recovery program, all in unconventional gas recovery; and $2,500,000 for renovation of PETC facilities.

The managers agree that:

(1) Funds for the integrated PDU with industry for particle testing in gas stream cleanup ($600,000) are for conceptual design only, and the Committees will consider additional funds only after further justification is presented and the need for this facility in addition to the Tidd test facility in PFB's is explained;

(2) the additional $500,000 in coal liquefaction support studies is for the study and plan described in the Senate report as well as for beginning to develop new base case economic evaluations;

(3) funds for advanced combustion technology should support three contractors;

(4) in mild gasification, $6,700,000 is to continue four existing contracts. All contracts shall remain at the 100 pound per hour stage except if an increase in size is financed substantially by the private sector, which the managers understand is the case with one contractor. Expansion beyond the 100 pound per hour stage and the funding therefor will be considered in conjunction with the fiscal year 1990 budget. $600,000 is allocated for product characterization and support activities;

(5) a competitive program in geosciences related to enhanced oil and gas recovery is essential. The managers have agreed to a total of approximately $18,300,000 for geosciences compared to $21,000,000 in the House-passed bill and $17,000,000 in the Senate-passed bill. The managers are aware of several consortia and combinations of universities that plan to participate actively in the Department's geoscience program and are encouraged by this response. These consortia include the Geosciences Institute in Austin, TX, and the Western Earth Sciences Technologies (WEST) consortium. The managers agree that of the geosciences funding the Department should provide at least $5,000,000 for comprehensive, openly competed, cost-shared programs, including these consortia and others;

(6) it is the managers intent that the METC administrative facilities be completed in fiscal year 1991 as planned and that renovation of the PETC facilities also be completed in that fiscal year. The managers intend to provide sufficient funding in subsequent appropriations bills to do this;

(7) up to five percent of internal (non-contract) research and development funds may be used by METC, PETC, WRI, UNDEMRC, and NIPER for capital equipment, and any such use shall be reported to the Committees quarterly;

(8) in headquarters program direction, $2,700,000 is for the small business set-aside and $2,200,000 is for support contracts. The managers agree that the Department should continue to identify separately in the budget amounts allocated from R&D accounts to technical and program management support and to minimize these amounts, especially those allocated to headquarters functions;

(9) the Department should support Argonne National Laboratory at levels equivalent to fiscal year 1988 with maximum emphasis on its core R&D program;

(10) funding for WRI ($4,658,000) and UNDEMRC ($4,300,000) may be transferred among activities without *prior* reprogramming notification;

(11) within available funds, a feasibility study on the value of a diagnostic instrumentation and analysis laboratory at Mississippi State University should be done and submitted to the Committees by March 1, 1989;

(12) specific projects or "annexes" to agreements with states and foreign countries should be reported to the Committees on a quarterly basis;

(13) transfers of funds at the "key activity" level in the budget which are below the reprogramming level of the tables in the House and Senate reports should be reported on a quarterly basis;

(14) $750,000 within available funds are for coal export-related activities so long as such activities in each case include the use of advanced technologies involving coal;

(15) from unobligated prior year appropriations $300,000 is available for analyses of the use of specific coal based technologies in developing countries;

(16) a portion of oil shale funds should be made available for the Western States Enhanced Oil Shale Recovery Program;

(17) no commitments should be made in the oil shale program that would require government support of major facility construction; and

(18) the $600,000 for oil mining is to continue the Caddo Pine Island Light Oil Mining Project, which the Department is initiating with FY 1988 pilot venture funds. It is expected that the private sector will cost share no less than 52% of this four-year project and that the Department will not start actual funding of the project until such time as the $600,000 provided in this bill and the $1,000,000 provided in FY 1988 will fund the project fully, without interruption, for the remainder of fiscal year 1989.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the second sum named in said amendment insert: *$4,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment earmarks $9,000,000 for an energy center at West Virginia University (WVU) and $4,500,000 for continued construction of a building at METC, instead of $9,000,000 for WVU and $5,500,000 for METC as proposed by the Senate.

Amendment No. 138: Provides $37,000,000 for the magnetohydrodynamics program instead of $35,000,000 as proposed by the House and $40,900,000 as proposed by the Senate.

Amendment No. 139: Establishes a 30 per centum cost-sharing requirement for the magnetohydrodynamics program as proposed by the Senate instead of 25 per centum as proposed by the House.

ENERGY CONSERVATION

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment that appropriates $372,502,000 for energy conservation instead of $371,562,000 as proposed by the House and $357,019,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of increases of $400,000 in windows and $150,000 in performance simulation in building systems; $400,000 for heat pumps and $400,000 for lighting equipment in technology and consumer products; $150,000 for least cost utility planning; $500,000 for automotive gas turbines and $1,000,000 for the Stirling engine in vehicle propulsion; $75,000 for the Hawaii methanol program; $250,000 for the electric vehicle site operators' task force; $100,000 for transportation technology assessment and transfer; $545,000 for State and local program direction (monitoring and National Consumer Law Center); $300,000 for electrochemical research and $400,000 for tribology in ECUT; and $3,000,000 for a facility at Brandeis University; and decreases of $300,000 for materials, and $200,000 for building retrofits in building systems; $400,000 for advanced refrigeration, $300,000 for evacuated insulation, $250,000 in combustion, and $150,000 for lighting impacts and applications in technology and consumer products; $100,000 for capital equipment in buildings; $250,000 for heat pumps, $200,000 for liquid and solid waste conversion, $100,000 for waste gas utilization, and $400,000 for National Laboratory support in waste energy reduction; $100,000 for process electrolysis, $200,000 for separations, $500,000 for coatings, and $150,000 for catalyst research in process efficiency; $400,000 for cogeneration; $100,000 for industrial implementation and deployment; $630,000 for alternative fuels utilization; $500,000 for capital equipment for materials; $300,000 for combustion, $800,000 for thermal sciences, and $100,000 for foreign technology assessment in ECUT; $200,000 for multi-sector technology and assessment; and $100,000 in multi-sector capital equipment.

The managers agree that:

(1) Building materials can include work on evacuated panels for insulation and CFC substitutes;

(2) The increase for buildings retrofit is to be used for a competitive solicitation regarding technologies applicable specifically to existing buildings;

(3) In district heating and cooling, up to $200,000 is for completion of the Scranton mine water heat recovery project;

(4) Funds provided for the automotive Stirling engine complete the Committees' commitment to support transportation and stationary applications of the so-called "Mod II" type engine and no additional funding is to be expected in future years;

(5) The buildings program should consider the applicability of research and development to low-income dwellings and encourage such research and its transfer to industry;

(6) In industrial process efficiency no less than $1,000,000 is for aluminum anode related research;

(7) The Hawaii methanol programs does not include funds for vehicle purchases;

(8) Up to $1,000,000 in ECUT materials funds may be used for chemical vapor composite deposition;

(9) The additional $200,000 in multi-sector technology assessment and transfer is for support of state and local governments and organizations involved in development of innovation technology;

(10) The $1,146,000 in prior year weatherization funds not used to offset new budget authority may be used for State and local program direction;

(11) The National Appropriate Technology Assistance Service is to continue in Butte, MT;

(12) Transfers of funds among "key activity" categories in the budget structure which are below the reprogramming level identified in Committee reports are to be reported quarterly with explanations for the transfers;

(13) In the indoor-air quality program, radon related research should be limited to that which is directly related to buildings unless supported by EPA funds; and

(14) The remaining addition of $750,000 for combustion in technology and consumer products is all for oil related research.

Amendment No. 141: Provides that $200,000,000 be earmarked for energy conservation grants to States and localities as proposed by the House instead of $197,100,000 as proposed by the Senate.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$3,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment provides $3,000,000 for an energy and natural resources technology development center at Brandeis University in Waltham, Massachusetts.

The managers agree that the $3,000,000 is to be applied to the design and construction of a new central science facility estimated to cost $25,750,000. The managers further agree that future appropriations will only be considered for this facility, and only up to fifty percent of the cost, or $12,375,000, including the currently agreed to sum. No Federal funds shall be applied to modify existing facilities or to purchase of computers and other major equipment.

Amendment No. 143: Deletes language proposed by the Senate that would have allowed the Secretary of Energy to use up to $5,000,000 from previously appropriated funds for the steel initiative for other steelmaking research and development without cost-sharing provisions.

The managers agree that steel research and development is very important, but believe the cost-sharing required by the steel initiative is essential in assuring that research and development is pertinent to and supported by the industry, even if the pace of the program is somewhat slower.

Amendment No. 144: Restores language proposed by the House and stricken by the Senate that allocates State conservation grant program funds in the same amounts as in fiscal year 1988 and which also specifies a $10,000,000 grant for an energy demonstration and research facility at Northwestern University.

ECONOMIC REGULATION

Amendment No. 145: Appropriates $21,372,000 for economic regulation as proposed by the Senate instead of $21,010,000 as proposed by the House.

STRATEGIC PETROLEUM RESERVE

Amendment No. 146: Appropriates $173,421,000 for the Strategic Petroleum Reserve as proposed by the House instead of $174,421,000 as proposed by the Senate.

The managers direct the Department to provide a report to the Committees by April 1, 1989 addressing the steps necessary to develop sites and facilities to expand the Reserve to one billion barrels capacity upon completion of the currently planned 750 million barrel Reserve. The report should address as a minimum potential sites, construction and acquisition costs, distribution access, and schedules for implementation.

SPR PETROLEUM ACCOUNT

Amendment No. 147: Appropriates $242,000,000 for acquisition and transportation of petroleum as proposed by the Senate instead of $333,555,000 as proposed by the House. This funding will support a fill rate of approximately 50,000 barrels a day.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $91,550,000 for acquisition and transportation of petroleum to be made available on October 1, 1989. This funding will permit prior orders for oil to be delivered in the first quarter of fiscal year 1990.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$62,856,000 of which $1,000,000 for computer operations shall remain available until September 30, 1990*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $62,856,000 for the Energy Information Administration as proposed by the House instead of $63,156,000 as proposed by the Senate, and provides that $1,000,000 for computer operations shall remain available for two years instead of until expended as proposed by the Senate and one year as proposed by the House.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $1,020,106,000 for Indian health services instead of $1,016,667,000 as proposed by the House and $1,014,536,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The difference from the amount provided by the House consists of increases of $1,000,000 for hemodialysis services for the Standing Rock and Fort Berthold tribes, $5,000,000 for the Alaska Community Health Aides program, and $1,239,000 for the Alaska village-built clinic program; and decreases of $1,800,000 for within grade increases, $500,000 for regional youth substance abuse treatment centers, $1,000,000 for the backlog of dental services, and $500,000 for the urban health program. The funding included for the urban health program includes $300,000 for the AIDS education and prevention initiative.

With regard to the directive to IHS to budget for and include new tribes funding rather than taking funds from existing programs, the managers agree that initial funding for a newly-recognized tribe may be provided from existing funds prior to submission of the next year's budget in which the new funding needs should be identified. The Klamath tribe should receive funding at least at the level they received in fiscal year 1988.

Within the funds provided for the alcoholism program, there is $100,000 for fetal alcohol syndrome (FAS) research at the University of Washington. The IHS may use up to $300,000 for a study of possible headquarters relocation. The study should include consultation with tribes, and the results should be presented to the Congress and no further action taken without specific approval of the Congress.

The managers expect the Indian Health Service to submit a report by February 1, 1989, addressing the current status of the Alaska Community Health Aide program, any remaining shortfalls, and the impacts thereof.

The IHS should provide funding and FTE's for the three additional positions for the Shoshone-Bannock Tribes during fiscal year 1989. The $360,000 in sanitation funds earmarked for the Fort Berthold tribe should be provided from sanitation facilities funds, under the facilities appropriation.

With regard to the requested report due by March 1, 1989, on the proposed eligibility regulations, an interim report in December is not required.

The IHS should include in the fiscal year 1990 and future year budget justifications a table and accompanying narrative displaying the distribution of funding within the hospital and clinic programs.

INDIAN HEALTH FACILITIES

Amendment No. 151: Appropriates $61,668,000 for Indian Health facilities instead of $64,050,000 as proposed by the House and $50,185,000 as proposed by the Senate. The decrease from the amount proposed by the House includes an increase of $314,000 for renovation of a facility to provide alcohol/substance abuse treatment in Browning, MT; and decreases of $2,646,000 for modernization and repair projects (including $701,000 for Cass Lake, MN, $491,000 for Whiteriver, AZ, $1,304,000 for Keams Canyon, AZ, and $150,000 for engineering, planning and design), and $50,000 for planning at Montezuma Creek, UT.

Within the funds provided for sanitation facilities, the following projects should be funded: $673,000 for water development, Rocky Boy reservation; $2,000,000 for water supply at the Cattaraugus Reservation of the Seneca Nation; $133,000 for Supai Village, Havasupai Tribe; $360,000 for the Fort Berthold reservation; $1,250,000 for Kotzebue, AK, to be matched equally by the State of Alaska; and $75,000 for test wells, Quileute tribe.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate

which provides that the Indian Health Service may hold not to exceed $600,000 as a contingency for site acquisition at the Kotzebue, AK hospital.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That of funds appropriated in the fiscal year 1987 continuing resolution for the construction of detoxification facilities for Indian youth, not to exceed $600,000 shall be made available for planning and design of a youth alcohol and substance abuse treatment facility by the Inland Tribal Consortium, to be located in the State of Washington: Provided further, That the Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Gila River Indian Tribe for use solely as the Phoenix Area Regional Youth Treatment Center for Alcohol and Substance Abuse, and may use funds appropriated to the Indian Health Service in Public Law 99-591, to renovate the buildings for that purpose*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment makes available $600,000 appropriated in fiscal year 1987 for planning and design of a youth alcohol and substance abuse treatment facility by the Inland Tribal Consortium, WA. The managers expect the IHS to report to the Appropriations Committees on the results of the planning process for this facility, including the decisions of the affected tribes with respect to the location of the facility before proceeding with expenditure of the funds.

The amendment also provides authority for the Secretary to accept ownership of buildings offered by the Gila River Tribe for use as the Phoenix Area Regional Youth Treatment Center for alcohol and substance abuse, and to use previously appropriated funds to renovate the buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes "and" and inserts "or".

The effect of this and the following amendment will be to allow tribally administered facilities to retain funds received for extending health care to non-Indians at their facilities or recovered under the Federal Medical Care Recovery Act.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes the words "available to" and inserts "retained by".

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows;

In lieu of the matter inserted by said amendment, insert the following: *, initially filed on or after December 22, 1987, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment clarifies the managers' intent with regard to changes in the Federal Tort Claims language carried in the fiscal year 1988 Act. The managers intend that Public Law 93-638 Indian health care contractors and their employees are to be covered under the Federal Tort Claims Act even when serving non-Indians, and non-Alaska Natives, as permitted or required by Federal law and regulations, pursuant to a Public Law 93-638 contract. The managers therefore direct that, upon the request of an Indian health care contractor, the Indian Health Service shall include a recitation of such laws and regulations in the Public Law 93-638 contract.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *and is further amended by adding after the word "agreement" and before the period the words "; Provided, That such employees shall be deemed to be acting within the scope of their employment in carrying out such contract or agreement when they are required, by reason of such employment, to perform medical, surgical, dental or related functions at a facility other than the facility operated pursuant to such contract or agreement, but only if such employees are not compensated for the performance of such functions by a person or entity other than such Indian tribe, tribal organization or Indian contractor"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment further clarifies the managers' intent that Federal Tort Claims Act coverage is to cover contractor employees acting within the scope of their employment, including when such employees are required to perform medical or related functions at other facilities than the facility operated pursuant to the contract, but only if no compensation from a source other than the tribe or contractor organization is received for performing such functions.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Secretary of Health and Human Services to undertake a demonstration employee housing project at Kayenta, AZ.

As used in this language, "Federal construction standards" means those construction standards which are applied by the IHS in the construction of all IHS staff housing. The total Federal contribution to this project will be the $200,000 Federal grant referenced in the language, and the Federal land. All work such as roads, utilities, and other site improvements will be the responsibility of the non-profit, Indian-controlled community development corporation.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides authorization for 170 village built clinics to be operated in Alaska.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Amendment No. 160: Includes language proposed by the Senate which references Public Law 100-297 which amends the Indian Education Act.

Amendment No. 161: Appropriates $71,553,000 for Indian education instead of $68,153,000 as proposed by the House and $72,297,000 as proposed by the Senate.

For the gifted and talented program, the managers agree to provide $500,000 to initiate a pilot program. The Department of Education is to assess the costs associated with this program as compared to programs benefitting more students, and report to the Committees on Appropriations on their findings.

Amendment No. 162: Earmarks $52,748,000 for Part A instead of $49,848,000 as proposed by the House and $53,492,000 as proposed by the Senate.

The increase over the amount proposed by the House consists of $2,900,000 which when combined with the House level provides 102 percent of the amount available in fiscal year 1988 for Local Educational Agencies with the balance of the increase going to BIA schools.

Amendment No. 163: Earmarks $15,807,000 for parts B and C as proposed by the House instead of $15,307,000 as proposed by the Senate.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Amendment No. 164: Appropriates $27,373,000 for salaries and expenses instead of $27,723,000 as proposed by the House and $26,473,000 as proposed by the Senate.

The increase over the amount proposed by the Senate consists of $300,000 for the home repair program, $350,000 for a training program on home repair, and $250,000 for the continuation of the water quality study of the Puerco River.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

CULTURE AND ARTS DEVELOPMENT

SALARIES AND EXPENSES

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$3,094,000, for payment to the Institute of American Indian and Alaska Native Culture and Arts Development to carry out the provisions of Public Law 99-498, as amended (20 U.S.C. 56, Part A)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $3,094,000 for salaries and expenses as proposed by the House instead of $2,849,000 as proposed by the Senate, and adds language clarifying that the funds are to be provided as a grant to the Institute, as authorized in P.L. 99-498, as amended.

Amendment No. 166: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the Institute shall be subject to tort claims liability only to the extent a Federal agency is subject to such liability under 28 U.S.C. 171.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 167: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates

$211,240,000 for salaries and expenses instead of $209,266,000 as proposed by the House and $208,734,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House consists of increases of $2,000,000 for Museum Support Center equipment, $34,000 for the lapse rate for facilities services, and $164,000 for rent; and decreases of $176,000 for Office of Design and Construction positions and $48,000 for two less paid days.

The $2,230,000 reduction proposed by the Senate for withingrade increases has been restored, but should be used for increased costs related to health insurance premiums, upgrading guards, and the Federal Employees Retirement System.

The Smithsonian shall report to the Committees as soon as possible, but in any case prior to the fiscal year 1990 hearings, on the estimated costs and timeframe to complete the equipping of and move to the Museum Support Center.

Included within the total is $500,000 for the Smithsonian to 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.

RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 168: Appropriates $20,735,000 for restoration and renovation as proposed by the Senate instead of $20,835,000 as proposed by the House.

CONSTRUCTION

The managers agree that the reduction within this account of $1,180,000 may be taken as a general reduction rather than as specified in the House and Senate reports. The Smithsonian should report to the Appropriations Committees as soon as possible on how the reduction will be taken.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 169: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted in said amendment, insert the following: *$37,981,000, including $2,370,000 for the special exhibition program.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment appropriates $37,981,000 for salaries and expenses instead of $37,831,000 as proposed by the House and $38,543,000 as proposed by the Senate, and adds language earmarking a total of $2,370,000 for the special exhibition program. The increase over the amount proposed by the House consists of $50,000 for the special exhibition program, and $100,000 from the FERS savings. These funds are to be used by the Gallery to increase its ability to recruit the best candidates available when filling guard positions.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 170: Appropriates $750,000 for repair, restoration and renovation of buildings instead of $500,000 as proposed by the House and $1,000,000 as proposed by the Senate. This reduction from the budgeted amount is not intended in any way to slow down the program, but is based solely on the fact that the expected obligation rate during fiscal year 1988 will result in a larger than estimated carryover of unobligated balances into fiscal year 1989. The managers intend to continue to fund the repair and renovation program at required and justified levels.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 171: Deletes language proposed by the Senate which would transfer unobligated balances from the salaries and expenses account into the Endowment Challenge Fund.

Amendment No. 172: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

PAYMENT TO ENDOWMENT CHALLENGE FUND

For payment to the Endowment Challenge Fund for the Woodrow Wilson International Center for Scholars $300,000, to remain available until September 30, 1990: Provided, That such sums shall be transferred only to the extent matched on a three-to-one basis by private funds.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to provide $300,000 for the Endowment Challenge Fund to continue the Center's fundraising momentum.

NATIONAL ENDOWMENT FOR THE ARTS

Amendment No. 173: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $141,890,000 for grants and administration instead of $141,800,000 as proposed by the House and $141,431,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the following distributions:

Arts in schools	$5,600,000
Dance	8,850,000
Design Arts	4,200,000
Expansion Arts	6,500,000
Folk Arts	3,000,000
Inter Arts	4,100,000
Literature	5,000,000
Media Arts	12,000,000
Museums	11,400,000
Music	12,200,000
Opera/Musical Theatre	4,200,000
Local program	2,500,000
Theatre	10,800,000
Visual arts	6,100,000
Advancement	1,200,000
Challenge	300,000
State program	25,500,000
Policy, Planning and research	1,000,000
Administration	17,440,000
Total	141,890,000

Amendment No. 174: Includes language as proposed by the House which prevents changes to the peer panel review process.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Amendment No. 175: Appropriates $124,300,000 for grants and administration, National Endowment for the Humanities instead of $125,000,000 as proposed by the House and $115,535,000 as proposed by the Senate.

The managers agree to the following distribution:

Media grants	$9,400,000
Museums & Historical Organizations	8,640,000
Public humanities projects	2,000,000
Humanities projects in libraries	2,800,000
Education programs	16,150,000
Fellowships and seminars	15,560,000
Research grants	16,400,000
State programs	25,000,000
Office of Preservation	12,500,000
Administration	15,850,000
Total	124,300,000

INSTITUTE OF MUSEUM SERVICES

Amendment No. 176: Appropriates $22,270,000 for grants and administration, Institute of Museum Services, instead of $22,620,000 as proposed by the House and $21,944,000 as proposed by the Senate.

The managers agree to the following distribution:

Operating support grants	$17,700,000
Conservation grants	3,200,000
Program support	250,000
Administration	1,120,000
Total	22,270,000

Amendment No. 177: Deletes language proposed by the Senate which required the Institute of Museum Services to develop a plan, by which, within three fiscal years, each State shall receive a minimum of one-half of one per centum of the grant funds available.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Amendment No. 178: Appropriates $1,778,000 for salaries and expenses instead of $1,774,000 as proposed by the House and $1,781,000 as proposed by the Senate.

The decrease to the Senate level is $3,000 for the two less paid days in fiscal year 1989.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Amendment No. 179: Appropriates $2,334,000 for salaries and expenses instead of $2,343,000 as proposed by the House and $2,311,000 as proposed by the Senate.

The net increase to the amount proposed by the Senate consists of increases of $7,000 for office space rental costs and $20,000 for temporary employees, and a reduction of $4,000 for the two less paid days in fiscal year 1989.

Amendment No. 180: Appropriates $3,175,000 for public development as proposed by the House instead of $3,095,000 as proposed by the Senate.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Amendment No. 181: Appropriates $2,244,000 for the Holocaust Memorial Council as proposed by the House instead of $2,209,000 as proposed by the Senate.

The difference from the amount proposed by the Senate consists of an increase of $35,000 to extend the demonstration project

and exhibition, "Remember the Children", through fiscal year 1989.

TITLE III—GENERAL PROVISIONS

Amendment No. 182: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds oil and gas to the minerals for which activities related to leasing in designated wilderness areas and wilderness study areas are prohibited.

Amendment No. 183: Deletes language proposed by the Senate which would have allowed subsurface oil and gas leases in wilderness study areas.

Amendment No. 184: Restores House language providing that employment funded in 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.

The managers are aware of the TEAM program proposed by the Secretary of the Interior. The managers agree that the program should be implemented only on a voluntary basis and should not be used as a punitive measure. Further, participants in the program should be able to return to their original positions.

The managers are concerned that the Department of the Interior is undertaking significant relocations of employees in the last days of this administration. The managers agree that a more effective approach, both in terms of employee morale and cost, would be to wait until the next administration takes office before undertaking such reassignments.

Amendment Nos. 185-190. Restore House proposed section numbers changed by the Senate.

The managers have agreed to language in section 314 prohibiting challenges to Forest Service and BLM land and resource management plans solely on the basis that the plan is outdated or does not incorporate new information. However, the section is not intended to preclude case-by-case timber sale appeals in site-specific instances, and ensures that judicial review of these and other particular Forest Service and BLM activities shall be available.

Congress, in the exercise of its plenary authority over federal lands, has the power to limit the availability of judicial relief under substantive or procedural statutes affecting the management of those lands. While the managers do not endorse the ready use of this Constitutionally-derived power, they consider section 314 to be a necessary short term response to those challenges that have disrupted or have the potential to disrupt new management plans and timber management activities under existing plans while the new plans are being developed. The language in section 314 has been included to ensure the smooth transition of resource management activities and planning capability from one planning period to another, especially during the last stage of management under the existing plans. The managers note that this is particularly applicable in the current circumstances because both the Forest Service and BLM are within approximately 18 months of the completion and release of final land and resource management plans and environmental impact statements in Oregon and Washington.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

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 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. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment restores House language stricken by the Senate and adds language allowing the removal of dead trees, except for "specimen trees" 6 feet in diameter or larger, for human safety, protection of adjacent trees, and fire hazard reduction.

Amendment No. 192: Deletes language proposed by the House which prohibited use of funds in any workplace that is not free of illegal use or possession of controlled substances. A government-wide provision is to be included in the Treasury-Postal Service Appropriations Bill.

Amendment No. 193: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *SEC. 318.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The provision requires that fiscal year 1989 pay raises for programs funded in this Act be absorbed within the levels appropriated in this Act.

The managers agree that the source of funds to be used for the pay raise is to be reported to the Appropriations Committees under the reprogramming procedures.

Amendment No. 194: Deletes language proposed by the Senate extending the period in which carbon dioxide leases may be issued in the Antone Bench area in Utah by the amount of time consumed by administrative appeal, protest, or litigation.

Amendment No. 195: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 319. Notwithstanding any other provision of law, hereafter for the purposes of section 208 of title 18, United States Code, "particular matter", as applied to employees of the Department of the Interior and the Indian Health Service, shall mean "particular matter involving specific parties".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment changes the Section number and inserts "hereafter" in the Senate proposed language to make permanent the definition of "particular matter" as it pertains to section 208 of title 18 of the United States Code for employees of the Department of the Interior and the Indian Health Service.

Amendment No. 196: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Service with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 320. Notwithstanding any other provision of law, the Final Environmental Impact Statement issued by the USDA Forest Service concerning the Silver Complex Fire Recovery Project on the Siskiyou National Forest and the Record of Decision accompanying the Environmental Impact Statement shall not be subject to judicial review, and shall be subject only to one level of administrative appeal. Existing administrative appeals and appellant's Statement of Reasons shall be immediately transferred to the Chief of the Forest Service for decision. The Chief must render his decision not later than 30 days following enactment of this Act.

Any decision of a responsible Forest Service official to undertake a specific activity, including but not limited to the preparation, advertisement and sale of timber and the preparation, advertisement and contracting for the construction of related roads within the Silver Complex Fire Recovery Area, as designated on maps dated June, 1988 and entitled "Silver Complex Fire Recovery Area", which maps are on file with the Chief, Forest Service, Washington, D.C., shall not be subject to administrative appeal or judicial review.

No funds made available to the Forest Service under this or any other Act may be expended to extend the Bald Mountain Road on the Siskiyou National Forest beyond S.W. ¼, NE. ¼, of section 21, T. 36 S., R. 10 W., W.M.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to include language limiting administrative appeals and prohibiting judicial review of the final EIS and record of decision concerning the Silver Complex Fire Recovery Project on the Siskiyou NF, OR. The managers have included this language to address a unique set of circumstances presented by the Silver Complex Fire Recovery Project, and do not intend the language to limit or restrict administrative or judicial review activities unrelated to the Silver Complex Fire Recovery Project.

The language as proposed by the Senate has been modified to remove any ambiguity that may arise with regard to the timing of the filing and rendering of decisions on administrative appeals of the final EIS. The final EIS and record of decision were issued by the Forest Service on July 8, 1988. The language provides that existing appeals must be immediately transferred to the Chief for decision, and that he must render his decision not later than 30 days following enactment of this Act.

Like the original language, the amendment retains one level of administrative appeal, and ensures that the Chief of the Forest Service will be the reviewing officer.

Amendment No. 197: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 321. To ensure adequate availability of timber from the Mapleton Ranger District of the Siuslaw National Forest until the final forest land and resource management plan pursuant to section 6 of the

Forest and Rangelands Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, as amended (16 U.S.C. 1604) is in effect, and notwithstanding the injunction issued pursuant to the judgment in National Wildlife Federation, et al. v. United States Forest Service, et al. (592 F. Supp. 931 (D. Ore. 1984) as modified by 801 F.2d 360 (9th Cir. 1986)), the Secretary of Agriculture is authorized to offer up to 90 million board feet of net merchantable timber in fiscal year 1989 in the Mapleton Ranger District of the Siuslaw National Forest pursuant to the requirements of this section and until completion of the final forest plan. For purposes only of selling timber pursuant to this section (and activities related thereto), the Secretary shall utilize the Siuslaw National Forest draft land and resource management plan and accompanying draft environmental impact statement dated Octobert 1, 1986 as if they were the final forest plan and environmental impact statement: Provided, That such statement, timber sales, roads and other associated activities, and their accompanying environmental assessments, prepared and offered pursuant to and consistent with such draft plan, for purposes only of this section, shall be treated as satisfying all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangelands Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, as amended (16 U.S.C. 1600 et seq.) and shall not be subject to administrative or judicial review for compliance with such Acts: Provided further, That nothing in this section shall affect any existing right of administrative or judicial review of such timber sales for compliance with other applicable laws: Provided further, That this provision does not in any manner represent a judgment upon the legal adequacy of the Siuslaw National Forest final plan and environmental impact statement.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The managers have modified the Senate's general provision permitting Forest Service timber sales and prohibiting judicial review of such sales on the Mapleton Ranger District of the Siuslaw National Forest. The managers agree to permit up to 90 million board feet of timber sales in fiscal year 1989. The Forest Service should base this volume on sales suggested in its preferred alternative for the Siuslaw National Forest plan, which recommeds an annual timber sale quantity of 99 million board feet. Procedurally, the draft forest plan and accompanying draft environmental impact statement will be treated, for the purposes of these timber sales only, as if they were final and in compliance with the National Environmental Policy Act and National Forest Management Act. This section does not restrict any rights to administrative and judicial review of individual timber sales for their substantive compliance with other applicable environmental laws, including the Church guidelines, the 1972 clearcutting guidelines of the Senate Subcommittee on Public Lands, Clearcutting on Federal Timberlands, Senate Committee on Interior and Insular Affairs (March 1972); nor does it represent a judgment upon the legal adequacy of the final Siuslaw National Forest plan and environmental impact statement. This language is intended to be a one-time only provision until the final forest plan and EIS are completed.

Amendment No. 198: Deletes language proposed by the Senate directing the Director of the Office of Management and Budget and Federal agency heads to comply with the specific allocations and earmarking of funds contained in the joint statement of the managers accompanying the conference report of this Act. This matter will be addressed in the Treasury-Postal Service bill.+0

Amendment No. 199: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 322. Unobligated balances remaining from the Baca Geothermal Demonstration Powerplant Project may be used to clean out the Hulin Well in the State of Louisiana.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment allows funds deobligated from the Baca Geothermal project to be used to clean out another geothermal well.

Amendment No. 200: Deletes Senate language relating to the inclusion of wildlife sale proceeds in the Alaska Native Escrow Fund.

The managers note that statutes for the benefit of Indians are always interpreted for their benefit with all doubtful expressions being resolved in the Indians' favor. Similarly, remedial statutes are broadly construed in favor of the class Congress intended to benefit.

In light of those canons of statutory construction, the managers direct the Secretary of the Interior to interpret the term "resources of land" contained in subsection (a)(1) of section (2) of P.L. 94-204 as amended by section 1411 (a) of P.L. 96-487 to include wildlife. The managers further direct him to accept the settlement offer made jointly by Tanadgusix Corporation and St. George Taniq Corporation on July 19, 1988, subject to the Secretary's evaluation of the appraisal tendered to the Department by the claimants.

No exception covering wildlife was ever intended by Congress, as is suggested by the broad terminology used in the escrow statute. This will enable the Department to settle a claim that has been pending for four years and has accrued $3,000,000 in interest while it awaits resolution.

Wildlife escrow claims are to be treated no differently than escrow claims which are already distributed based on the gross proceeds from timber or oil and gas sales on Native-selected lands. The proceeds received by the Federal government from its sale of pelts taken from Native Corporation lands shall be the measure of the principal amount placed in escrow and then distributed. Any other use made by the Federal government of these Native Corporations' lands, unrelated to the wildlife harvested on those lands, shall remain compensable, pursuant to existing Native escrow account precedent.

it is the intent of the managers that this longstanding claim be resolved no later than early FY 1989 so that the Alaska Natives who face severe economic hardship can receive the money to which they are entitled. If the Department does not certify the claim by January 1, 1989, the Secretary shall submit a report by that date to the House and Senate Committees on Appropriations explaining why this claim has not been certified and distributed.

The managers have not adopted the Senate bill language because the term "resources of land" includes wildlife. If this claim is not settled by early FY 1989, the managers shall seek to confirm legislatively their intent that the term be so interpreted.

Amendment No. 201: Deletes Senate language restricting consulting services obligations.

Amendment No. 202: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in this amendment insert: *SEC. 323.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment makes quartz a saleable mineral within the Ouachita National Forest, Arkansas.

Amendment No. 203: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 324. The Secretary of the Interior shall not recover or recoup any portion of late payment interest paid to the United States which is paid or distributed to any State or other recipient of Federal mineral lease revenues prior to September 30, 1989, except for amounts paid in connection with royalties or other revenues subsequently determined to be not owing to the United States.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers will allow the Minerals Management Service to continue the current practice of paying late interest. The managers agree that this language does not amend any statutes and that this language is only effective for fiscal year 1989.

Amendment No. 204: Deletes language proposed by the Senate concerning the Sandinistas and Nicaragua. This issue is addressed in another bill.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1989, is defined by the Committee as follows:

As provided for by section 252(a)(1)(B)(i) of Public Law 99-177 and for the purposes of a Presidential Order issued pursuant to section 252 of said Act, the term "program, project, and activity" for items under, the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, state and other administrative units and the like, for which funds are provided in fiscal year 1989.

The Committee emphasizes that any item for which a specific dollar amounts is men-

tioned in an accompanying report, including all increases over the budget estimate approved by the Committee, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all non-defense accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988	$9,342,660,000
Budget estimates of new (obligational) authority, fiscal year 1989	8,864,974,000
House bill, fiscal year 1989	9,697,798,000
Senate bill, fiscal year 1989	10,091,445,000
Conference agreement, fiscal year 1989	9,891,961,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	+549,301,000
Budget estimates of new (obligational) authority, fiscal year 1989	+1,026,987,000
House bill, fiscal year 1989	+194,163,000
Senate bill, fiscal year 1989	−199,484,000

J.P. MURTHA,
NORMAN D. DICKS,
EDWARD P. BOLAND,
LES AUCOIN,
JAMIE L. WHITTEN,
TOM BEVILL,
RALPH REGULA,
JOSEPH M. MCDADE,
BILL LOWERY,
SILVIO O. CONTE (except 131),
SIDNEY YATES,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,
HARRY M. REID,
JOHN C. STENNIS,
JAMES A. MCCLURE,
TED STEVENS,
THAD COCHRAN,
JAKE GARN,
WARREN B. RUDMAN,
LOWELL P. WEICKER, Jr.,
DON NICKLES,
MARK O. HATFIELD
Managers on the Part of the Senate.

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. SLAUGHTER of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, on August 11.

Mr. HOLLOWAY, for 15 minutes, today.

Mrs. BENTLEY, for 60 minutes, on September 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29.

Mr. WALKER, for 60 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous matter:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STAGGERS, for 10 minutes, on August 11.

(The following Member (at the request of Mr. FROST) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SLAUGHTER of Virginia) and to include extraneous matter:)

Mr. BUECHNER.
Mr. GRADISON.
Mr. HEFLEY.
Mr. CLINGER.
Mr. CRANE.
Mr. LOWERY of California.
Mr. BROOMFIELD.
Mr. RITTER.
Mr. GALLEGLY.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. KILDEE.
Mr. KOSTMAYER.
Mr. OLIN.
Mr. MINETA.
Mr. RANGEL.
Mr. EVANS.
Mr. HAMILTON in two instances.
Mr. MORRISON of Connecticut.
Mr. ACKERMAN.
Mr. TALLON.
Mr. RODINO.
Mr. ROWLAND of Georgia.
Mr. STARK.
Mr. DORGAN of North Dakota.
Mr. BONIOR in two instances.
Mr. MILLER of California.
Mr. TRAFICANT in two instances.
Mr. LOWRY of Washington.
Mr. CARDIN.
Mr. CLAY.
Mr. MARKEY.
Mr. MCMILLEN of Maryland.
Mr. LANTOS in two instances.
Mr. FAZIO.
Mr. LIPINSKI.
Mr. MOAKLEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1236. An act to authorize housing relocation under the Navajo-Hopi Relocation Program, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

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

H.R. 1414. An act to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents;

H.R. 4800. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4848. An act to enhance the competitiveness of American industry, and for other purposes; and

H.R. 5015. An act to provide drought assistance to agricultural producers, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following title 5:

S. 1979. An act to establish the Grays Harbor National Wildlife Refuge;

S. 2200. An act to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month;

S.J. Res. 294. Joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day;" and

S.J. Res. 350. Joint resolution designating Labor Day Weekend, September 3-5, 1988, as "National Drive for Life Weekend."

BILLS PRESENTED TO THE PRESIDENT

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

H.R. 1860. An act entitled the "Federal Land Exchange Facilitation Act of 1988;"

H.R. 3932. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

ADJOURNMENT

Mr. MCEWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, August 11, 1988, at 10 a.m.

19-059 O-89-33 (Pt. 15)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4155. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer to Greece for defense articles estimated to cost $50 million or more (Transmittal No. 88-52), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

4156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-234, "St. Stephen and the Incarnation Protestant Episcopal Church Equitable Real Property Tax Relief Act of 1988", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

4157. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-235, "District of Columbia Savings and Loan Acquisition Amendment Act of 1988", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

4158. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending June 30, 1988, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

4159. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Greece for defense articles and services estimated to cost $14 million or more (Transmittal No. 88-52), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4160. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Canada for defense articles and services estimated to cost $21 million (Transmittal No. 88-54), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4161. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance to Canada for defense articles and services estimated to cost $48 million (Transmittal No. 88-55), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4162. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act, the Child Nutrition Act of 1966 and other statutes; jointly, to the Committees on Education and Labor and Agriculture.

4163. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation to reduce costs in the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

4164. A letter from the Secretary, Department of the Treasury, transmitting the views of the department on H.R. 4658 and H.R. 4916; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and the Judiciary.

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. WHEAT: Committee on Rules. House Resolution 518. A resolution waiving certain points of order against the conference report on H.R. 2342 and against consideration of such conference report (Rept. 100-856). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 519. A resolution providing for the consideration of H.R. 1580, a bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes (Rept. 100-857). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 520. H.R. 5142, a bill to amend the Public Health Service Act to establish grant programs, and confidentiality protections, relating to counseling and testing with respect to acquired immune deficiency syndrome, to amend such Act with respect to research programs relating to such syndrome, and for other purposes (Rept. 100-858). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4188. A bill to designate the building located at 445 Broadway in Albany, New York, as the "James T. Foley United States Post Office and Courthouse"; with amendments (Rept. 100-859). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 5007. A bill to designate the United States Courthouse at 620 Southwest Main Street, Portland, Oregon, as the "Gus J. Solomon United States Courthouse" (Rept. 100-860). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 521. A resolution providing for the consideration of the Omnibus Drug Initiative (Rept. 100-861). Referred to the House Calandar.

Mr. YATES: Committee of Conference. Conference report on H.R. 4867 (Rept. 100-862). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 5191. A bill to amend section 9006 of the Internal Revenue Code of 1986 to provide for funding of the Federal Election Commission from amounts designated for the Presidential election campaign fund under section 6096 of such Code; to the Committee on House Administration.

By Mr. BARNARD:

H.R. 5192. A bill to enhance the value of thrift charters and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANCASTER (for himself, Mr. BATES, Mr. ATKINS, Mr. LAGOMARSINO, Mr. BONIOR of Michigan, Mr. HARRIS, Mr. WEISS, Mr. UPTON, Mr. HUGHES, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. ECKART, and Mr. VALENTINE):

H.R. 5193. A bill to require the Administrator of the Environmental Protection Agency to issue rules requiring that certain plastic articles be made of naturally degradable material; to the Committee on Energy and Commerce.

By Mr. NIELSON of Utah (for himself, Mr. HANSEN, and Mr. OWENS of Utah):

H.R. 5194. A bill to provide certain public and private entities with an opportunity for a waiver of the liability resulting from the sale of a medical facility with respect to which funds were received pursuant to title VI of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 5195. A bill to amend title 5, United States Code, to increase the productivity of the Government by promoting excellence in Federal career employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5196. A bill to amend title 5, United States Code, to promote excellence in Government; to the Committee on Post Office and Civil Service.

By Mr. ROBERT F. SMITH:

H.R. 5197. A bill to convey certain Oregon and California railroad grant lands in Josephine County, OR, to the Rogue Community College District; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 5198. A bill to amend title XVIII of the Social Security Act to provide civil money penalties and other remedies for certain improper referral arrangements for services provided under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. COELHO (for himself, Mr. PASHAYAN, and Mr. MCCLOSKEY):

H.R. 5199. A bill to make nonmailable any plant, fruit, vegetable, or other matter, the movement of which in interstate commerce has been prohibited or restricted by the Secretary of Agriculture in order to prevent the dissemination of dangerous plant diseases or pests, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Agriculture, and the Judiciary.

By Mr. SWINDALL (for himself, Mr. MAZZOLI, Mr. FISH, Mr. MCCOLLUM, and Mr. SLAUGHTER of Virginia):

H.R. 5200. A bill to amend the Immigration and Nationality Act to limit the period of detention of excludable aliens pending removal in a manner similar to that provided in the case of deportable aliens pending deportation; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 636. Joint resolution designating the week of October 2 through October 8, 1988, as "National Paralysis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H.J. Res. 637. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to, and, if necessary, a resolution of, the railway labor-management dispute between the Chicago and Northwestern Transportation Co. and certain of its employees represented by the United Transportation Union; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.J. Res. 638. Joint resolution designating December 15, 1988, as "National Arab American Day"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H. Con. Res. 351. Concurrent resolution to correct errors in the enrollment of the bill S. 328; considered and agreed to.

By Mr. STAGGERS:

H. Con. Res. 352. Concurrent resolution establishing the Ad Hoc Joint Committee on Labor Relations for the Capitol Police; jointly, to the Committees on Rules and House Administration.

By Mr. BUECHNER (for himself, Mr. MACKAY, Mr. ROE, Mr. NELSON of Florida, Mr. SLAUGHTER of Virginia, Mr. MCCURDY, Mr. WAXMAN, Mrs. MORELLA, Mr. CONTE, Mr. PACKARD, Mr. LEWIS of California, Mr. GALLEGLY, Mr. BOEHLERT, Mr. PICKETT, Mr. RHODES, Mr. HARRIS, Mr. FLIPPO, Mr. WEBER, Mr. HUCKABY, Mr. INHOFE, Mr. SKEEN, Mr. MCMILLEN of Maryland, Mr. PERKINS, Mr. NEAL, Mr. RITTER, Mr. FAZIO, Mr. LEVINE of California, Mr. GINGRICH, Mr. HAYES of Louisiana, Mr. LEWIS of Florida, Mr. HUTTO, Mr. BEVILL, and Mr. BATEMAN):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress that the United States should make the space program a national priority; to the Committee on Science, Space, and Technology.

By Mr. CRANE (for himself, Mr. ARMEY, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOULTER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. COBLE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DAVIS of Illinois, Mr. DELAY, Mr. DORNAN of California, Mr. DREIER of California, Mr. EMERSON, Mr. GINGRICH, Mr. HASTERT, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HUNTER, Mr. HYDE, Mr. KONNYU, Mr. LEATH of Texas, Mr. MACK, Mr. PARRIS, Mr. ROBINSON, Mr. ROTH, Mr. SHAW, Mr. SKELTON, Mr. DENNY SMITH, Mr. SOLOMON, Mr. STUMP, Mr. SWINDALL, Mr. TRAFICANT, Mr. VANDER JAGT, Mrs. VUCANOVICH, and Mr. SMITH of New Hampshire):

H. Con. Res. 354. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. DORGAN of North Dakota:

H. Con. Res. 355. Concurrent resolution expressing the sense of the Congress that South Korea, Japan, and the European Economic Community have a responsibility to reduce their trade surpluses with the United States, and that the President should set a minimum target for increases in agricultural exports of the United States when negotiating trade surplus reductions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mrs. VUCANOVICH:

H.R. 5201. A bill for the relief of Carol Y. Chasse; to the Committee on Armed Services.

H.R. 5202. A bill for the relief of Carol Y. Chasse; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 341: Mr. DREIER of California and Mr. KEMP.

H.R. 387: Mr. BEILENSON, Mr. DOWDY of Mississippi, Mr. ESPY, and Mr. MCCURDY.

H.R. 551: Mr. TORRES.

H.R. 1028: Mr. GORDON, Mr. MICHEL, Mr. KYL, Mr. SHAYS, Mr. PENNY, and Mr. CHENEY.

H.R. 2456: Mr. GREEN, Mr. JEFFORDS, and Mr. MOAKLEY.

H.R. 3112: Mrs. MEYERS of Kansas, and Mr. UDALL.

H.R. 3143: Mr. DOWNEY of New York.

H.R. 3174: Mr. GRAY of Illinois.

H.R. 3233: Mr. AKAKA.

H.R. 3454: Mr. CLEMENT and Mr. JENKINS.

H.R. 3478: Mr. SOLARZ.

H.R. 3585: Mr. CLAY, Mr. ROE, Mr. SLATTERY, Mr. HAMMERSCHMIDT, Mr. BROWN of California, Mrs. MORELLA, Mr. MONTGOMERY, Mr. GRANDY, Mr. JOHNSON of South Dakota, Mr. GREGG, Mr. GUNDERSON, Mr. COBLE, Mr. ESPY, Mr. LAGOMARSINO, Mr. BEREUTER, Mr. DIXON, Mrs. SMITH of Nebraska, Mr. PRICE of North Carolina, Mr. MYERS of Indiana, Mr. TALLON, Mr. CLARKE, and Mr. LEWIS of Georgia.

H.R. 3593: Mr. BATES, Mr. TORRES, Mr. FOGLIETTA, and Mr. FORD of Tennessee.

H.R. 3620: Mr. BEVILL, Mr. QUILLEN, Mr. SLATTERY, and Mrs. SAIKI.

H.R. 3646: Mr. ATKINS, Mr. BATES, Mr. CONTE, Mr. ARMEY, Ms. SNOWE, and Mr. CRANE.

H.R. 3889: Mr. ECKART, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. GRADISON, Mr. PRICE of North Carolina, Mr. KENNEDY, AND Mr. HOPKINS.

H.R. 3892: Mr. DEFAZIO.

H.R. 4015: Mr. CLARKE, Mr. SLAUGHTER of Virginia, Mr. WYDEN, and Mr. GINGRICH.

H.R. 4048: Mr. DORGAN of North Dakota.

H.R. 4049: Mr. FOLEY, Mr. DANNEMEYER, and Mr. RUSSO.

H.R. 4141: Mr. NIELSON of Utah and Mr. LIPINSKI.

H.R. 4270: Mr. WHEAT.

H.R. 4277: Mr. BADHAM and Mr. SHARP.

H.R. 4400: Mr. PACKARD.

H.R. 4420: Mr. GORDON.

H.R. 4426: Mr. BORSKI.

H.R. 4455: Mr. TOWNS.

H.R. 4530: Mr. FROST and Mr. WEISS.

H.R. 4606: Mr. FAZIO, Mr. PANETTA, and Mr. PACKARD.

H.R. 4609: Mr. DEFAZIO and Mr. KILDEE.

H.R. 4793: Mr. GIBBONS, Mr. MINETA, Mr. LEVIN of Michigan, Mr. LEHMAN of Florida, Mr. BATES, Mr. BADHAM, and Miss SCHNEIDER.

H.R. 4803: Mr. PENNY.

H.R. 4880: Mr. BARTLETT, Mr. MCCRERY, Mr. SMITH of Texas, Mr. BATEMAN, Mr. HOLLOWAY, Mr. KOLBE, Mr. EDWARDS of Oklahoma, Mr. PARRIS, Mr. FAWELL, Mrs. BENTLEY, Mr. LOTT, Mr. UPTON, Mr. SUNDQUIST, Mr. TAUKE, Mr. CRANE, and Mr. MYERS of Indiana.

H.R. 4902: Mr. VENTO and Mrs. BYRON.

H.R. 4924: Mr. LAGOMARSINO, Mrs. SAIKI, and Mrs. MEYERS of Kansas.

H.R. 4932: Mr. TRAFICANT.

H.R. 4940: Mr. LELAND, Mr. ROBINSON, Mr. STAGGERS, Mr. LEVIN of Michigan, Mr. TRAXLER, and Ms. PELOSI.

H.R. 4963: Mr. PENNY.

H.R. 4964: Mr. PENNY.

H.R. 4965: Mr. PENNY.

H.R. 4966: Mr. PENNY.

H.R. 5042: Mr. LOTT.

H.R. 5068: Mr. CONYERS, Mr. MURPHY, and Mr. JONTZ.

H.R. 5081: Mr. MANTON, Mr. CARPER, Mr. ROE, Mr. FASCELL, Mr. WOLPE, Mr. MORRISON of Connecticut, Mrs. MARTIN of Illinois, Mr. CLEMENT, Mr. COURTER, Mr. FOGLIETTA, Mr. ATKINS, Mr. SMITH of New Jersey, Mr. WELDON, Mr. FLORIO, Mr. JONTZ, Mr. LEVINE of California, and Mr. LEWIS of Georgia.

H.J. Res. 330: Mr. SAXTON, Mr. LEWIS of California, Mr. PANETTA, Mr. LIPINSKI, Mr. BADHAM, Mr. GALLO, and Mr. MURPHY.

H.J. Res. 370: Mr. WILLIAMS, Mr. OWENS of New York, Mr. WEISS, and Mr. TORRICELLI.

H.J. Res. 489: Mr. WEBER, Mrs. MARTIN of Illinois, Mr. LIVINGSTON, Mr. MCDADE, Mr. GARCIA, Mr. CRANE, Mr. JONTZ, Mr. MONTGOMERY, and Mr. HASTERT.

H.J. Res. 540: Mr. SMITH of New Jersey, Mr. MILLER of California, Mr. GEKAS, Mr. TORRES, Mr. CHAPPELL, Mr. GRANT, Mr. BROOMFIELD, Mr. BATEMAN, Mr. CARR, Mr. CONTE, Mr. DICKS, Mr. LIPINSKI, Mr. YATRON, Mr. GREGG, Mr. OLIN, Mr. LEHMAN of Florida, Mr. HUBBARD, Mr. VOLKMER, Mr. CONYERS, Ms. KAPTUR, Mr. VALENTINE, Mr. RAHALL, Mr. HAMMERSCHMIDT, Mr. RAY, Mr. HAYES of Illinois, Ms. OAKAR, Mr. NEAL, Mr. GALLO, Mr. OWENS of Utah, Mr. FASCELL, Mr. JEFFORDS, Mr. DARDEN, Mr. ANNUNZIO, Mr. MAZZOLI, Mr. SHAW, Mr. THOMAS of California, Mr. VANDER JAGT, and Mr. WORTLEY.

H.J. Res. 554: Mr. MILLER of Washington, Mr. OBERSTAR, Mr. WEISS, and Mr. THOMAS A. LUKEN.

H.J. Res. 564: Mr. FOGLIETTA, Mr. FOLEY, Mr. MCDADE, Mr. CROCKETT, Mr. MARTIN of New York, and Mr. DE LA GARZA.

H.J. Res. 570: Mr. MURTHA, Mr. RINALDO, Mr. MURPHY, Mr. ROWLAND of Georgia, Mr. SMITH of New Hampshire, Mr. SOLARZ, Mr. JOHNSON of South Dakota, Mr. MARKEY, Mr. WOLF, Mr. RICHARDSON, Mr. MAZZOLI, Mr. PICKLE, Mr. SAWYER, Mr. BOULTER, Mr. LEHMAN, of Florida, Mr. BROWN of California, Mr. MONTGOMERY, and Mr. GORDON.

H.J. Res. 571: Mr. YOUNG of Florida, Mr. WISE, Mr. THOMAS A. LUKEN, Mr. CHENEY, and Mr. CRANE.

H.J. Res. 572: Mr. DORGAN of North Dakota, Mr. MARTINEZ, Mr. YOUNG of Florida, Mr. MINETA, Mrs. KENNELLY, Mr. JEFFORDS, Mr. BOLAND, Mr. NICHOLS, Mr. TORRES, Mr. RAY, Mr. MACKAY, Mr. MURPHY, Mr. RODINO, Mr. NATCHER, Mr. WAXMAN, Mr. TRAXLER, Mr. BILIRAKIS, Mr. SHARP, Mr. BLAZ, Mr. SUNIA, Mr. PASHAYAN, Mr. LEHMAN of California, Mr. HOPKINS, Mr. PORTER, Mr. DIOGUARDI, Mr. SOLOMON, and Mr. GRANDY.

H.J. Res. 581: Mrs. BYRON, Mr. DIOGUARDI, Mr. LUNGREN, Mr. ROGERS, Mr. SKEEN, Mr. PRICE of North Carolina, and Mr. CHENEY.

H.J. Res. 608: Mr. STUMP, Ms. OAKAR, Mr. LEACH of Iowa, Mr. SYNAR, Mr. DE LUGO, Mr. TAYLOR, Mr. LAGOMARSINO, Mr. SAXTON, Mr. SWINDALL, Mr. FAUNTROY, Mr. GREEN, Mr. MARKEY, Mr. MCCOLLUM, Mr. FLORIO, Mr. GALLO, Mr. SOLOMON, Mr. COLEMAN of Texas, Mr. OWENS of Utah, Mr. GOODLING, Mrs. BENTLEY, Mr. ACKERMAN, Mr. MACK, Mr. FAWELL, Mr. BLILEY, Mr. SMITH of Texas, Mr. RUSSO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. MCEWEN, Mr. KASICH, Mr. ROBINSON, Mr. FRENZEL, Mr. GRAY of Illinois, Mr. HANSEN, Mr. HENRY, Mr. HUNTER, Mr. HYDE, Mr. IRELAND, Mr. LIPINSKI, Mr. SUNDQUIST, Mr. MCDADE, Mr. MAZZOLI, Mr. MILLER of Ohio, Mr. MOLINARI, Mr. MURPHY, Mr. KLECZKA, Mr. BEVILL,

Ms. KAPTUR, Mr. HAWKINS, Mr. FROST, Mr. SCHAEFER, Mr. LEWIS of Florida, Mr. MCGRATH, Mr. SMITH of New Jersey, Mr. BOLAND, Mr. ROE, Mr. BORSKI, Mr. BILIRAKIS, Mr. BRUCE, Mr. CARR, Mr. HUTTO, Mr. UPTON, Mr. COURTER, Mr. CLEMENT, Mr. COATS, Mr. DORNAN of California, Mr. ESPY, Mr. FOGLIETTA, Mr. HALL of Ohio, Mr. KOLTER, Mr. YATRON, Mr. QUILLEN, Mr. RAVENEL, Mrs. LLOYD, Mrs. MORELLA, Mr. LAFALCE, Mr. EVANS, Mr. HORTON, Mr. LUNGREN, Mr. TAUKE, Mr. MURTHA, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROWLAND of Georgia, Mr. SABO, Mr. TRAFICANT, Mr. WILSON, Mr. WOLPE, Mr. SHAW, Mrs. VUCANOVICH, Mr. SPENCE, Mr. WEBER, Mr. DEFAZIO, Mr. ATKINS, Mr. BENNETT, Mr. YOUNG of Florida, Mr. WELDON, Mr. NEAL, Mr. LANCASTER, Mr. DE LA GARZA, Mr. FRANK, Mr. BUSTAMANTE, Mr. GILMAN, Mr. HOLLOWAY, Mr. FLIPPO, Mr. DANNEMEYER, Mr. ENGLISH, Mr. MOAKLEY, Mr. STRATTON, Mr. RINALDO, Mr. PANETTA, Mr. WALGREN, Mr. BOUCHER, Mr. ARCHER, Mrs. BOXER, Mr. MOODY, Mr. DEWINE, Mr. GEPHARDT, Mr. LOWRY of Washington, Mr. LATTA, Mr. OLIN, Mr. BLAZ, Mr. GALLEGLY, Mr. LEVINE of California, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. RAHALL, and Mr. FISH.

H.J. Res. 619: Mr. LANCASTER, Mr. EVANS, Mr. WATKINS, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. LAGOMARSINO, Mr. GORDON, Mr. RANGEL, Mr. LUNGREN, Mr. GARCIA, Mr. FROST, Mr. GREEN, Mr. WYDEN, Ms. KAPTUR, Mr. SMITH of Florida, and Mr. DYMALLY.

H.J. Res. 629: Mr. HORTON.

H. Con. Res. 15: Mr. PARRIS.

H. Con. Res. 317: Mr. ROWLAND of Connecticut, Mr. HOUGHTON, Mr. TOWNS, Mr. LATTA, Mr. HOCHBRUECKNER, Mr. HASTERT, Mr. SCHUETTE, Mr. ROE, Mr. HORTON, Mr. SMITH of New Hampshire, Mr. SHAW, Mr. DEFAZIO, Mr. HUTTO, Mr. TRAXLER, Mrs. BENTLEY, Mr. LEWIS of California, Mr. ROBINSON, Mr. ROBERTS, Mr. DAVIS of Illinois, Mr. LUJAN, Mr. CAMPBELL, Mr. COATS, Mrs. MARTIN of Illinois, Mr. CLINGER, Mr. FLORIO, Mr. EMERSON, Mr. ROSE, Mr. LAGOMARSINO, Mr. WEBER, Mr. JACOBS, Mr. BUECHNER, Mr. DANNEMEYER, Mr. SYNAR, Mr. MCHUGH, Mr. MCCOLLUM, Mr. WILSON, and Mr. TALLON.

H. Con. Res. 320: Mr. SAWYER, Mr. JOHNSON of South Dakota, Mr. DEFAZIO, Mr. DIXON, Mr. KASTENMEIER, Mr. OBERSTAR, Mr. FUSTER, Mr. DURBIN, Ms. KAPTUR, Mr. HAWKINS, Mr. JONTZ, Mr. TOWNS, Mr. WOLPE, Mr. VENTO, Mr. UDALL, and Mr. MCHUGH.

H. Con. Res. 329: Mr. WOLPE, Mr. WILLIAMS, and Mr. MARTINEZ.

H. Con. Res. 334: Mr. MADIGAN, and Mr. HUGHES.