HOUSE OF REPRESENTATIVES—*Saturday, November 20, 1993*

The House met at 10 a.m.

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

We pray for strength, O gracious God, strength to do our duty and to accomplish the works of justice and mercy. When we think of power we so quickly think of the power of the sword or the power of coercion or constraint. Remind us again and again, O God, of the power of the spirit, that spirit that allows people to stand above the common level of life, to walk through the valley of the shadow, to know and experience sacrifice and love, to forgive and be reconciled one with another. For the gift and the power of the spirit, we offer this prayer of thanksgiving and praise. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

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

H.R. 914. An act to amend the Wild and Science Rivers Act to designate certain segments of the Red River in Kentucky as components of the national wild and scenic rivers system, and for other purposes, and

H.R. 2650. An act to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the national wild and scenic rivers system.

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

H.R. 698. An act to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

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

S. 24. An act to reauthorize the independent counsel law for an additional 5 years, and for other purposes;

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes;

S. 1299. An act to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes;

S. 1670. An act to improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes; and

S. 1685. An act to amend the Federal Deposit Insurance Act to permit the continued insurance of deposits in minority- and women-owned banks by the Bank Deposit Financial Assistance Program.

CLINTON HEALTH CARE PLAN

(Ms. ESHOO asked and was given permission to address the House for 1 minute.)

Ms. ESHOO. Mr. Speaker, I rise as a proud original cosponsor of the President's health care plan which is being introduced today.

Our health care system is clinging to a life support system and needs intensive care—not cosmetic surgery.

The President's plan is an excellent place to start this operation.

It is time to move away from the NAFTA war room and into the health care delivery room.

With this in mind, I urge all my colleagues who are serious about health care reform—no matter which plan they support—to vote against the Penny-Kasich amendment.

By claiming over $40 billion in potential Medicare savings for deficit reduction, this amendment seriously damages any effort to overhaul the health care system.

The President's plan, the Cooper plan, the Chafee plan, and the Gramm plan all rely on savings in Medicare to pay for health reform.

So those who truly want health care reform and plan to support the Penny-Kasich amendment had better be prepared to raise taxes to pay for it.

Mr. Speaker, I urge my colleagues to defeat this misguided proposal. It is a turkey and it is Penny wise and Kasich foolish.

AMERICAN AIRLINES FLIGHT ATTENDANT STRIKE

(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, American Airlines flight attendants are on strike. These flight attendants were told either take the deal or leave it. They were also told by American Airlines if you do not come back to work, and if you do not stop this strike you will lose your job and we will replace you. Understand?

Shame on Congress. Congress passes jobs bills for Mexico and unemployment bills for American workers. Congress passes free trade with Mexico and did not even address in that bill the striker replacement law that concerns the fears of the American workers. This is unbelievable.

Take it or leave it. That is the new workplace environment for the American worker.

Shame on Congress. Shame on the White House.

AN ODE TO THE FIRST SESSION OF THE 103D CONGRESS

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

Mr. THOMAS of Wyoming. Mr. Speaker, in the spirit of the coming holidays, I would like to comment a little on where I think we are in the House.

Mr. Speaker, twas the weekend before recess,
and all through the House
Not a reform was stirring, not even for the House,
The votes were hung by the well with care,
In hopes that Adjournment would soon be here,
We waited and worried, and wasted our time,
All with the expectation we'd do nothing on crime,
We ranted and raved and talked about cuts,
For we knew in the end, it would all be a bust,
On Kasich, On Penny, we heard on the air,
We need spending cuts, it would be only fair.
But the President and Speaker worked through the night,
The cuts must be stopped, for that they would fight.
And so in the end, as we all go on Vacation,
With the public quite tired of all our orations,
The question will be answered as it has in the past,
When it comes to cost cutting, the Majority does it last.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PENNY-KASICH NOT A GOOD DEAL

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

Mr. HUGHES. Mr. Speaker, you know in my 19⅓ years I have been in the Congress, my greatest fear is the end of any session of Congress, because we do some of the dumbest things.

Now the Penny-Kasich bill sounds good because we are cutting, and we all want to cut. But it does some things that just do not make good sense.

For instance, we are going to again cut in the administration of the Social Security. We are not doing continuing disability reviews as it is throughout the country, so we are going to again cut, and we are going to have fewer people doing the continuing disability reviews, and we are losing over $1 billion now because there are people collecting disability that are not entitled to. And we do not have the personnel to reach them. So at the front end of the disability system we are not processing claims. People are dying before we reach them. And at the back end of the system we have people, unfortunately, who are collecting disability that are not entitled to disability.

We are also cutting COLA's for employees once again. After we have promised them pension and COLA's, we are going to cut, we are changing the rules in midstream.

Finally, we are going to put older Americans' programs together with children's programs. I say to my colleagues, we are going to have the young and the old fighting over food and other things. We are not doing a very good job in providing resources for either program now, but we are going to create more of an intergenerational fight by putting those together.

It does not make sense. Vote against Penny-Kasich. It is not good policy.

BRING PENNY-KASICH TO THE FLOOR

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

Mr. SOLOMON. Mr. Speaker, I had a canned 1-minute I was going to read here this morning, but I don't think I will. I just want to say something to my good friend, the gentleman from New Jersey [Mr. HUGHES] whom I really respect. He said that everybody wants to cut the budget, but we cannot cut with Penny-Kasich because there are some bad things in that package.

But, Mr. Speaker, I will be leading a fight upstairs in the Rules Committee in about an hour to bring the Penny-Kasich bill down to the floor with an open rule. We Republicans want everybody to have their opportunity, including the gentleman from New Jersey, to take out of Penny-Kasich those cuts they do not like and put in other cuts they do like.

We all want to cut, the gentleman said, and I agree with him. And I know he is sincere. Let us bring Penny-Kasich down here under an open rule. We have nothing else to do today. We are going to sit around here treading water for about 8 hours doing nothing. We could really debate that bill, and we could have the House work its will and make some meaningful cuts.

A $250 billion tax hike was passed earlier this year, and now we evidently cannot cut spending by a measly $90 billion.

□ 1010

Something is wrong. Come on, join us. Let us bring it to the floor under an open rule, and let us debate it.

VOTE ON EMERGENCY UNEMPLOYMENT COMPENSATION BEFORE ADJOURNMENT

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

Mr. FIELDS of Louisiana. Mr. Speaker, I rise today to strongly urge this House to vote on the emergency unemployment compensation conference report, before we adjourn this year.

In our initial vote on extending benefits, we voted wisely and compassionately to provide strength and hope to more than 8½ million people who search for jobs. Over 1 million are directly affected by this bill. But we have delayed over 5 weeks on final passage of these benefits that are emergency benefits.

This demonstrates unconcern for the families who will be sustained by these benefits while searching for work, and that is unacceptable. Over the next 2 months, without this bill, over 500,000 individuals will lose their benefits.

If we ignore our responsibility to vote on this bill, we will abandon jobless families, while we escape for a holiday.

As each of us sit down to a holiday meal, there will be thousands of jobless families whose benefits ran out weeks ago.

Do not ignore the families depending upon us. Let us vote on unemployment benefits extension before we leave.

PENNY-KASICH

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

Mr. SMITH of Texas. Mr. Speaker, a vote on the Penny-Kasich amendment, which will cut $90 billion over 5 years, has been postponed until next Monday.

Apparently, the Democrat leadership is afraid this amendment might very well pass and be enacted into law. In fact, the White House is lobbying hard to defeat this amendment, which would cut only 1 cent on the dollar over the next 5 years.

Once again, the Democrats would rather cut spending last.

Well, Mr. Speaker, the American people are tired of business as usual. They want the Congress and the President to work together to cut Government spending first.

Unfortunately, the President would rather talk first, promise first, or spend first. He'd rather not cut spending first.

And now, the vote on the Penny-Kasich amendment is being delayed until the President can gear up his lobbying effort to derail this amendment.

Is this really what the American people want from their Government? I don't think so.

They want to cut Government spending first, not last.

BRADY BILL DERAILED AGAIN

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

Mrs. SCHROEDER. Mr. Speaker, the filibuster did it again. How tragic to open this morning's paper and find that one more time the Brady bill has been derailed.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. Is it in order to comment on proceedings in the other body?

The SPEAKER pro tempore. The gentleman's point is noted. Legislative proceedings can be referenced in this body about the Congress, but not characterizations of the other body.

The gentlewoman from Colorado may proceed.

Mrs. SCHROEDER. Mr. Speaker, this body took this issue on and realized how very important the waiting period really was. We sent it over, and we had hoped so much that that could happen.

I think it is very sad when we constantly see that you have to have a super-majority to get things through. There is no longer a regular majority that will do it.

That had been really part of the guts of what we were trying to do to get crime under control in this country, to put together this national network to be able to check people before they ran in and bought handguns.

Unfortunately, today we hear one more time that bill has been derailed.

THE TOP 10 LIST

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

Mr. BALLENGER. Mr. Speaker, from the home office in Ottawa, Canada, the top 10 reasons the President opposes the Kasich-Penny spending cuts amendment:

No. 10. Starve a cold, feed a deficit.

No. 9. The deficit not really a big problem.

No. 8. Can't decide if it's Kasick or Kasitch

No. 7. I'm sick and tired of this bipartisan stuff.

No. 6. Penny here and Penny there, and pretty soon your talking real money

No. 5. AL GORE, what a guy.

No. 4. Won't support any document taller than his Labor Secretary.

No. 3. Joey Buttafuco.

No. 2. You weren't serious about this spending cut thing, were you?

And the No. 1 reason the President opposes the Kasich-Penny Spending cut amendment is:

No. 1. We don't need no stinking spending cuts.

PASS THE BRADY BILL BEFORE THANKSGIVING

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

Mr. SCHUMER. Mr. Speaker, gun control and the Brady bill were mugged and assaulted last night. I am angry. I know that millions of Americans are just as angry.

In the dead of night, the NRA and their supporters have once again assaulted the will of millions of Americans; in the dead of night, filibustering the will of the American people; in the dead of night filibustering the safety of our children; in the dead of night, filibustering the wishes of our brave law-enforcement officers to be protected from the rampant guns that are throughout our society.

This is not a victory. This is a terrible defeat for our people, for our country, for our police, and the filibuster has prevented real votes from coming to the floor.

I would urge that this Congress stay in session until we can get a vote and send the Brady bill to the President's desk before Thanksgiving.

TARGET THE REVOLVING-DOOR CRIMINALS

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

Mr. GEKAS. Mr. Speaker, Members of the House, law-enforcement officials and the American public want effective control of the thug, the criminal—8 percent or 9 percent of the crimes in this country are committed time and time again by the same recidivist, repeat offenders, violent offenders.

That is what law-enforcement officials and the American public generally want to see targeted in this anxiety to control crime. What the American public hates to see is a convicted criminal in court let loose and out on the streets again on a technicality. What the American public and law-enforcment writhe in their seats to see happen is a death-row resident time and time again appealing and preventing the ultimate justice.

The people and the law-enforcement officials hate to see three-time felons receive a spanking rather than life imprisonment. These are what we have to dwell on.

We must target the recidivist, revolving-door criminals and put them away for a long time to come. That is what law-enforcement officials and the American public want.

PENNY-KASICH AMENDMENT IS UNFAIR

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

Mr. STRICKLAND. Mr. Speaker, let us talk about hypocrisy and the Penny-Kasich amendment. Days after voting to spend tens of billions on the unfunded NAFTA agreement, and pledging to retrain workers who lose their jobs because of it, many NAFTA supporters are now calling for deficit reduction. They did not care to fund NAFTA; now they want to cut programs that help Americans. In the name of deficit reduction, they are willing to cut worker retraining programs by lowering the discretionary caps, and put the burden of that deficit reduction on the backs of working men and women.

We were told the Penny-Kasich cuts would reduce spending by over $100 billion: now we are told it is $90 billion. How did we get from $100 billion to $90 billion? I will tell you how, by playing the game the way its always been played in Washington. Things have not changed. They manipulated the numbers to gain public support, and cut deals to pull in votes. The result is unfair: when those deals were cut, they forgot the elderly, low-income families, and rural America. Once again, the average joe gets the short end of the stick, takes the hit from the cuts, and ends up paying more than his fair share.

CUTTING GOVERNMENT SPENDING

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

Mr. BLUTE. Mr. Speaker, in a few short days, the first session of the 103d Congress will come to a close. And I cannot help but wonder if my colleagues in the House who voted for the President's $275 billion tax increase earlier this year, are prepared to leave here without getting what the President and their leadership promised them for that vote—a substantial, meaningful cut in Federal Government spending.

It seems like only yesterday that the President's plan eked through the House by a mere two votes, and was then saved from the jaws of death by the Vice President himself. I still remember the worried look on the faces of those Members whose arms were being twisted to support the largest tax increase in American history. Members of this House were afraid of the reaction from people back home if they supported that massive tax hike. But they held their noses, and they voted yes for taxes, on the promise that they would get to vote for cuts later.

Well, to my colleagues, I say that time is almost up. And we have but one chance to make the kind of cuts that will do something about the deficit. Are you ready to leave this place without getting what you were promised?

If not, I urge you to call in your IOU from the President and your leadership, and join me in calling for immediate consideration of the Penny-Kasich spending cut package. It is the right thing to do, and your constituents will thank you for it.

□ 1020

PENNY-KASICH: PASS REAL DEFICIT REDUCTION THIS YEAR

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

Mr. ZELIFF. Mr. Speaker, I will support Penny-Kasich when it comes to a vote. It is not all that I had hoped for, but it is this House's best chance to pass real deficit reduction this year. Its bipartisan approach to spending cuts will save the taxpayers more than $90 billion.

I am not prepared to stop with that; $90 billion is just a penny on the dollar and a small step toward solving our Nation's debt problem.

Mr. Speaker, that is why Congressman ROB ANDREWS and I are leading the bipartisan A to Z spending cut effort. When this House returns early next year, we intend to pursue a full-court press to make even more spending cuts; 234 Members joined in the A to Z effort by writing to the Speaker to ask for an open spending cut process this year. With the upcoming Penny-Kasich vote, we will at least be having another debate on spending cuts. But it will not be free, fair, and open debate on all spending cut proposals.

On Monday there will be 2 or 3 spending cut amendments permitted—even

though more than 10 times that many amendments were submitted to the Rules Committee.

I ask all 234 of you who joined with me in the A to Z Spending Cut effort in August to come together once again to push the A to Z Spending Cut legislation to the floor early next year. The House must be held accountable for its actions so that real deficit reduction can happen.

Vote "yes" on Penny-Kasich. And cosponsor the A to Z plan now so that real deficit reduction will happen when we return.

Let us stop adding $1 billion per day to our debt. It is time that we are held accountable for our Nation's future.

SUPPORT PENNY-KASICH

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

Mr. BUYER. Mr. Speaker, I rise here in support of the Penny-Kasich amendment and in great disappointment that we are not voting on it today but understandably, now, why. When everybody is out now sending out their mail to all of our offices, having the Department of Defense contact—having Jesse Brown of Veterans Affairs contact us and put in the scare and fear tactics now to different Members, saying it is going to be harmful to the Department of Defense, it will be harmful to veterans.

Well, I sit on the Committee on Armed Services and the Committee on Veterans' Affairs. Let me say unto Les Aspin: It is not harmful to the military, it does not wreck the military. "What you did earlier wrecked the military, $127 billion in cuts in the military without a risk assessment to national security; trying to put gays into the military; wrecking the operational tempo; sending our troops abroad in peacekeeping missions without proper support; that is what hurts the military, not the Penny-Kasich amendment." That is my strong message.

And to the veterans: We are answering the President's call for shared sacrifice, and I have not yet met a veteran who would not step forward and say, "I want to participate."

LET US DO PENNY-KASICH NOW

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

Mr. WALKER. Mr. Speaker, someone observing the House today might wonder why so many Democrats are coming to the floor speaking out against spending cuts in the Penny-Kasich bill. Well, the real reason is that their leadership is suddenly afraid that spending cuts might actually pass this Congress.

So they are doing everything possible to torpedo that effort.

Now, middle-class America knows what its priorities are. Middle-class America has figured out that Government is too big and spends too much, and it wants something done about it. Their priority is to cut spending. This Congress does not want to cut spending. So Democrats come to the floor and they talk time and time again about why we cannot do it here and why we cannot do it now.

But let us understand what we can do here and now. Today on our calendar, we are going to pass, at least take up, the Fountain Darter Captive Propagation Research Act. We can do that, but we cannot cut spending.

On the calendar today we are going to take up the Winnow Run Chinook Salmon Captive Broodstock Act of 1993. Good heavens, we can do that but we cannot do Penny-Kasich.

We are going to take up the Nationality and Naturalization Act. We cannot do Penny-Kasich, but we can do the, yes, the propagation bill, that is right. Penny-Kasich we cannot do, but we can do the Propagation Act.

Then we can do the National Oceanic and Atmospheric Administration atmosphere and satellite programs authorization—you cannot even get these things out of your mouth. We are going to be doing those out here today, but Penny-Kasich and cutting spending, boy, we cannot do those.

I would suggest that if Congress wants to do something that the American people think is important, well, if we really want to do something middle-class America wants, let us cut spending, let us not do this stuff.

WELFARE REFORM

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

Mr. CASTLE. Mr. Speaker, I have recently had the opportunity to be involved with an excellent group of Republican colleagues in preparing a comprehensive welfare reform proposal which 160 Republican Members have cosponsored. This bill defines welfare reform for the Nation as more work, less spending, dramatically greater flexibility for the States and restricted welfare for noncitizens.

While our bill is a logical extension of the family support act, it is in fact, and perhaps more importantly, an attempt to do nationally what has worked on the State level in Delaware. Just as Delaware's first step training program linked welfare assistance to academic, employment and life skills training, this bill requires the same and empowers individuals and families for that first step toward economic independence, and self-worth. More than 2,100 individuals have been able to use that experience as a foundation to greater self-reliance and self-esteem, 1,500 of whom have been able to leave welfare rolls entirely.

Our bill has other equally important provisions, from emphasizing the responsibility of fathers to support their children, to establishing tough new standards to combat illegitimate births, to ending welfare for most noncitizens and providing greater State control and flexibility. I look forward to working in the same bipartisan manner in which we dealt with NAFTA with my colleagues on the other side of the aisle and the administration on this crucial reform effort.

SPENDING CUTS? "DON'T BE FOOLED"

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

Mr. PENNY. Mr. Speaker, "don't be fooled." There are now plans under way to beef up the President's deficit spending reduction package. The President has submitted about $2 billion of spending rescissions, and while originally touted as a $10 billion Government reinventing proposal, it has now been scored at $300 million. It has been suggested that the personnel cuts which are in the Penny-Kasich deficit reduction plan are now going to be added to the President's package. That might bring the total cuts in that package to somewhere in excess of $25 billion.

The key difference is that none of the cuts in that package will reduce the deficit by one dime. The caps are not lowered by that package, and therefore any cuts are free to be spent somewhere else. The only package to be debated and voted on, on Monday that will actually reduce the deficit is the Penny-Kasich plan.

"Don't be fooled," you cannot cut the deficit without cutting the deficit. Spending cuts that are spent somewhere else do not reduce the red ink.

Vote for the Penny-Kasich plan.

WORLD AIDS DAY STAMP AT BRYANT COLLEGE

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

Mr. MACHTLEY. Mr. Speaker, I rise today in recognition of Bryant College in Smithfield, RI. On December 1, 1993, World AIDS Day, Bryant will have the distinction of being the only site in Rhode Island, and the only college or university in the country to be designated an official U.S. Postal Station, for the purpose of issuing a special commemorative cancellation of the new AIDS Awareness Stamp.

The Centers for Disease Control [CDC] recently announced that AIDS is the leading cause of death among American men aged 25 to 44, and the

fourth leading cause among American women of the same group.

In 1990 the CDC found that 1 out of every 500 students tested positive for the HIV virus. Just this year, CDC found that 1 out of every 250 students tested positive for the HIV virus.

To quote Bryant College President William E. Trueheart, "AIDS does not discriminate. The HIV-virus that causes AIDS can strike anyone, regardless of income, age, gender, race, or sexual orientation. Young people are especially vulnerable, and we need to help them understand that they are at risk, despite their youth, health, and vitality."

Mr. Speaker, on December 1, 1993, World AIDS Day, Bryant will be the first school to unveil the World AIDS Day Stamp. Classes on that day will be devoted to discussions on the medical, social, and financial impacts of the AIDS pandemic.

Bryant has long been recognized for its outstanding reputation, providing one of the finest business education programs in the country. They are also to be applauded for their provision of health education, for their efforts to heighten awareness of AIDS, and for leading the effort to protect the men and women who will lead this country well into the next century.

□ 1030

JAMES BROWN DAY

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

Ms. MCKINNEY. Mr. Speaker, I rise and stand proudly today to recognize one of Georgia's 11th Congressional District's most celebrated and internationally enjoyed native sons, Mr. James Brown.

On Saturday, November 20, Mr. Brown will be honored in the bosom of his roots, on the streets where he once walked to school and shined shoes, with the naming of James Brown Boulevard in Augusta, GA.

This entertainment legend and soul singer has overcome diversity, seemingly insurmountable hardships, and is a crusader for pride across the world. As the hardest working man in show business, he has shed more than just flowing capes on stage and mesmerized audiences with fancy footwork.

Through a career that has spanned nearly five decades, Mr. Brown remains universal in his appeal and unequaled in his zeal. From humble beginnings he has defied the odds to reach the pinnacle of success. And because of him, everyone from little toddlers, to their grandmas, to Members of Congress—we can all say in the song titles of Mr. Brown, "I Feel Good," because "If You Open Up the Door I'll Get it Myself."

PROCLAMATION OF THE CITY OF AUGUSTA

Whereas, James Brown grew up and attended public schools in the City of Augusta, Georgia; and

Whereas, through his musical talent, James Brown has achieved national as well as international acclaim; and

Whereas, James Brown is an international celebrity known from Boston to Berlin; Augusta to Australia and Thomson to Tokyo; and

Whereas, James Brown is a musical phenomenon affectionately known as 'The Godfather of Soul'; and

Whereas, James Brown is one of our own and is proud to call Augusta his home, being involved in numerous community efforts; and

Whereas, we take great pleasure and pride in the renaming of Ninth Street to James Brown Boulevard.

Now, Therefore, I, Charles A. DeVaney, Mayor, City of Augusta, Georgia do hereby proclaim November 20, 1993 to be "James Brown Day" in the City of Augusta and urge all citizens to join in this observation and celebration.

In witness whereof, I have hereunto set my hand and caused the Seal of the City to be affixed this 19th day of November, 1993.

CHARLES A. DEVANEY,
Mayor, City of Augusta, Georgia.

WOMEN AND ALCOHOL RESEARCH EQUITY ACT OF 1993

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

Mrs. MORELLA. Mr. Speaker, I rise today to introduce a bill to enable the National Institute on Alcohol Abuse and Alcoholism to increase their research on women and alcoholism.

Alcoholism is a disease with gender specific effects. Some of these effects on women include the following:

The combined effects of estrogen and alcohol augment liver damage.

The death rate for female alcoholics is 50 percent to 100 percent higher than for male alcoholics.

Heavy drinking contributes to menstrual disorders, fertility problems and premature menopause.

For these and other reasons, it is critical that the NIAAA conduct research focused on women.

Women are approximately 50 percent of the total alcohol and drug dependent population, yet only 8 percent of the fiscal year 1992 NIAAA budget is allocated for research on women. This proportion is far too low to address the health needs of women and it is this problem my bill seeks to correct.

The Women and Alcohol Research Equity Act of 1993 will add $23,250,000 to the budget of the NIAAA, to be used solely for research on women.

I ask my colleagues to join with me in supporting this long overdue effort for women's health.

DEFICIT REDUCTION HONESTY

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

Mr. BROWN of Ohio. Mr. Speaker, you have just to love, as my colleague, the gentleman from Ohio [Mr. STRICKLAND] said a moment ago, you have got to love the hypocrisy on Penny-Kasich.

Just this week, earlier in the week, three-fourths of the Republicans in this body said that we should agree to pass the North American Free-Trade Agreement with a price tag of $50 billion, tens of billions of dollars for border cleanup, environmental cleanup, all the restructuring at the border, all the investment at the border, $50 billion in unfunded NAFTA.

Now they want $100 billion cuts in the Penny-Kasich amendment.

I was speaking to a Republican right prior to the vote. I asked him how he was voting on NAFTA.

He said he was voting for it.

I said, "Are you going to vote for a $50 billion new Government program?"

He said, "Sure."

I said, "How are we going to fund it?"

He said, "That's your problem. You're in the Democratic majority."

That is the kind of hypocrisy that the Kasich-Penny amendment is. That is the kind of hypocrisy that voted for a $50 billion new Government program on NAFTA. That is the kind of hypocrisy that they brought to this Chamber.

Nothing has changed here in the last 8 months. This big freshmen class apparently did not make much difference.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman should refrain from such references to Members.

Mr. WALKER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. WALKER. Mr. Speaker, I demand that the gentleman's words be taken down.

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

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to withdraw the remarks.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, can we be certain—is the entire speech going to be withdrawn?

Mr. BROWN of Ohio. Only to delete the name of the Member. I stand by what I said. Everything else is hypocrisy.

Mr. WALKER. Well then, Mr. Speaker, I object.

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

□ 1040

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to withdraw

my remarks about individual House Members using the word "hypocrisy."

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken later today, but not before 1 p.m.

COPYRIGHT REFORM ACT OF 1993

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 897) to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes, as amended.

The Clerk read as follows:

H.R. 897

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 "Copyright Reform Act of 1993".

SEC. 2. DEPOSIT OF COPIES OR PHONORECORDS FOR LIBRARY OF CONGRESS.

Section 407 of title 17, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking "(a)" and all that follows through "publication—" and inserting the following:

"(a) REQUIRED DEPOSITS.—Except as provided in subsection (c), the owner of copyright in a work or of the exclusive right of publication of a work in the United States shall deposit, after the earliest date of such publication—".

(2) Subsection (b) is amended—

(A) by inserting "DEPOSIT IN COPYRIGHT OFFICE.—" after "(b)"; and

(B) by adding at the end the following: "A deposit made under this section may be used to satisfy the deposit requirements of section 408.".

(3) Subsection (c) is amended—

(A) by inserting "REGULATIONS.—" after "(c)"; and

(B) by striking "Register of Copyrights" and inserting "Librarian of Congress".

(4) Subsection (d) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking "(d) At any time after publication of a work as provided by subsection (a)" and inserting the following:

"(d) PROCEDURES.—(1) During November of each year, the Librarian of Congress shall publish in the Federal Register a statement of the categories of works of which the Library of Congress wishes to acquire copies or phonorecords under this section during the next calendar year. The Librarian shall review such statement annually in light of the changes in the Library's policies and procedures, changes in technology, and changes in patterns of publication. The statement shall also describe—

"(A) the types of works of which only one copy or phonorecord need be deposited;

"(B) the types of works for which the deposit requirements may be fulfilled by placing the Library of Congress on a subscription list; and

"(C) the categories of works which are exempt under subsection (c) from the deposit requirements.

"(2) At any time after publication in the United States of a work or body of works";

(C) by striking "Register of Copyrights" and inserting "Librarian of Congress";

(D) by inserting after the first sentence the following: "Such demand shall specify a date for compliance with the demand.";

(E) by inserting "in a civil action" after "are liable";

(F) in subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) by striking "cost of" and inserting "cost to";

(G) in subparagraph (C) (as redesignated by subparagraph (A) of this paragraph) by striking "clauses (1) and (2)" and inserting "subparagraphs (A) and (B)"; and

(H) by adding after subparagraph (C) (as so redesignated) the following:

"In addition to the penalties set forth in subparagraphs (A), (B), and (C), the person against whom an action is brought under this paragraph shall be liable in such action for all costs of the United States in pursuing the demand, including an amount equivalent to a reasonable attorney's fee.".

(5) Subsection (e) is amended—

(A) by inserting "TRANSMISSION PROGRAMS.—" after "(e)";

(B) by striking "Register of Copyrights shall, after consulting with the Librarian of Congress and other interested organizations and officials," and inserting "Librarian of Congress shall, after consulting with interested organizations and officials,"; and

(C) in paragraph (2) by striking "Register of Copyrights" and inserting "Librarian of Congress".

(6) Section 407 of title 17, United States Code, is further amended by adding at the end the following:

"(f) OBLIGATION TO MAKE DEPOSITS.—Immediately upon the publication in the United States of any work in which copyright subsists under this title, it shall be the obligation of the persons identified in subsection (a) with respect to that work, subject to the requirements and exceptions specified in this section, to deposit, for the use or disposition of the Library of Congress, the copies or phonorecords specified in such subsection. The obligation to make such deposit arises without any prior notification or demand for compliance with subsection (a).

"(g) RECORDS OF DEPOSITS.—The Librarian of Congress shall establish and maintain public records of the receipt of copies and phonorecords deposited under this section.

"(h) DATABASE OF DEPOSIT RECORDS.—The Librarian of Congress shall establish and maintain an electronic database containing its records of all deposits made under this section on and after October 1, 1995, and shall make such database available to the public through one or more international information networks.

"(i) DELEGATION AUTHORITY.—The Librarian of Congress may delegate to the Register of Copyrights or other officer or employee of the Library of Congress any of the Librarian's responsibilities under this section.".

SEC. 3. COPYRIGHT REGISTRATION IN GENERAL.

Section 408 of title 17, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1) by adding at the end the following: "The Register is also authorized to specify by regulation classes of material in which registration may be made without deposit of any copy or phonorecord, in cases in which the Register determines that the purposes of examination, registration, and deposit can be adequately served by deposit of descriptive material only, or by a written obligation to deposit copies or phonorecords at a later date."; and

(B) in paragraph (2) by striking "periodicals, including newspapers" and all that follows through the end of subparagraph (B) and inserting "collective works, including periodicals, published within a 5-year period, on the basis of a single deposit and application and upon payment of any special registration fee imposed under section 708(a)(10), if the application identifies each work separately, including the collective work containing it and its date of first publication."; and

(2) by adding at the end the following:

"(f) COPYRIGHT OFFICE HEARINGS.—Not later than 1 year after the effective date of this subsection, and at 1-year intervals thereafter, the Register of Copyrights shall hold public hearings to consider proposals to amend the regulations and practices of the Copyright Office with respect to deposit of works in order to eliminate deposits that are unnecessary for copyright examination or the collections of the Library of Congress, and in order to simplify the registration procedures.".

SEC. 4. APPLICATION FOR COPYRIGHT REGISTRATION.

(a) APPLICATIONS.—Section 409 of title 17, United States Code, is amended—

(1) by striking "The application" and inserting "(a) CONTENTS OF APPLICATION.—The application";

(2) in paragraph (5) by inserting before the semicolon the following: ", and if the document by which ownership was obtained has been recorded in the Copyright Office, the volume and page number of such recordation";

(3) by striking paragraphs (9) and (10) and inserting the following:

"(9) in the case of a compilation or derivative work, an identification of any preexisting work or works that it is substantially based on or substantially incorporates, and a brief, general statement of the additional material covered by the copyright claim being registered;

"(10) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses; and"; and

(4) by adding at the end the following:

"(b) SHORT-FORM APPLICATION.—

"(1) USE OF SHORT-FORM.—The Register of Copyrights shall prescribe a short-form application which may be used whenever—

"(A) the work is by a living author;

"(B) the claimant is the author;

"(C) the work is not anonymous, pseudonymous, or made for hire; and

"(D) the work as a whole, or substantial portions of it, have not been previously published or registered.

"(2) CONTENTS OF SHORT-FORM.—The short-form application shall include—

"(A) the name and address of the author;

"(B) the title of the work;

"(C) the nationality or domicile of the author;

"(D) the year in which creation of the work was completed;

"(E) if the work has been published, the date and nation of its first publication;

"(F) any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright; and

"(G) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses.".

(b) EFFECTIVE DATE.—The amendments made by this section take effect 6 months after the date of the enactment of this Act.

SEC. 5. REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE.

(a) DETERMINATION OF REGISTRATION.—Section 410 of title 17, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) DETERMINATION OF REGISTER.—If, after examination, the Register of Copyrights determines, in accordance with the provisions of this title, that there is no reasonable possibility that a court would hold the work for which a deposit is made pursuant to section 408(c) to be copyrightable subject matter, or the Register determines that the claim is invalid for any other reason, the Register shall refuse registration and notify the applicant in writing of the reasons for such refusal. In all other cases, the Register shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. A certificate of registration issued under this section extends only to those component parts of the work that both are the subject matter of copyright and the copyright owner has the right to claim. The certificate shall contain the information set forth in the application, together with the number and effective date of the registration.

"(b) APPEALS PROCEDURE.—The Register of Copyrights shall establish, and publish in the Federal Register, a formal procedure by which appeals may be taken from refusals under subsection (a) to register claims to copyright. Such procedure shall include a final appeal to the Register.".

(b) JUDICIAL PROCEEDINGS.—Subsection (c) of section 410 of title 17, United States Code, is amended—

(1) by inserting "EVIDENTIARY WEIGHT OF CERTIFICATE.—" after "(c)"; and

(2) by adding at the end the following: "Any error or omission made in good faith or upon reasonable reliance on counsel shall not affect the validity of the registration. In no case shall an incorrect statement made in an application for copyright registration invalidate the copyright.".

(c) TECHNICAL AMENDMENT.—Subsection (d) of section 410 of title 17, United States Code, is amended by inserting "EFFECTIVE DATE OF REGISTRATION.—" after "(d)".

SEC. 6. COPYRIGHT REGISTRATION PROVISIONS.

(a) REGISTRATION AND INFRINGEMENT ACTIONS.—(1) Section 411 of title 17, United States Code, is amended—

(A) by amending the section caption to read as follows:

"§411. Registration and infringement actions for certain works";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b)"; and

(ii) by striking paragraphs (1) and (2) and inserting the following:

"(1) serves notice upon the infringer, not less than 10 or more than 30 days before such fixation, identifying the work and the specific time and source of its first transmission; and

"(2) submits an application for registration of the copyright claim in the work, in accordance with this title, within 3 months after the first transmission of the work.".

(2) The item relating to section 411 in the table of sections at the beginning of chapter 4 of title 17, United States Code, is amended to read as follows:

"411. Registration and infringement actions for certain works.".

(b) REGISTRATION AS PREREQUISITE TO CERTAIN REMEDIES FOR INFRINGEMENT.—Section 412 of title 17, United States Code, and the item relating to section 412 in the table of sections at the beginning of chapter 4 of title 17, United States Code, are repealed.

SEC. 7. REMEDIES FOR INFRINGEMENT.

Section 504(c)(2) of title 17, United States Code, is amended in the second sentence—

(1) by striking "court it" and inserting "court in";

(2) by inserting "or eliminate" after "reduce"; and

(3) by striking "to a sum of not less than $200".

SEC. 8. NOTIFICATION OF FILING AND DETERMINATION OF ACTIONS.

Section 508 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "and the party filing the action" after "United States"; and

(B) in the second sentence by inserting "and the party filing the action" after "clerk"; and

(2) in subsection (b) by inserting "and the party filing the action" after "clerk of the court".

SEC. 9. STUDY ON MANDATORY DEPOSIT.

(a) SUBJECT MATTER OF STUDY.—Upon the enactment of this Act, the Librarian of Congress shall conduct a study of the mandatory deposit provisions of section 407 of title 17, United States Code. Such study shall place particular emphasis on the implementation of section 407(e) of such title with respect to the deposit of transmission programs, as well as possible alternative methods of obtaining deposits if the mandatory deposit requirements of such section 407 are expanded to authorize the collection, archival preservation, and use by the Library of Congress of other publicly transmitted works, including unpublished works such as computer programs and online databases.

(b) CONDUCT OF STUDY.—The study under subsection (a) shall be conducted by the Register of Copyright, in consultation with any affected interests, and may include the voluntary establishment, in collaboration with representatives of such interests, of practical tests and pilot projects.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on the results of the study conducted under this section, together with recommendations the Librarian has on—

(1) safeguarding the interests of copyright owners whose works are subject to the mandatory deposit provisions referred to in subsection (a);

(2) fulfilling the present and future needs of the Library of Congress with respect to archival and other collections development; and

(3) any legislation that may be necessary.

SEC. 10. STUDIES OF EFFECTS OF REGISTRATION AND DEPOSIT PROVISIONS.

Upon the enactment of this Act, the Librarian of Congress, after consultation with the Register of Copyrights and any affected interests, shall commence a study of the extent to which changes in the registration and deposit provisions of title 17, United States Code, that are made by this Act have affected the acquisitions of the Library of Congress and the operations of the copyright registration system, and any recommendations the Librarian may have with respect to such effects. Not later than 3 years after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on such study. The Librarian may conduct further studies described in the first sentence, and report to the Congress on such studies.

SEC. 11. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 101 of title 17, United States Code, is amended by striking the definition of the "country of origin" of a Berne Convention work.

(b) INFRINGEMENT OF COPYRIGHT.—Section 501(b) of title 17, United States Code, is amended in the first sentence by striking ", subject to the requirements of section 411,".

(c) REMEDIES FOR INFRINGEMENT.—Section 504(a) of title 17, United States Code, is amended by striking "Except as otherwise provided by this title, an" and inserting "An".

SEC. 12. ADDITIONAL TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—Title 17, United States Code, is amended as follows:

(1) The definition of "publicly" contained in section 101 is amended—

(A) by striking "clause" and inserting "paragraph"; and

(B) by striking "processs" and inserting "process".

(2) The definition of "registration" contained in section 101 is amended by striking "412,".

(3) Section 108(e) is amended in the matter preceding paragraph (1) by striking "pair" and inserting "fair".

(4) Section 109(b)(2)(B) is amended by striking "Copyright" and inserting "Copyrights".

(5) Section 304(c) is amended in the matter preceding paragraph (1) by striking "the subsection (a)(1)(C) and inserting "subsection (a)(1)(C)".

(6) Section 405(b) is amended by striking "condition or" and inserting "condition for".

(7) The item relating to section 504 in the table of sections at the beginning of chapter 5 is amended by striking "Damage" and inserting "Damages".

(8) Section 501(a) is amended by striking "sections 106 through 118" and inserting "section 106".

(9) Section 509(b) is amended by striking "merchandise; and baggage" and inserting "merchandise, and baggage".

(10) Section 601 of title 17, United States Code, is amended—

(A) in subsection (a) by striking "nondramtic" and inserting "nondramatic"; and

(B) in subsection (b)(1) by striking "subsustantial" and inserting "substantial".

(11) Section 801(b)(4) of title 17, United States Code, is amended by adding a period after "chapter 10".

(12) The item relating to section 903 in the table of sections at the beginning of chapter 9 is amended to read as follows:

"903. Ownership, transfer, licensing, and recordation.".

(13) Section 909(b)(1) is amended—

(A) by striking "force" and inserting "work"; and

(B) by striking "sumbol" and inserting "symbol".

(14) Section 910(a) is amended in the second sentence by striking "as used" and inserting "As used".

(15) Section 1006(b)(1) is amended by striking "Federation Television" and inserting "Federation of Television".

(16) Section 1007 is amended—

(A) in subsection (a)(1) by striking "the calendar year in which this chapter takes effect" and inserting "calendar year 1992"; and

(B) in subsection (b) by striking "the year in which this section takes effect" and inserting "1992".

(17) The table of chapters at the beginning of title 17, United States Code, is amended—

(A) by amending the item relating to chapter 6 to read as follows:

"6. Manufacturing Requirements and Importation ..... 601";

(B) by amending the item relating to chapter 9 to read as follows:

"9. Protection of Semiconductor Chip Products ..... 901";

and

(C) by adding at the end the following:

"10. Digital Audio Recording Devices and Media ..... 1001".

(b) OTHER PROVISIONS OF LAW.—(1) Section 2319(b)(1) of title 18, United States Code, is amended by striking "at last" and inserting "at least".

(2) Section 1(a)(1) of the Act entitled "An Act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities", approved November 9, 1987 (17 U.S.C. 914 note), is amended by striking "orginating" and inserting "originating".

(3) Section 3(a)(1)(C) of the Audio Home Recording Act of 1992 is amended by striking "adding the following new paragraph at the end" and inserting "inserting after paragraph (3) the following new paragraph".

SEC. 13. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 4(b), and subject to subsection (b) of this section, this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) PENDING ACTIONS.—The amendments and repeals made by section 6 shall not affect any action brought under title 17, United States Code, before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in strong support of H.R. 897, the Copyright Reform Act of 1993.

H.R. 897 will bring much needed reforms in the copyright office's registration procedures. H.R. 897 will also strengthen the section 407 mandatory deposit provisions, which are an important source of copyrighted works for the Library of Congress.

The principal reform made by H.R. 897 is repeal of sections 411(a) and 412 of title 17, United States Code. Section 411(a) requires that United States authors, but not authors from countries that are members of the Berne Convention, register their works with the United States Copyright Office before bringing an infringement action. Section 412 conditions the award of statutory damages and attorney's fees on registration being obtained before an infringement occurs.

After 15 years experience with these two provisions, the Committee on the Judiciary concluded that they no longer represent good copyright policy. I agree.

Section 411(a) discriminates against United States authors, who unlike their foreign counterparts, have to go through the time and expense of preparing copyright registrations. In the case of software, a medium-sized software company may spend as much as $100,000 a year. This is wasted time and money. The section 408 deposit, typically the first and last 25 pages of redacted source code, is of no use as a record of the scope of the copyright owner's claim, and it is of no use to the Library of Congress, which wants the machine-readable version of the program.

Section 412, originally designed to provide an indirect way for the Library of Congress to receive deposits of copyrighted works, has been subverted into a defense raised by infringers in order to deprive copyright owners of what may be their only realistic economic relief, statutory damages and attorney's fees. In the words of the Association of American Publishers in a 1986 letter to the Register of Copyrights, section 412 has

> Become more of a shield for infringers than a benefit to anyone. Registration as a condition to statutory damages and attorney's fees in some cases, as one example, has become particularly problematic. Eligibility for such remedies has been an important ingredient in our copyright laws out of recognition that they may provide the only real hope of meaningful economic relief in infringement actions. A possible lack of eligibility for this relief has been the cornerstone of the tactics of even the most blatant infringers under the 1976 Copyright Act. Yet, the Copyright Office's proposed fee increase will undoubtedly force many authors and other copyright owners to forego regular registration, rendering their copyrights of little practical value against infringers who will be emboldened by the possibility that the infringed author or copyright owner will be unable to secure any real financial relief after engaging in expensive complaint, settlement, and litigation procedures. Particularly with the proposed fee increases, the 'inducements' will become obstacles to the protection of copyright.

The Committee on the Judiciary agreed with this assessment and so do I. H.R. 897 is designed to remedy the very real problems for copyright owners pointed out by the Association of American Publishers.

Repeal of sections 411(a) and 412 will also assist our trade negotiators as they attempt to discourage foreign governments from imposing formalities on U.S. works, formalities that may have the result of depriving U.S. authors of adequate and effective protection. H.R. 897 may be viewed as the "unfinished business" of Berne adherence, as it removes the last significant vestiges of formalities in our copyright law.

Technical measures like H.R. 897 may appear to be green eyeshade legislation to some, but this bill will have important, positive effects on our copyright industries. These industries form a vital part of our Nation's economic well-being. A report issued Monday by the International Intellectual Property Alliance indicates that in 1991 copyright industries accounted for $206.6 billion, about 3.6 percent of our gross domestic product, more than any other single manufacturing sector.

The annual growth rate of the copyright industries is more than twice the growth rate for the economy as a whole. The average annual rate of job growth in the copyright industries is more than three times that of the economy as a whole. Foreign sales of U.S. copyrighted goods are conservatively estimated at $36.2 billion, an amount that puts copyright industries third in exports, behind the aircraft and agricultural industries.

I would now like to discuss specific parts of the legislation, in addition to repeal of sections 411(a) and 412.

VOLUNTARY REGISTRATION WITH THE COPYRIGHT OFFICE

Section 408 of the Copyright Act currently provides for voluntary registration of a claim to copyright with the Copyright Office. Section 408 serves a number of purposes, two of which are related to the reforms proposed by H.R. 897.

One purpose of section 408 is to create a public record of claims of copyright and information regarding a copyrighted work, including its ownership and date of creation. Another purpose is to act as an indirect incentive to bring in deposits that the Library of Congress may wish to acquire. This indirect incentive is accomplished by various means, including giving a certificate of registration the status of prima facie evidence of the work's copyrightability and of the facts stated in the certificate; requiring registration in order to give a recorded transfer of copyright priority over subsequent, conflicting transfers; and the existence of section 412, which conditions the recovery of statutory damages and attorney's fees on registration prior to infringement.

The changes to the copyright Office's registration process include: First, a new short form application; second, a more liberal examination standard; third, alternative forms of deposit for copyright registration; fourth, a formal appeals process for refusals to register a claim to copyright; fifth, provisions clarifying when preexisting works have to be disclosed on the copyright application form in order to limit sharply the fraud on the Copyright Office defense; and, sixth, expansion of the group registration provisions.

OTHER COPYRIGHT OFFICE REFORMS

H.R. 897 also makes a number of changes designed to improve the Copyright Office registration system and the records of the Library of Congress. These include: First, amending section 410(a) to state explicitly that a certificate of registration only covers those parts of the work that are copyrightable and in which the copyright owner has a right to claim ownership and second, requiring the Register of Copyrights to hold annual public hearings on the section 408 deposit and registration requirements.

MANDATORY DEPOSIT WITH THE LIBRARY OF CONGRESS

The bill makes a number of changes to section 407 of title 17, United States Code, designed to strengthen and streamline mandatory deposit for the benefit of the Library of Congress. The changes include: First, clarifying that the obligation to deposit arises without any need for prior notification or demand; second, giving the Librarian rather than the Register of Copyrights authority over enforcement of the provision; third, permitting the Government to recover an amount equivalent to its attorney's fees if it has to bring suit to enforce its right to receive deposit copies; and, fourth, permitting section 407 mandatory Library of Congress deposits to be used to satisfy the deposit requirements of copyright registration under section 408.

The bill also directs the Librarian of Congress to publish an annual list of the types of works for which section 407 deposits will be sought and maintain a record and database of copies deposited under section 407. Finally, the Librarian is also directed to undertake a study to lay the foundation for the eventual expansion of section 407 to include works that are technically unpublished, but which are, nevertheless, publicly disseminated. In many cases, copyright owners do not retain this material and the Library of Congress will be the sole repository. The Copyright Act needs to be amended in order to ensure that the Library will receive these works. It is not feasible to do so immediately, though. There are many difficult issues to be resolved, some of which relate to the information superhighway and some of which relate to other concerns of copyright owners. These are real problems that cannot be solved overnight. They require study and experimentation.

MISCELLANEOUS ISSUES

H.R. 897 as reported by the Committee on the Judiciary deletes two provisions contained in the bill as introduced: First appointment of the Register of Copyrights by the President. This provision was in the bill in part because of a constitutional concern about the Register appointing and overseeing the arbitration panels, a concern which has been met by having the Librarian of Congress perform these duties; second, reversal of the National Peregrine decision has been dropped in order to study whether a single system of recordation of transfers applicable to copyrights, trademarks, and patents should be developed.

I urge my colleagues to support these needed reforms.

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

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 897, the Copyright Reform Act of 1993.

This bill will bring needed reforms to the Copyright Office registration process while ensuring that the Library of Congress will continue to receive copyrighted works for its collections.

The copyright industries are the brightest of our domestic industries. American motion pictures, records, and computer programs are sought throughout the world. Over 5.5 million workers are employed by the copyright industries, or about 4.8 percent of the U.S. work force. Economists estimate that in 1992, foreign sales of copyrighted works were almost $40 billion dollars, an increase of 9 percent over 1991. We need to do all we can to encourage the growth of our copyright industries. H.R. 897 will help this growth by removing bureaucratic obstacles to the protection and enforcement of copyrights.

This bill is the product of the distinguished chairman of the subcommittee on Intellectual Property and Judicial Administration, the gentleman from New Jersey [Mr. HUGHES] as well as the gentleman from Massachusetts [Mr. FRANK] and the ranking Republican member of the subcommittee, Mr. MOORHEAD.

I commend the gentleman from New Jersey for his time in developing and perfecting this legislation and urge my colleagues to support it.

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

Mr. Speaker, I rise in support of H.R. 897 and yield myself as much time as I may consume.

I want to thank the gentleman from Texas [Mr. BROOKS] for his support and scheduling H.R. 897, the Copyright Reform Act of 1993. I also want to express my appreciation to the gentleman from New Jersey for the time and consideration he gave the many concerns I had about this legislation and congratulate him on an excellent bill.

The most difficult concern I had related to the new, enhanced ability of photographers to sue if copyright registration is abolished. The subcommittee did hear during the second day of hearings complaints from photographers. Although the Copyright Office permit photographers to register 3,500 photos for one $20 registration fee, as a practical matter photographers don't usually register their photo. So if a family has its picture taken and the picture is copied by anyone other than the photographer who took the picture a copyright infringement suit could be filed by the photographers. That is the present law. However, as a practical matter most photos are not registered, therefore the photographers do not file suit against those people who have copies made of their photographs. Abolish registration and photographers would be more likely to file suit.

What I wanted to do to take care of this problem without taking away the copyright of the photographer would be to authorize the judge to reduce or remit the award of statutory damages and not permit any recovery of costs or attorneys fees.

Instead we are going to amend section 504 relating to the innocent infringers and permit the court to reduce the award of statutory damages to zero instead of "not less than $200." The gentleman from New Jersey [Mr. HUGHES] has agreed that strong report language on this issue is necessary so the parties and the court understand what our concerns are. And if it is abused by the photographers then we may need to correct it later.

Again I would like to commend the chairman for his hard work on this issue. I urge a favorable vote on H.R. 897 as reported by the committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I rise in support of H.R. 897, and would like to express my appreciation to the gentleman from New Jersey [Mr. HUGHES] and the gentleman from California [Mr. MOORHEAD] for their leadership and cooperation, and I was especially pleased what they did for the innocent infringer. I too, share a concern that we not unwittingly penalize innocent infringers. Thus, the committee's support for the amendment that removed a statutory minimum award in the case of infringement was a step in the right direction.

I offered an amendment in subcommittee which would have denied court costs and attorney fees in cases involving innocent infringement; however, I withdrew my amendment when the gentleman from New Jersey [Mr. HUGHES] assured me that the report language would reveal the committee was sympathetic to that position, and felt that section 505 presently gave the courts this option.

I raised my concern with innocent infringement by illustrating what could befall the photofinishing industry. Film processing companies as well as small independent photofinishers assure me that as a matter of policy, they honor copyrights and do not reproduce photos, slides, or other material which bears a copyright or studio name without the copyright owner's permission. Without some kind of marking, however, it is impossible for a photofinisher to know with certainty that a particular item is entitled to copyright protection.

That is why with the elimination of sections 411(a) and 412 and our earlier action to remove notice requirements, it is important that courts recognize their discretion to provide no statutory damages, costs, and attorney fees in appropriate cases. The report language can be found on page 10 of the report and reads as follows:

> Under this section, the courts already have the discretion to award an amount they believe appropriate, or no fees at all. Concern was expressed that with the repeal of Sections 411(a) and 412 of title 17, United States Code, litigation involving professional photographers may increase because of a failure to affix a copyright notice on the photograph, thus causing difficulties on the part

of individuals and photofinishers in determining copyright ownership. In cases where a court finds the defendant to be an innocent infringer, the Committee expects that the courts will not, in the usual case, award costs or attorney's fees.

I would like to again thank the gentleman from New Jersey and California for the guidance they provided, and I urge a "yes" vote on H.R. 897.

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

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

Mr. MOORHEAD. Mr. Speaker, I would like to commend the Gentleman for his hard work and the diligence that he put into that report language and I want to him to know that I agree with what he has just said. We are concerned about similar problems. I am concerned about the consumer, the Mom and Pop, the little leaguer who may be an innocent infringer and you are concerned about them as well plus the small photofinisher who has no way of determining whether something he has been asked to reproduce is or is not copyrighted. I think what the gentleman has done will put the photographer on notice not to use this change in the law to harass these people and it will also assist the courts when they are asked to make a determination on the innocent infringer.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I rise in support of H.R. 897.

I too would like to commend the gentlemen from Texas [Mr. BROOKS] and New Jersey [Mr. HUGHES] and my good friend from California [Mr. MOORHEAD] and the gentleman from Massachusetts [Mr. FRANK] a cosponsor of the bill for their good work on this important legislation.

The main thrust of H.R. 897 is the abolition of the requirement in present copyright law which requires U.S. authors to register their work with the Copyright Office before they can institute an infringement action. This is considered a formality (registration) and inconsistent with the Berne Convention. We got around this formality in 1988 when we passed the implementing legislation for Berne by saying that foreign authors from Berne countries do not have to go through registration, only American authors need register. This obviously discriminates against U.S. authors, thereby placing them at a competitive disadvantage, with foreign authors who do not have to spend the resources to create deposits for Copyright Office examination purposes.

The Berne Convention implementing legislation became law in October 1988. That same year I had the honor of personally delivering those official papers to the Director General of the World Intellectual Property Organization Doctor Arpad Bogsch. The Copyright Subcommittee is presently working on the Madrid Protocol legislation H.R. 2129 that will create an international trademark registration system within the World Intellectual Property Association. Again, the individuals and businesses in the United States that rely on this type of protection for their creative works will reap substantial benefits as a result of having a new and stronger relationship with 95 additional countries. I hope we can move that legislation early next session.

I urge a favorable vote for H.R. 897.

□ 1050

Again, Mr. Speaker, the individuals and businesses in the United States that rely on this type of protection for their creative works will reap substantial benefits as a result of having new and stronger relationships with the 95 additional countries. I hope we can move that legislation early in the next session.

Mr. Speaker, I urge a favorable vote on H.R. 897.

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

I take this time just to say, Mr. Speaker, that we had a very productive session in the Subcommittee on Intellectual Property and Judicial Administration, and that would not have been possible without the gentleman from California [Mr. MOORHEAD], who is my ranking Republican and partner. I thank him for the bipartisan effort with which we have conducted business in that committee.

Also, I commend the gentleman from North Carolina [Mr. COBLE] for his work on innocent infringers in particular. He has done yeoman work, and he has been a very valuable member of that committee. I commend also the gentleman from Massachusetts [Mr. FRANK] who was very helpful in passing this particular piece of legislation.

Mr. Speaker, I would also thank the professional staff. They have done a very good job on this and on other legislation during this past year. I am talking about Hayden Gregory, the chief counsel, and Bill Patry, as well as Jarilyn Dupont and Ed O'Connell of the professional staff on the majority side; and Tom Mooney and Joe Wolfe on the minority side.

It has been a great effort, and we have produced a lot of legislation because we have worked in a bipartisan fashion.

Finally, I want to thank the chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and the ranking Minority member of the full committee, the gentleman from New York [Mr. FISH] for their work in making possible many bills that I think will make a difference both in intellectual property as well as in the area of judicial administration.

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

Mr. HUGHES. I am happy to yield to the gentleman from California.

Mr. MOORHEAD. Mr. Speaker, I really want to congratulate the gentleman from New Jersey [Mr. HUGHES] for the job he has done on this Subcommittee on Intellectual Property and Judicial Administration. We have worked together very closely. We have gotten out a lot of excellent legislation. I think we have helped the people of the United States with the job that has been done.

I agree with the gentleman that we have an outstanding staff that makes that possible. The staff is able to work together for positive results with the members of our committee. The staff members of both political parties have worked well together.

So I think the product we have come up with is better than what we would have had if either party had been working alone. We have been working as a team, and the legislation that has come out is beneficial for all and not just from a narrow point of view. So I want to congratulate the gentleman again for his work.

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

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 897, as amended.

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

The title of the bill was amended so as to read: "A bill to amend title 17, United States Code, to modify certain registration requirements, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on all the bills that will be coming up today from the Committee on the Judiciary to be considered under suspension of the rules.

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

There was no objection.

INTERNATIONAL PARENTAL KIDNAPING CRIME ACT OF 1993

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to amend title 18, United States Code, with respect to parental kidnaping, and for other purposes.

The Clerk read as follows:

H.R. 3378

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 "International Parental Kidnapping Crime Act of 1993".

SEC. 2. TITLE 18 AMENDMENT.

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

"§ 1204. International parental kidnapping

"(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence;

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

"1204. International parental kidnapping.".

SEC. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

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

Mr. Speaker, I strongly support this bill. It fills a gap in our legal system that is causing torment for thousands of parents and innocent children.

Every parent knows the terror of not knowing where a child who is for even 5 minutes. Consider the thought of such a nightmare continuing for 5 months—or 5 years. That pain is beyond words.

Yet thousands of American parents are suffering that agony. They are partners in failed marriages who have legal custody rights to their children. But their former spouses have defied those rights, kidnaped their own children and taken them abroad.

Last year, more than 500 children were kidnaped from the United States and taken to foreign countries by parents who did not have the legal right to custody. The rate of these cases has increased in recent years. These kidnapings make life a living hell for the left-behind parent. They scar the kidnaped children for life.

Our State laws have proven to be all but useless in these cases. Most States punish parental kidnaping as a felony. But when kidnaping parents go overseas, they are virtually immune from domestic legal process. In practice, parent kidnapers who go overseas can thumb their noses at left-behind parents and at the separate State legal systems.

A Federal remedy is clearly needed. This bill provides that remedy. I commend the distinguished gentleman from Pennsylvania, Mr. GEKAS, for his persistent leadership in bringing this remedy before the House.

By creating a Federal felony offense, this bill will provide a strong Federal basis for the United States to request extradition of the kidnaping parent. It will deter kidnaping by making sure that parents who kidnap children and take them overseas will be pursued by the United States no matter where they go. And it will make clear to other nations that the United States considers parental kidnaping to a most serious offense.

I urge my colleagues to vote for this bill and help stop this horrendous practice.

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

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

Mr. Speaker, this bill makes kidnaping of a child from his or her custodial parent, and then removing the child from the United States, a Federal felony.

More than 300 children are taken to live in foreign countries each year by a parent that does not have legal custody of the child. The State Department has recorded over 2,800 of these cases since 1975, but many experts believe that this figure is low. The actual number of cases may be closer to 10,000. The rate at which such kidnapings are increasing also provides cause for action. Since May 1983, the number of cases known to the State Department has jumped 84 percent. Both the parent deprived of custody and the abducted child suffer from the kidnaping. Some child psychologists believe that the trauma associated with an abduction of this kind, and the subsequent deprivation of one parent's love, is one of the most horrendous forms of child abuse.

Although the majority of the States punish this type of kidnaping as a felony, the Federal Government does not. The absence of Federal legislation denies the victim parent Federal assistance and allows the abductor to escape Federal prosecution.

Federal legislation is needed for at least four reasons. First, creating a Federal felony for this type of kidnaping should deter at least some parents contemplating abduction. Currently, the abducting parent can flee to safe havens around the world knowing that the United States will not pursue them.

Second, making these kidnapings a Federal crime allows the United States to request extradition of the kidnaping parent from those countries with which we have extradition treaties.

Third, Federal legislation strengthens the hand of the State Department when asking a foreign government to intervene and assist in the return of a child by arming U.S. Ambassadors with Federal warrants.

Finally, this legislation sends a strong message to the international community that the United States views child abduction as a serious crime that we will not tolerate.

In 1987, the U.S. State Department was little more than a legal referral service for parents whose children had been abducted. At that time the State Department would conduct a whereabouts and welfare search, and provide a list of attorneys working in the country to which the child had been taken. Victim parents could expect no additional help from the U.S. Government.

As the result of cooperation with a Congress increasingly sensitive to the cries of victim parents for help, the State Department implemented a number of significant improvements in the way it handles international parental child abduction cases. First, the Department established a unit within the consular affairs office to coordinate and direct action on these cases. Second, the Department assigned one person in each U.S. Mission around the world to be responsible for actively working on behalf of American parents to get these children back. This person

maintains a list of the cases in the country. Further, every U.S. Ambassador has been instructed to use every legal and diplomatic avenue available to achieve the return of abducted children.

In 1988, Congress passed implementing legislation for the Hague Convention on International Parental Child Abduction. As a result of this convention, the signatories will recognize the custody decrees of the other signatories, thereby facilitating the return of abducted children. Most countries, however, are not signatories to the convention, leaving individual countries to take whatever unilateral action they can to return abducted children.

SECTION-BY-SECTION

Section 1. Short title: International Parental Kidnapping Crime Act of 1993.

Section 2. Section 2 amends chapter 55 of title 18 of the United States Code, which governs kidnapping, by adding at the end a new section, section 1204 (to be codified at 18 U.S.C. section 1204), entitled "International Parental Kidnapping." This new section 1204 provides for the imposition of title 18 fines and/or a prison term of not more than three years on anyone who removes a child from the United States, or retains in a foreign country a visiting child who should return to the United States, with the intent of obstructing the lawful exercise of parental rights. Section 1204(b)(2) defines "parental rights" as the right to the physical custody of a child, whether that right is held solely or jointly, and whether the right is held by operation of law, a court order, or a legally binding agreement of the parties. Section 1204(d) makes clear that nothing in this section is to be construed as detracting from any of the provisions of the Hague Convention on the Civil Aspects of International Parental Child Abduction. Section 1204(b)(1) defines a "child" as a person who is under the age of 16.

Subsection (c) provides for affirmative defenses: flight from domestic violence, court order, circumstances beyond control. This last affirmative defense was the subject of some controversy at crime bill negotiations last Congress, held by staff of the House and Senate.

Section 3. Section 3 authorizes $250,000 for national, regional, and in-State training and educational programs dealing with the criminal and civil aspects of interstate and international child abduction by parents. To be administered through the State Justice Institute Act of 1984.

□ 1100

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

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. I am most grateful to him personally for the review of the legislation which has just been accorded us by the minority, the gentleman from Wisconsin [Mr. SENSENBRENNER], and also prior to that by the gentleman from New York [Mr. SCHUMER].

Mr. Speaker, I also want to thank the gentleman from New York [Mr. SCHUMER] for living up to his pledge when, during a colloquy in the Committee of the Judiciary, I was concerned about the possibility of slipping over this particular legislation, simply because of the crowded agenda, where the gentleman personally and publicly stated that he would in good time call for passage of this legislation, which he did. That is what really has prompted the instant that we are now sharing in the passage of this legislation.

Mr. Speaker, this legislation has arisen because we have had many, many Members who have in one way or another suffered in their own districts the anguished cries of victims of international kidnapping. We have had instances just in the last 2 years arising in Illinois, Michigan, California, and New Jersey. By and large, the Members of Congress from those areas have converged over the last few years to help try to plug the loopholes, as the gentleman from Wisconsin [Mr. SENSENBRENNER] has articulated.

Mr. Speaker, we are here today, happy that at least the House will have completed its job in serving this particular need.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GEKAS], for yielding, and commend him for his leadership in bringing this bill to the floor at this time. This bill remedies some gaps in the United States Code pertaining to a tragic situation which too often occurs when a parent abducts and transports to another country his child or children, preventing the other parent from exercising the normal parental rights accorded by our courts. The removal of children to certain countries may even place them beyond the legal recourse afforded to them if the kidnaping were to occur within the United States.

Too often, we have found this problem to become a major, highly emotional burden to parents and to children.

Accordingly, we must make certain that penalties for this kind of crime adequately affect the degree of harm that is done to parents and to children. While it may be difficult to enforce the rightful custody over a child once he or she is abroad, I hope that the stiffer penalties this bill provides for anyone who attempts to flee this country with a child in an effort to abrogate the rights of the other parent, will help deter that kind of vicious act and avoid its tragic consequences.

Accordingly, I urge my colleagues to support the International Parental Kidnapping Crime Act, and help end this sad and tragic practice.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from New York [Mr. SCHUMER] and the ranking member, the gentleman from Wisconsin [Mr. SENSENBRENNER], of the Committee on the Judiciary for their outstanding work in bringing this measure back to the floor once again.

This is a measure that is long overdue and one that has given considerable problems to all of us throughout the Nation from time to time when there are spouses that run off with their children to foreign lands. This measure should help considerably to provide a proper remedy.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 3378.

The question was taken.

Mr. SCHUMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

YOUTH HANDGUN SAFETY

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3098) to amend title 18, United States Code, to prohibit the possession of a handgun or handgun ammunition by, or the private transfer of a handgun or handgun ammunition to, a juvenile, as amended.

The Clerk read as follows:

H.R. 3098

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

SECTION 1. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, funds, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by

exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 2. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGRUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply—

"(A) to a temporary transfer of a handgun or ammunition to a juvenile, or to the possession or use of a handgun or ammunition by a juvenile, if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) with the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in subparagraph (A)(i) is to take place, and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor;

"(C) to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(D) to a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(E) to the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

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

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) of the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(s) of title 18, United States Code, or a similar State law)".

(f) MODEL LAW.—The Attorney General, acting through the director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

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

This bill is about two shocking words—kids and handguns.

Kids and handguns. Just think of what those words mean.

The sound of them together is like a slap in the face. Kids and handguns. The image is obscene.

What business do kids—what business do children—have with handguns? What kind of society permits death by handgun to be the leading cause of death among its male teenagers?

I know what the answer is from Queens, from Brooklyn, and from all of New York. My constituents are shouting that answer.

Their answer is that children have no business with handguns. No business.

They have no business being shot down on the steps of schoolhouses with handguns. They have no business killing adults with handguns. They have

no business growing up in fear that some other child will kill them with a handgun.

My neighbors in New York want this commerce in death among children stopped. And—make no mistake—they are not alone in their demands.

Mr. GLICKMAN's neighbors want it stopped. He heard their concerns, and I commend him for his leadership in bringing this important bill before us.

Your neighbors want it stopped, too.

And if you listen, you can hear a great balance turning in America. We in Congress had better understand that turning. A wave of anger and revulsion is building in every corner of America. When it reaches full tide, it will sweep over this Capitol and any party that stands in its way.

Because the American people are sick to death of violence. They are sick to death of seeing children kill and be killed with handguns. They are calling for an end to it.

This bill is one small, but important, answer to that call.

It closes a loophole in Federal law that permits the transfer of handguns to children, and the possession of handguns by children. At the same time, it permits a few carefully drawn exceptions that are seen to be necessary in some communities.

The wonder is not that this bill is before us. The wonder is that it has taken so long. The wonder is that anyone could vote against it.

I urge my colleagues to pass this bill unanimously and help end the long national nightmare of kids and handguns.

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

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

Mr. Speaker, this is a very historic moment in the House of Representatives that I hope no one will forget. The reason it is historic is that in this bill, both gun control groups and the National Rifle Association have come together to work out a bill that is very clearly in the public interest. I know of no other instance where there two groups, that have been at each other's throats on practically every other issue relating to firearms, are both on the same side. I think the reason for this is that there is a serious problem of guns with children, guns in schools, and guns being used by children to kill other children.

So what this bill does is it amends the Federal Criminal Code to prohibit two things: First, it prohibits the sale, delivery, or transfer to a juvenile of a handgun or ammunition that is suitable for use only in a handgun; and, second, the possession by a juvenile of a handgun or such ammunition.

There are some carefully crafted exemptions to this prohibition which include, first, when the handgun is used in target practice or in the course of employment, such as ranching or farming, hunting, or in the course of instructions under specified conditions, such a with the prior written consent of the juvenile's parents or guardian and with that consent in the juvenile's possession at all times and in accordance with State and local law.

Second, possession by a juvenile who is a member of the U.S. Armed Forces or the National Guard who possesses or is armed with a handgun in the line of duty.

Third, the transfer to a juvenile by inheritance of title.

Fourth, the transportation by the juvenile of an unloaded handgun under specified circumstances.

Fifth, self defense under specified circumstances.

Mr. Speaker, I think that these exemptions provide legal cover for the legitimate and lawful use of the handgun by the juvenile, while at the same time putting Federal criminal penalties on for use or possession outside of these exemptions.

I would like to commend specifically the gentleman from Kansas [Mr. GLICKMAN] for helping work out this compromise, as well as the senior Senator from my State of Wisconsin [Mr. KOHL] who worked on this issue in the other body.

This is responsible gun legislation, everybody says it is, and I would hope that this legislation would be speedily enacted into law.

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

Mr. SCHUMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN], the head sponsor of this bill.

Mr. GLICKMAN. Mr. Speaker, first of all I want to pay special tribute to the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] for taking the leadership on this and other crime and firearms-related legislation. In particular, I want to also commend my colleague from Delaware [Mr. CASTLE], the former Governor of Delaware, who has, along with me, at nearly the same time, got interested in this particular issue. I think Wilmington, DE, and Wichita, KS, two "W" cities, had similar problems with youth gun violence. So we got involved in this issue of kids and handguns, and I am appreciative that we have worked out a bill.

Mr. Speaker, first of all, I want to just briefly state, as the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] have said, the bill prohibits the transfer or sale of a handgun to a person under the age of 18, and it prohibits the possession of a handgun by a person under the age of 18 in most circumstances.

The bill makes some exceptions to the prohibition, for the use of a handgun in hunting, and I want to make that clear, hunting, target shooting, or a course of instruction in the safe use of a handgun. It also exempts the use of a handgun in ranching or farming operations or in the course of employment, where that is permitted under State or local law. We do not want to hamper legitimate sporting activities or the ability of teenagers to work on ranches or large farms and protect themselves from rattlesnakes or other particular problems.

□ 1110

With these limited exceptions, however, this bill does take care of a very serious problem of kids and guns. The gentleman from New York [Mr. SCHUMER] talked about these two awful words together, kids and handguns put together as a recipe, a chemistry for disaster. Let me add two more words to that list, "schools" and "gangs."

When we add kids, handguns, schools and gangs, we have a recipe for almost a revolution, automatic violence which is occurring in our society today. So we have put this bill together, along with a lot of organizations, as the gentleman from Wisconsin [Mr. SENSENBRENNER] said. Both the National Rifle Association and Handgun Control, the pro-gun groups and the anti-gun groups, got together because, in this case, we were dealing with a legitimate purpose to try to keep handguns out of the hands of kids, 13-, 14-, 15-year-old kids, who should not be possessing these things, who bring them to school in many cases. And right now there is a Federal law and most States do not have State laws governing this particular situation.

It truly is a matter of life and death to an entire generation that we begin to address the issue of kids and guns. Right now, the leading cause of death for both black and white teenage boys in America is gunshot wounds—more than car accidents, more than natural causes, more than anything else. Between 1985 and 1991 he arrest rate increased by 217 percent for 15-year-old males, and by 40 percent among 13- to 14-year-old males. We have got a crisis on our hands and it is time to work toward ending it.

Mr. Speaker, the Youth Handgun Safety Act of 1993 is designed to get the guns away from kids and the kids away from guns. It makes it a Federal crime to give or sell a youth under the age of 18 a handgun under most circumstances and it equally makes it a Federal crime for a youth under the age of 18 to possess a handgun under most circumstances. Right now, the Gun Control Act of 1968 only makes it illegal for a licensed gun dealer to give or sell a handgun to a minor. It totally ignores the very real situations where other people, like gang leaders, give or sell handguns to minors and where minors get hold of handguns. Well, I believe it is time we start addressing

these situations, and that is what this bill does.

Kids are carrying guns in every city in this country. It transcends race, gender, and income level. Everyone sitting here today has a school or schools in their district where guns have been found or used. I asked the school principals in my district what their experience was with guns and violence in their schools. The response was unequivocal—violence has increased in the number of incidents and the level of aggression. One principal in the Wichita public schools detailed an incident where a 14-year-old student put a pistol up against the principal's forehead because the student was unhappy with a decision to punish the student. That same principal told of finding a 13-year-old girl with a gun in her book bag who told the principal she brought it for a party after school, because "everyone knows you don't go to a party without a gun."

This is borne out by the statistics. U.S. News and World Report found that 270,000 guns are being brought to school every day in this country. What happened to the days where students were most afraid of pop-quizzes or hard tests? Our kids are being faced with playground disputes being settled with hallway shootouts.

This bill says enough is enough. Enough guns in our schools, enough guns being used on our kids, enough guns being used by our kids, enough violence and death.

In the other body, this measure passed unanimously, 100 to 0. The version we passed out of the Committee on the Judiciary is virtually identical to the language of the other body.

I have made, along with the gentleman from New York [Mr. SCHUMER], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Delaware [Mr. CASTLE], and others only a few organizational and technical changes to clean up the language of the other body that was added at the last minute on the Senate floor. I certainly hope we can move as decisively as they did.

Again, I want to add my thanks, particularly to the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] for their leadership on crime issues.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

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

I also thank the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from New York [Mr. SCHUMER] for their great work in guiding this bill through the Committee on the Judiciary. I particularly thank the gentleman from Kansas [Mr. GLICKMAN], who has done an outstanding job of monitoring this issue, of recognizing the need to fill a hole in our laws which, it is astounding to me, in retrospect, has not been filled before.

This is a piece of legislation which is literally agreed to by every group that I know of, including the police, the NRA and everybody else, particularly the people of the United States of America, who believe that children should not have access to guns and be able to carry guns openly. The time for this to pass is long past due.

There is a tremendous proliferation in our streets of young people with guns, for a whole series of reasons that are very difficult, that need to be wrestled with as well. But the truth of the matter is that in some States the laws are so weak that a child, a 12-year-old, could walk down the main street of a city brandishing a handgun.

There are a lot of ways in which this can come to evidence. We see the intentional act of young children, who are becoming adults, who carry guns to commit crimes intentionally. We see accidents, because kids get hold of guns either in their homes or somehow out on the street, and they start to play with them and accidents happen. And young people, obviously, are less knowledgeable about what to do with respect to a gun.

We see it in the area of suicide. Would it happen if the gun had not been available? And we see it, and we are starting to see it more and more, in the concept of being a big man in the school, the high school, the junior high school, whatever it may be, or the defense, because you are concerned about somebody else.

It is astounding to talk to the individuals running our schools, the principals and the teachers across the United States of America, and to see the concern that they have with weapons, particularly with handguns, which are being brought to schools across the United States of America.

The gentleman from Wisconsin called this a historical moment, and it is in that this piece of legislation is supported by a lot of different groups who normally have not been together with respect to gun control. Everybody realizes that very young people in the United States of America should not have guns.

Let me say that this is not the only solution which we need across the United States of America. We have violence in our culture, particularly at a young age, which we have never seen before. And we need to address that in many ways.

We have a breakdown of our families in different parts of the United States, generally across the United States, which needs to be addressed to make absolutely sure that young people are being given the best opportunity. And clearly, our police and our courts do not have sufficient resources to carry out the responsibility of enforcing the laws which are out there which let some people perhaps think they have a latitude to violate those laws.

For all of these reasons, this piece of legislation is one which should pass here in the House, as it has in the other body. It is a Youth Handgun Safety Act.

It is time. It is long past due to have passed. Hopefully, today we can cure that problem.

Mr. SCHUMER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman of the subcommittee for yielding time to me. I congratulate the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] and the members of the staff and all the members of the subcommittee, which is a splendid subcommittee of the House Committee on the Judiciary, for the work they do and have been doing on gun control.

We are inching forward, Mr. Speaker. We are moving, regardless of the opposition, regardless of the tragedy of last evening, where the National Rifle Association was able to kill, for the time being, the Brady bill in the other body.

But I think the message to Sarah and Jim Brady should be, and to all people in this country who care so deeply, that we are going to get that bill passed. And we are moving forward on gun control.

Last night I watched on TV a program of scholarly people in Seattle from Singapore and from Japan talking about human rights. And they pointed out that, yes, they perhaps do not have the same care for constitutional rights and human rights as we do insofar as the rights of voting and discrimination on the basis of race and so forth.

But they have better human rights in some ways, at least in the streets of Singapore, Taiwan, Yokohama, and Tokyo. Their citizens can walk around with perfect safety, and they can go to sleep at night in their homes. They do not have their children wandering the streets with guns. As a matter of fact, I go much further than this bill. I do not know why we should not have laws in this country like those countries have and practically all of the countries in Europe that have a much lower crime rate than we do. I do not know why I should have a gun. There is no reason for it.

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

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

Mr. SENSENBRENNER. Mr. Speaker, perhaps the streets of Singapore are safe because they have the death penalty for drug possession there. Would the gentleman think that might be helpful?

Mr. EDWARDS of California. Mr. Speaker, I think the gentleman has

changed the subject to one of the things that he thinks will resolve all of the crime problems in this country. I strongly disagree with him. And all of these other countries, with the exception of Singapore, would disagree with him also.

But the gentleman from Kansas [Mr. GLICKMAN] deserves great credit. The gentleman from Delaware deserves great credit for this bill. We are moving forward. We must not drop the ball insofar as gun control and crime control in this country.

I would hope that after this Christmas recess that we could enact, with the cooperation of the other side of the aisle and our colleagues in the other body, a very progressive, strong crime bill that really can make some difference in this country, unlike the crime bills that we have enacted in the past.

□ 1120

With that I congratulate the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] again, and all of the members of the subcommittee. What they are doing today and have been trying to do the last few weeks is very commendable.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. FISH], the ranking Republican on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding the time.

Mr. Speaker, I too want to congratulate the gentleman from Kansas [Mr. GLICKMAN], the gentleman from New York [Mr. SCHUMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] for bringing this legislation to us.

This bill deals with the problem of kids and guns: kids having, possessing, and using guns, and the awful results that too often follow. Our citizens are horrified by the stories of the number of guns in schools.

The bill will generally make illegal the possession by or transfer to juveniles of a handgun or handgun ammunition, and it makes sensible exceptions, barring language passed in the other body. Target shooting, firearm instruction, self defense are exceptions under specified conditions.

This bill, Mr. Speaker, shows how Congress can act without gridlock and act to address a very serious problem felt by all of our citizens. Lunch boxes, Mr. Speaker, are for lunch, not handguns.

Mr. SCHUMER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would simply like to say that I also would like to thank in addition to the gentleman from Kansas [Mr. GLICKMAN], the gentleman from Delaware, [Mr. CASTLE], who is a lead cosponsor of this bill, and has done an excellent job not only on this bill, but so many rational laws on guns. And I think our whole Chamber on both sides of the aisle appreciate his leadership.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I am listening to this debate, and it is interesting, and of course it is true. Children having access to guns ought to be anathema.

But what about switchblades? When the guns are not around, we certainly have not dried up narcotics around schools and on the streets. But we pass a plethora of laws, and the crime statistics keep mounting.

Maybe there is something more radically wrong. Maybe we ought to start thinking about how do we get kids and adults to start respecting each other as fellow members of the human family, how do we sensitize people that other people are not targets or expendable commodities?

Why do we tolerate the mindset that made a laughing stock of our former Vice President because he expressed concern about broken homes? What made that kid want to put a gun next to the teacher's forehead?

We can take the fun away, but have we taken away the animus, the hatred, the antisocial attitudes of that kid? We have got to go deeper than this, folks, and I hope some of the heavy thinkers in this Congress are thinking about it.

Mr. SKAGGS. Mr. Speaker, I'm pleased today to support the Youth Handgun Safety Act. I commend Representatives GLICKMAN and CASTLE for the work they've done, along with Senator KOHL, in introducing this important legislation and moving it forward to this point. This is a sensible measure to begin keeping dangerous weapons out of the hands of our children and stemming the flood of violence on our streets.

We all know that youth violence is increasing across the Nation. Every day tells another story of innocent people—often innocent children—dying at the hands of youngsters wielding handguns and other firearms.

One important thing we can do is keep guns away from teenagers and children. There is simply no reason why a child should be able to get a gun without parental consent. You only need to watch the evening news in any town across America to see the damage that results when kids have unsupervised access to firearms.

The problem is only getting worse. In just 3 short years, between 1988 to 1991, deaths by gunfire doubled, homicides of teenagers tripled, and gang-related murders quintupled, according to Colorado Center's for the Study and Prevention of Violence. One in twenty high school students nationwide carries a gun to school, according to the Centers for Disease Control. Three out of four murders committed by juveniles is by gunfire, according to the FBI.

We simply cannot accept this. We must act now to put a stop to this madness.

The bill before us today is an essential first step toward getting handguns out of the hands of children across the United States. By prohibiting the transfer of any handgun to a juvenile without parental consent and the possession of handguns by juveniles in most circumstances—with exceptions for such reasonable activities as hunting and target shooting—we begin getting dangerous weapons out of the hands of youngsters.

As I say, this bill is a crucial first step. Many of us want to go further. Just last month, I introduced a bill, which has already been cosponsored by 28 other Members, that is more far-reaching in one major way—it applies to all firearms, not just to handguns. If it were possible today to offer amendments to the Youth Handgun Safety Act, the bill now before us, I would offer an amendment so that its prohibitions apply to all firearms. If we don't want children to have pistols, why should we let them have shotguns, rifles, or Uzis?

I believe there would be very strong support in this Chamber for this amendment. I recognize, however, that with just 3 days left before the House adjourns for the year, the only way to get the Youth Handgun Safety Act passed this year is to bring it before the House under suspension-of-the-rules procedures, which doesn't allow amendments to be offered to it. Because I think it is important to do what we can, as soon as we can, to begin getting dangerous weapons out of the hands of children, I support consideration and passage of the Youth Handgun Safety Act under this procedure. There will be opportunities next year to work to broaden the coverage of the legislation, and I will do so then.

Gun control, of course, is not the only solution. We must strengthen law enforcement, reduce drug use, improve our schools, and create more economic opportunity and hope. But the fabric of our society is being torn by gunfire, and we must stop it. We must give law enforcement officers the authority to get guns out of the hands of children and to lock up those who make money off the blood of our children—the ones who are selling guns to them. Let's pass the Youth Handgun Safety Act today.

Mr. SANTORUM. Mr. Speaker, today I rise in strong support of H.R. 3098, the Youth Handgun Safety Act voted on today in the House of Representatives. This bill closes a loophole in our Federal law which allows for the possession of a handgun by a minor or the transfer or sale to a minor by an unlicensed dealer. Currently, Federal law only applies to licensed gun dealers who sell or deliver a handgun to someone under 21. It does not address unlicensed dealers who sell or deliver handguns to minors or address the possession of a handgun by a minor. While some States have recently passed laws regarding possession by a minor, most States, including my own home State of Pennsylvania, have not.

Yet, while this bill takes an important first step in solving this problem, I believe that we must go further in our efforts to combat the rising tide of violence and gun used by children. That is why I have introduced the Juvenile Handgun Control Act of 1993, which would impose stiffer penalties regarding the possession of a handgun by a minor, and

most importantly, harshly punish the true criminals—the people who sell or give these guns to our children.

My legislation, like H.R. 3098, makes certain exceptions regarding possession by a minor, including hunting or parental consent, but it would go further by setting a three strike system. A first offense by a minor would be punishable by probation or detainment of not more than a year and a maximum fine of $10,000 or both. A second offense by a minor would be classified a juvenile felony and punishable by probation or detainment of 1 to 4 years or a maximum fine of $20,000 or both. Finally, the third offense would require that the minor be transferred to a district criminal court, tried as an adult and imprisoned for 1 to 4 years and fined a maximum of $50,000.

The bill I have introduced would also make it a Federal offense for a person to sell or transfer a handgun to a minor without the consent of the child's parent or legal guardian. It also calls for harsher penalties for someone who gives or sells a handgun to a minor who they know has been convicted of a crime of violence. This is the real problem that is plaguing our streets today, the accessibility of these guns for our children.

In order to make significant strides in making our streets safer, we must also punish the people who knowingly break the law and who are putting our children out on the streets and in our schools with deadly weapons. I am hopeful that in the second session of the 103d Congress, we will again address this important issue and work to secure stiffer legislation to protect our children.

Mr. HOAGLAND. Mr. Speaker, the level of violence on the streets of this country is intolerable. In my hometown of Omaha, people are dismayed by incident after incident of drive-by shootings, and children toting guns to school.

We are worried about our safety, and the safety of our kids.

One of the biggest problems in this escalating wave of crime and youth violence is the ready availability of handguns. We have got to get a handle on this problem now, or we risk letting it spin further out of control.

This bill will make it illegal under Federal law for a person under 18 years old to possess a handgun, and for anyone to knowingly transfer or sell a handgun to a juvenile. Our children should be involved in learning and growing, not fearing for their safety when they walk down the street or go to school.

I am pleased to say that this bill accomplishes the same purpose as H.R. 3406 which I introduced on October 28. At a news conference in Omaha, I expressed hope that this measure would pass the House this year; it now has done so.

As Attorney General Janet Reno said recently, there is no single answer to the problem of violence. It has to be a comprehensive effort. This bill, along with other measures that have passed the House this year like putting more police officers on the streets, and creating bootcamps for first-time offenders, are first steps.

I will continue working to rejuvenate a plan to make the areas in and around our schools gun-free school zones and to ban assault weapons so that our police officers are not outgunned on the street.

We all have to work together to get criminals off our streets and keep our neighborhoods safe.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 3098, as amended.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

VACATING DEMAND FOR YEAS AND NAYS ON H.R. 3378, INTERNATIONAL PARENTAL KIDNAPING CRIME ACT OF 1993

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent to vacate the demand for the yeas and nays on the previous bill (H.R. 3378) to amend title 18, United States Code, with respect to parental kidnaping, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 3378.

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

A motion to reconsider was laid on the table.

JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 324) to require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision, as amended.

The Clerk read as follows:

H.R. 324

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

SECTION 1. SHORT TITLE.

The Act may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 2. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, or being placed on parole, supervised release, or probation.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" means any criminal offense that consists of—

(A) kidnaping of a minor, except by a parent;

(B) false imprisonment of a minor, except by a parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of a minor to engage in sexual conduct;

(E) use of a minor in a sexual performance;

(F) solicitation of a minor to practice prostitution;

(G) any conduct that by its nature is a sexual offense against a minor; or

(H) an attempt to commit an offense described in any of subparagraphs (A) through (G) of this paragraph, if the State—

(i) makes such an attempt a criminal offense; and

(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—An approved State registration program established under this section shall contain the following requirements:

(1) DUTY OF STATE PRISON OFFICIAL OR COURT.—If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, or in the case of probation, the court, shall—

(A) inform the person of the duty to register and obtain the information required for such registration;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) inform the person that if the person changes residence to another State, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement;

(D) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(E) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any changes of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing. The designated law enforcement agency shall, if the person changes residence to another State, notify the person of the law enforcement agency with which the person must register in the new State, if the new State has a registration requirement.

(5) PRIVACY OF DATA.—The information collected under a State registration program shall be treated as private data on individuals and may be disclosed only to law enforcement agencies for investigative purposes or to government agencies conducting confidential background checks with fingerprints on applicants for child care positions or other positions involving contact with children.

(c) REGISTRATION FOR CHANGE OF ADDRESS TO ANOTHER STATE.—A person who has been convicted of an offense which triggered registration in a State shall register the new address with a designated law enforcement agency in another State to which the person moves not later than 10 days after such person establishes residence in the new State, if the new State has a registration requirement.

(d) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from prison, or placed on parole, supervised release, or probation.

(e) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(f) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this section.

(2) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with the guidelines issued under this section 3 years after the date of enactment of this Act may be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

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

Mr. Speaker, a civilized nation has a duty to protect its children from those who would do them harm. They are our most precious yet vulnerable citizens.

This bill would require that persons convicted of certain criminal offenses against a child to register and maintain their address with law enforcement officials for 10 years after their release from prison. It is a helping hand to the States to aid them in preventing crimes against children.

I would like to thank my friend, the gentleman from Minnesota, Mr. JIM RAMSTAD, the author of this bill, for his diligent work on this issue. He has brought it to the attention of Congress and then doggedly pursued its passage here in the House, and has not let any obstacle overcome that. He deserves to be saluted, not only by the Members of this body, but by all of those parents of children who will be at less risk because this bill is passed. It is a matter of great importance to myself and to the gentleman from Minnesota, and to many of our colleagues in this House.

I would also like to thank Chairman BROOKS for his support in bringing this legislation to the floor today.

The only other point I would make, I would say to the gentleman from Illinois, Mr. HYDE, that I want to address just briefly something that he said, since this bill is sort of in that area. I think the gentleman is totally right, and I do not think we would find much disagreement from Members on this side of the aisle about the fact that families and family structure has been torn asunder in modern day America. We do not know all of the reasons why, and until family is somehow put back together we are going to continue to have these problems.

Our schools cannot teach us everything. Eighty percent or 90 percent of the useful knowledge I have received, and this is probably true of most of my colleagues, came from my two best teachers, my parents. These days we wonder if that is happening much in divided homes where we have so many children with no real family.

We have to work on it. The one problem, I would say to the gentleman from Illinois, is if we do not know what the solution is, and we really do not, because some say it is caused by affluence in our society, some say it is caused by a breakdown in values, but it is just very difficult to tell. But I would say to the gentleman that that does not mean that just as Members on that side of the aisle would criticize Members on this side of the aisle, we will not do tough laws until we get to the root of the cause of the problem, the same goes for gun laws and other things. Yes, there are serious problems as to why guns are used. That does not mean guns should be available in our society, and we cannot wait until we get to those root causes to say that children should not have guns, or that children should not be protected as in this bill that the gentleman from Minnesota has so wisely brought to the floor.

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

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

Mr. Speaker, before arguing on why this bill should be passed, let me pay tribute to the gentleman from Minnesota [Mr. RAMSTAD], who has been single-minded in support of getting this bill through the numerous hurdles of congressional procedures set up. And the fact that this bill is on the floor today is tribute to his doggedness in identifying a problem that is of national scope, even though it arose as a result of a tragedy that occurred to one of his constituents, Jacob Wetterling, who was abducted and disappeared several years ago.

□ 1130

The reason this bill is so important is because of the high rate of recidivism in persons who have committed crimes against children, and it is not just sex crimes against children but all crimes against children. The recidivism rate is probably higher in this area of our criminal justice system or in violations of the criminal code.

So the first place that law enforcement looks when a child has been abducted or has been the victim of a crime which does not involve abduction is with the list of offenders that are within that community or within that area, and very often when a child is abducted, the person who has perpetrated this crime takes the child a far way away where law enforcement really do not know who is involved, so time is of the essence in law enforcement being able to track down known child offenders to see if they were involved in an abduction or another crime against a child.

Because there is not a national registry of people who have been convicted of a crime against a child and have served their prison time and have been paroled out, law enforcement really is not able to track down those who would be the prime suspect as quickly as possible. So that is why the Jacob Wetterling Crimes Against Children Registration Act is before us today.

This bill directs the Attorney General to establish guidelines for State programs requiring persons convicted of a criminal offense against a minor to register a current address with the designated State law enforcement

agency for 10 years after release from prison, parole, or being placed on supervised release or probation. It sets forth guidelines for this. It also allows for fingerprints to be taken and the information being placed both in State computerized identification systems as well as the National Crime Information Center computer networks. It provides that information provided under this act is private and may be used only for law enforcement purposes including confidential background checks by child-care service providers, so that way one of these folks who is registered would not be working in a day-care center or in another child-care service.

The stick that is contained in this bill to make sure that those States that have not established this type of a list is the fact that if 3 years go by and a State does not have such a registry, their Bureau of Justice assistance grants funds are reduced by 10 percent and allocated to those States that have done this job.

So I would hope that this bill would be passed quickly, that these registries would be established. It would be a tremendous tool for law enforcement as well as the child-care service providers to protect children, who are the most vulnerable and the most innocent victims of the terrible things that have been going on in our society.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. RAMSTAD], who is the principal author of this bill.

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

Mr. Speaker, today we have the opportunity to address a serious and tragic problem in our Nation. We are considering legislation to protect young people from child sex abusers and abductors and to aid in their investigation by law enforcement.

The namesake for this bill is Jacob Wetterling of Saint Joseph, MN, who was tragically abducted from his home 4 years ago. Neither Jacob nor his abductor has yet been found.

Next to me are two photographs, Mr. Speaker, of Jacob, which I hope the camera will capture. The photo on the right is a computer age-progressed image of Jacob which gives us an image of how Jacob would look today. That is the photo on the right. The image was produced by the National Center for Missing and Exploited Children and, Mr. Speaker, I hope if anyone watching recognizes Jacob they will call 1-800-843-5678.

After working on this legislation for nearly 3 years, I wanted my colleagues to see the young man who inspired this legislation. Mr. Speaker, briefly, this bill would require individuals, as the gentleman from Wisconsin [Mr. SENSENBRENNER] so eloquently explained, individuals who are convicted of certain crimes against children to register and maintain their addresses with law enforcement for a period of 10 years after being released from prison or probation.

Currently 24 States have such sex offender, child sex offender registration statutes, but the Wetterling bill is needed to prod all States to enact similar laws and to provide for a national registration system to handle offenders who move from one State to another.

We know that child sex offenders are repeat offenders. They are probably the most difficult classes of criminals, in addition, to rehabilitate. A study of imprisoned child sex offenders found that 74 percent had a previous conviction for another child sex offense. Child sex offenders repeat their crimes again and again and again to the point of compulsion.

Another study showed that the average child sex offender molests 117 children. Fully two-thirds of the nonfamily child abduction cases reported to policy involve sexual assaults.

Mr. Speaker, how many children are we talking about? according to the Justice Department, over 114,000 children in America were targets of attempted abductions in 1988. While fortunately most attempts were unsuccessful, 4,600 children like Jacob disappeared.

Mr. Speaker, this week another youth in my congressional district disappeared. Tragically just yesterday this ninth grader was found shot dead next to the man who admitted earlier in the month sexually abusing him. The man was out on bail and had been ordered to stay away from the boy. We do not know all the facts yet, but it appears this was a murder-suicide.

Mr. Speaker, this is the most horrible of all crimes, and it is certainly every parent's nightmare.

While the Wetterling bill will not completely stop these heinous crimes, it will deter them and give law enforcement a very, very important tool for investigating these crimes.

Why is a registration law useful? The 1990 case of Arizona versus Lammie, the Arizona Court of Appeals, in upholding that State's registration requirement, provided an excellent summary of the merits of such legislation. Let me quote from that court opinion:

> Registration * * * Places a defendant on notice that when subsequent sexual crimes are committed in the area where he lives, he may well be subject to investigation. This may well have a prophylactic effect, deterring him from future sexual crimes. Furthermore it is a proper tool to be given to police officers for use in investigating criminal offenses.

Mr. Speaker, in conclusion I want to thank the chairman of the Crime and Criminal Justice Committee, the gentleman from New York [Mr. SCHUMER], for his tremendous assistance in securing passage of this important bill. For without the assistance of the gentleman from New York [Mr. SCHUMER], this bill would not be here today. The gentleman from New York [Mr. SCHUMER] understands the need for this legislation and has been a solid supporter of this bill from day one. I want to thank the other Members also who have helped on this bill, especially the chairman, the gentleman from Texas [Mr. BROOKS], the ranking member, the gentleman from New York [Mr. FISH], the gentleman from California [Mr. EDWARDS], and the gentleman from Wisconsin [Mr. SENSENBRENNER], ranking member of the Crime and Criminal Justice Subcommittee. It is truly a bipartisan bill, and it shows that Congress can work.

We took off our Republican hats, we took off our Democrat hats, and crafted good legislation in a bipartisan, pragmatic way. I also deeply appreciate the support of the other members of the Committee on the Judiciary as well as the excellent staff work of the subcommittee member staff and full committee staff.

Most of all I want to thank, Mr. Speaker, Jacob Wetterling's mother, Patty Wetterling. She has turned a family tragedy into a legislative crusade, first in the Minnesota legislature, and then in Congress. Patty Wetterling deserves most of the credit for passing this bill. She has worked tirelessly on this legislation. She appeared at the House Crime and Criminal Justice Subcommittee, and all members were moved by the compelling story of her beloved Jacob, and certainly that underscored the need for this bill here today.

Mr. Speaker, I ask all Members to vote for H.R. 324, the Jacob Wetterling bill.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], one of the distinguished House leaders, the chairman of the Democratic caucus on our side, and a respected lawyer who has been of great assistance for many years to the Committee on the Judiciary in all of our work.

□ 1140

Mr. HOYER. I thank the distinguished gentleman from California particularly for his kind words. There is, as the gentleman knows and as Members on this House floor know, no Member that I respect more and have a greater affection for than the gentleman from California [Mr. EDWARDS]. He has always been a diligent fighter for the rights of all Americans. I thank him for his generous remarks.

Mr. Speaker, I am pleased to follow my friend from Minnesota Mr. RAMSTAD. I believe it is important for all Americans to know that this body does in fact respond to one individual who cares deeply and who has the best interests of our country at heart.

I congratulate Patty Wetterling of whom the gentleman spoke so eloquently for the efforts she has given.

In my own State of Maryland, you may have heard of Stephanie Roper. She was a young woman who was tortured, raped, and murdered. The Stephanie Roper Committee, founded by Roberta Roper, has been a major force and a strong advocate for the rights and concerns of crime victims.

Roberta has been one of the leaders in this effort and she wholeheartedly supports this legislation.

Mr. Speaker, I rise today in strong support of H.R. 324, the Jacob Wetterling Crimes Against Children Registration Act of 1993. Recently, Senator THURMOND and I cochaired the annual Boys and Girls Club breakfast. At that time, John Walsh, whom America knows as the host of "America's Most Wanted," spoke with me about this bill. He further stressed the need and importance of protecting our children. I am quite confident both Democrats and Republicans can agree this is a very important objective.

I commend Congressman RAMSTAD for introducing this legislation, which moves us in a positive direction toward eliminating abuse and exploitation of this Nation's children. I also, as he did, want to commend Chairman BROOKS and the gentleman from New York [Mr. SCHUMER], my good friend with whom I joined in the Class of 1980. I want to thank him for his leadership and tenacious fight to get this legislation out before we went home. He was instrumental in assuring this legislation made it to the House floor.

I also must recognize and commend HAMILTON FISH, and JIM SENSENBRENNER, who diligently worked to move this legislation forward.

Mr. Speaker, today we have the ability to do for our innocent children what the Brady bill does for innocent victims of gun violence. We can institute a background check on persons convicted of certain State criminal offenses against a victim who is a child.

Mr. Speaker, I speak as a father of three daughters and the grandfather of a 7-year-old grandchild. It is so important that we have a mechanism which allows us as parents, as grandparents, as guardians, and as friends of children, to immediately know about the people who are taking care of our children. We live in a society where parents are compelled, for economic reasons, to place their children in the hands of others.

We have heard many horror stories about day care providers and teachers sexually exploiting children. We have seen recent egregious examples of these unpleasant episodes in my own State of Maryland.

Perhaps some of these episodes could be avoided if employers had been given the opportunity to properly investigate the background of those who have the responsibility of caring for our children.

Mr. Speaker, this legislation can be used as a vehicle to begin the process of eliminating the exploitation of children. Because children are so very vulnerable in today's society, it is necessary to implement procedures which can adequately protect them. The statistics are frightening, and they must cause us all anguish and anger as we read about the incredible numbers of children abused daily in their homes, their schools, and social lives.

Mr. Speaker, we must do all we can to protect our children so that we can protect the America of tomorrow.

Once again, I want to congratulate Mr. RAMSTAD, the Judiciary Committee leadership, the committee members, and the staff for bringing this legislation forward. Finally, I want to thank John Walsh and the Stephanie Roper Foundation for bringing this matter to my personal attention.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. GRAMS].

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

Mr. Speaker, I want to congratulate my colleague, the gentleman from Minnesota, on offering such an important and much-needed bill on child molestation.

All of us in Minnesota have been touched by the terrible tragedy of Jacob Wetterling, an 11-year-old boy who was abducted by gunpoint in St. Joseph, MN, over 4 years ago and has yet to be found.

Studies have shown that child sex offenders are some of the most notorious repeat offenders. By requiring child molesters who have been paroled or released from prison to register with State law enforcement officials, this bill gives society the right to know where these convicted offenders reside.

Mr. Speaker, registration is constitutional, has worked in many States, and will deter those who think about committing sexual crimes on our Nation's children.

This legislation is a necessary step in the right direction to reduce the crimes committed against innocent children like Jacob Wetterling. As the father of four children and the grandfather of three, I strongly support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH]

Mr. FISH. I thank my colleague for yielding this time to me.

Mr. Speaker, I find this a very moving debate. Truly, as Mr. RAMSTAD of Minnesota, its chief architect, has said, this, with which we are dealing here today, is every parent's nightmare. We need this bill because we know that child sex offenders, 74 percent of them have previous convictions for sexual offenses against a child. We know that fully two-thirds of nonfamily child-abduction cases reported to police involve sexual assault.

So what does this bill do? Well, in a nutshell, it requires individuals who have been convicted of certain crimes against children to register and maintain their address with law enforcement for a period of 10 years after they are released from prison or placed on probation.

Now, this information will be available to law enforcement and Government agencies conducting background checks on applicants for child-care positions.

It seems to me that this is a step that the Nation will applaud.

Mr. Speaker, the constitutionality of this matter was alluded to a moment ago, and I would just like to dwell on that a second because I believe this law is constitutional.

The courts have found either that registration is not punishment and therefore not subject to the eighth amendment or, if the courts do go through the eighth amendment analysis, that it was not considered cruel and unusual.

The courts have also rejected arguments based on due process, equal protection, privacy, and freedom to travel.

□ 1150

Mr. Speaker, I hope that the gentleman from Minnesota [Mr. RAMSTAD] will get a call at 1-800-843-5678.

This is a long-overdue piece of legislation.

Mr. HOBSON. Mr. Speaker, I rise in strong support of H.R. 324, the Jacob Wetterling Crimes Against Children Registration Act, which is similar to legislation I introduced earlier this year as H.R. 515, the National Child Abuser Registration Act of 1993. I believe that children are our most valuable resource and must be protected. Far too often, children are the most vulnerable citizens in our criminal justice system. According to the National Committee for the Prevention of Child Abuse, there were 2.7 million reported cases of child abuse in 1991, up from 2.5 million in 1990. Of those 2.7 million, 15 percent, or 405,000 involved sexual abuse.

H.R. 324 is needed to protect our children and to combat the serious problem of child abuse. This legislation would require criminals convicted of an offense against a minor to register their address with a State law enforcement agency for 10 years after release from prison. Also, the bill includes mechanisms for reporting the State registration of convicted child abusers to the Federal Bureau of Investigation's National Crime Information Center. This would enable child care providers to conduct confidential background checks on potential employees and volunteers, thus protecting children from being abused and victimized. By creating a national capability for screening child care personnel, we can ensure the protection of our children against repeat and interstate offenders.

According to the National Institute of Mental Health, the typical child sexual offender acquires multiple child abuse convictions. Seventy-four percent of all convicted child abusers are repeat offenders. In addition, the average child sex offender will molest an average of 117 youngsters in his or her lifetime. The sad fact is that many children are abused by those they know and trust, including child day care workers, pediatricians, child psychologists, and other professionals. Therefore, it is imperative that this legislation be passed and signed into law, to prevent crimes against children.

Mr. Speaker, I again urge timely passage of this legislation. The time has come for Congress, and the Nation as a whole, to take action to stop these horrifying crimes against our Nation's youth. We must protect our children today and in the future.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 324, as amended.

The question was taken.

Mr. SCHUMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

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

H.R. 1425. An act to improve the management, productivity, and use of Indian agricultural lands and resources;

H.R. 3318. An act to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles;

H.J. Res. 75. Joint resolution designating January 16, 1994; as "National Good Teen Day"; and

H.J. Res. 294. Joint resolution to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

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

H.R. 2535. An act to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

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 amendment of the Senate to the bill (H.R. 1268) entitled "An Act to assist the development of tribal judicial systems, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 412. An act to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

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

S. 1501. An act to repeal certain provisions of law relating to trading with Indians;

S. 1574. An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes;

S. 1732. An act to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes;

S.J. Res. 140. Joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day";

S. Con. Res. 44. Concurrent resolution to express the sense of the Congress concerning the International Year of the World's Indigenous Peoples; and

S. Con. Res. 50. Concurrent resolution concerning the Arab League boycott of Israel.

NATIONAL CHILD PROTECTION ACT OF 1993

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1237) to establish procedures for national criminal background checks for child care providers, as amended.

The Clerk read as follows:

H.R. 1237

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 "National Child Protection Act of 1993".

SEC. 2. REPORTING CHILD ABUSE CRIME INFORMATION.

(a) IN GENERAL.—In each State, an authorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL HISTORY BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall, subject to availability of appropriations—

(A) investigate the criminal history records system of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line basis through the national criminal history background check system;

(B) in consultation with State officials, establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of criminal history records and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of each State timetable that the State—

(A) by not later than the date that is 3 years after the date of enactment of this Act, have in a computerized criminal history file at least 80 percent of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain a reporting rate of at least 80 percent for final dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve 100 percent disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) LIAISON.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of child abuse crimes.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall, subject to the availability of appropriations, publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal history background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State; and

(C) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 3. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by State statute or regulation) that require qualified entities designated by the State to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider has

been convicted of a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children.

(2) The authorized agency shall access and review State and Federal criminal history records through the national criminal history background check system and shall make reasonable efforts to respond to the inquiry within 15 business days.

(b) GUIDELINES.—The procedures established under subsection (a) shall require—

(1) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first provides a set of fingerprints and completes and signs a statement that—

(A) contains the name, address, and date of birth appearing on a valid identification document (as defined in section 1028 of title 18, United States Code) of the provider;

(B) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(C) notifies the provider that the entity may request a background check under subsection (a);

(D) notifies the provider of the provider's rights under paragraph (2); and

(E) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(2) that each provider who is the subject of a background check is entitled—

(A) to obtain a copy of any background check report; and

(B) to challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

(3) that an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct research in whatever State and local recordkeeping systems are available in order to obtain complete data;

(4) that the authorized agency shall make a determination whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children and shall convey that determination to the qualified entity; and

(5) that any background check under subsection (a) and the results thereof shall be handled in accordance with the requirements of Public Law 92-544.

(c) REGULATIONS.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

(d) LIABILITY.—A qualified entity shall not be liable in an action for damages solely for failure to conduct a criminal background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity to take action adverse to a provider who was the subject of a background check.

(e) FEES.—In the case of a background check pursuant to a State requirement adopted after the date of the enactment of this Act conducted with fingerprints on a person who volunteers with a qualified entity, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints. The States shall establish fee systems that insure that fees to non-profit entities for background checks do not discourage volunteers from participating in child care programs.

SEC. 4. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the child abuse crime records required under the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that, as of the date of enactment of this Act, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this Act;

(B) for the improvement of existing computerized criminal history files for the purposes of this Act;

(C) to improve accessibility to the national criminal history background check system for the purposes of this Act; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this Act.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1994, 1995, 1996, and 1997.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 that is not in compliance with the requirements of this Act.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term "child abuse crime" means a crime committed under any law of a State that involves the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by any person;

(4) the term "child abuse crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the child abuse crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, or convicted of, a child abuse crime;

(5) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;

(6) the term "national criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(7) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(8) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services; and

(9) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. EDWARDS] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this also is a bill that takes an important step forward in the protection of children.

The subcommittee held hearings on the issue.

The problem is that in child care providing centers there have been too many employees who have a criminal record, a criminal record for child abuse. It is very important that these records be available, and it is very important that the States pass laws requiring child care providers to check and find out before they hire someone as to whether or not this applicant for a job has a record of conviction for

criminal activity. Lots of these people travel all over the country, and unless there is a systematic check made by these individual child care centers, or what ever it might be, one or more of these people could be employed and do great damage to innocent children.

The testimony that we heard was very disturbing. There is a real need.

I believe there are 30 or so States that already have systems set up. We want to encourage the other States, all States, to have systems so that these records are available to the child care providers.

We are very grateful to Ms. Oprah Winfrey, the celebrated artist that we see on television, for her enthusiasm about the bill. She did some lobbying here. It was very helpful, and of course, everybody else who worked so hard on the bill. The gentleman from Illinois [Mr. HYDE], was enormously helpful, and the author of the bill, the gentlewoman from Colorado [Mrs. SCHROEDER].

This bill will encourage the States to adopt laws requiring criminal history record checks for child care providers. We have looked into this very carefully. We have balanced the protection of children against the due process rights of individual job seekers. We made sure that it is a fair bill.

The bill includes timetables for the States to comply, and it provides authorization for funding to help States do the computerization and the necessary work to get ready for these records.

We worked closely with the gentleman from Florida [Mr. CANADY] who was very helpful.

We received the unanimous support of the subcommittee.

Mr. Speaker, I urge approval of the bill.

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

Mr. Speaker, I want to extend firm and full congratulations to the subcommittee chairman, the gentleman from California [Mr. EDWARDS] for a bill like this, which indeed is a companion bill to the Ramstad bill which we just debated shortly ago and will pass later in the day.

Important legislation like this does not pass without a lot of work by staff and Members. The chairman has made this a particular interest of his, for which we are all grateful.

Numerous studies have shown that individuals who have sexually or physically abused children in the past are more likely to do so in the future. That is why it is important to make sure that adults who take care of children, including those who volunteer their time, do not have a record of child abuse or other crimes.

The purpose of the National Child Protection Act is to keep adults who have a record of child abuse from being put into a position of trust with children. It requires States to report information on child abuse to the Federal Bureau of Investigation and authorizes States to require qualified entities to perform a national background check to determine whether an individual has been convicted of a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children. The bill authorizes grant money to States to improve their criminal history records and provides due process protections to insure that any information obtained in the background check is accurate and complete.

I want to thank the chairman of the Judiciary Committee, Mr. BROOKS, and the chairman of the subcommittee, Mr. EDWARDS, for expeditiously bringing this legislation to the floor. In addition, appreciation should be expressed to Jim Dempsey, assistant counsel to the Subcommittee on Civil and Constitutional Rights and Keri Harrison, counsel to Mr. CANADY for working to get the bill into a form that we hope can be considered by the other body prior to adjournment.

I also want to thank an individual who is the motivating force behind this legislation, my fellow Chicagoan, Oprah Winfrey. Almost 2 years ago, she visited every member of the Committee on the Judiciary, urging us to enact legislation to protect children from predatory abusers. Unfortunately, the provision was held up in crime legislation that was stalled due to controversies on other issues. I know the process must have been frustrating to her, but I thank her for her persistence and am pleased that we are passing this legislation prior to adjournment.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH], the ranking Republican member on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding this time to me. I will be brief.

Mr. Speaker, we have a duty in this Nation to insure that the children who are put in the care of adults in schools, in Boy Scout troops or at day care centers will not become unwilling prey for child sexual abusers. The National Child Protections Act will keep adults who have a record of child abuse out of positions of care for our children.

The heart of the bill requires qualified entities to perform a national background check to determine whether an individual has been convicted of a crime that will affect an individual's fitness to take care of children.

Mandating registration by those convicted of child abuse will provide the data for the national background check. This is, therefore, a companion bill to the one we just recently considered here.

The bill, importantly also, authorizes grant money to the States to improve and update their criminal history information files.

Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from California [Mr. EDWARDS], and the ranking member, the gentleman from Illinois [Mr. HYDE] for their leadership on this issue.

Mr. EDWARDS of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas [Mr. PETE GEREN].

Mr. PETE GEREN of Texas. Mr. Speaker, I thank the chairman for yielding this time to me. I appreciate it very much.

Mr. Speaker, I rise in strong support of the National Child Protection Act of 1993. It is a very important companion bill to the bill that was introduced by the gentleman from Minnesota [Mr. RAMSTAD].

I am sure that every Member of this Congress has a tragic story from his or her district in which a child was tragically abused, molested, or even murdered. The area that I represent is no different.

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Recently, Mr. Speaker, a little girl in Plano, TX, was abducted from an athletic field, a soccer field, and murdered north of Dallas, TX. This little girl was whisked away somehow in the presence of many other children. Her body was found abused and murdered a couple of miles away. The person who has been arrested and charged with this murder had a long record of child molestation charges. As a youth he had committed rape and had gone to the youth detention center in our State. As an adult he had done the same and had served time. He was out on parole, and he committed this terrible murder.

Mr. Speaker, one of the discoveries that was made in the effort to try to identify who had committed this crime:

The police studied all of the videotapes that were taken by other parents that day of the playground, of the soccer field, and they looked and examined these in great detail, tried to identify everybody that was in this picture or in these pictures that they put together. Ironically and tragically they swept this crowd and identified many people who were in supervisory positions of children. They found a number of people who had been convicted of sex offenses against children who were in supervisory positions for children on that playground that day.

Mr. Speaker, I think that points up very dramatically the need for this particular bill. None of the people that they identified on that field were involved in this crime, but they found some suspects by surveying this field, people who this bill would have screened out, people who this bill would have kept from ever holding a supervisory position over children anywhere in this country, and I commend the chairman for this bill and for this work in putting it together.

Mr. Speaker, there are many people who have expressed concerns about perhaps a bill such as this violating the privacy of people who have been convicted of a crime such as this sort. I say the moment those people were convicted of a crime they have lost all their rights to privacy and the protection of our children becomes paramount, and this bill will go many steps forward in helping us to root out these people who should never ever be in a position of supervision over children in this country.

Mr. Speaker, I urge our colleagues to support this bill, I look forward to its passage and the implementation of the procedures called for, and I again thank the chairman for his diligent effort in helping to address this critical need in protecting our children.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], the author and chief sponsor of the bill.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California [Mr. EDWARDS] for yielding this time to me, and I must say how very pleased I am this bill is finally here.

Mr. Speaker, when I first got elected, over 20 years ago, one of the first bills I introduced was dealing with child abuse, and from that day forward I have always been terribly concerned about how everything else in the society seems to have a much higher priority than children. We talk one way, but we act an entirely different way. We all say they are our treasures, we all say we are family oriented, child oriented, and yet, when we look at the laws on the books to protect automobiles, to protect anything we could think of, they are much tougher than those dealing with children.

This is one of the things I think will give many young working parents a tremendous amount of relief. They know now they have to be in the workplace, in many instances, in order to just keep up in this new global marketplace that we have, and yet trying to find a place where they feel secure in leaving their children is one of the most frightening things I think any young parent can face. There are horror stories that we have seen of people who have preyed on this situation and been able to move across State lines, get employment, and then do damage to children, and it is just something we have unbelievably tolerated all this time.

So, Mr. Speaker, I am very pleased today that this bill is coming to the floor, and I also want to say that all of us, I think, want to thank Oprah Winfrey because she has not only talked about this issue, but worked very hard on this bill, made all sorts of house calls trying to push on this bill, and she has not done the typical celebrity thing of just doing a glitzy show. She has really gone around talking to people one on one to get this bill where it is today which I think shows her dedication of trying to move this forward, too.

So, I think it is very apropos that we pass this right before the holiday period, and let us hope that everything that can possibly be done will be done to fast-forward this so that we finally begin to catch up in this tremendous gap on how we treat property versus how we treat children, and I think the gentleman from California [Mr. EDWARDS] for moving this to the floor, and I think all the other committee members who brought it up today.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. EDWARDS] that the House suspend the rules and pass the bill, H.R. 1237, as amended.

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

A motion to reconsider was laid on the table.

NATIONALITY AND NATURALIZATION AMENDMENTS OF 1993

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization, as amended.

The Clerk read as follows:

H.R. 783

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 "Nationality and Naturalization Amendments of 1993".

SEC. 2. EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP FOR CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by striking the period at the end of paragraph (g) and inserting "; and", and

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

"(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United Sates of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.".

(b) WAIVER OF RETENTION REQUIREMENTS.—Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the provisos of section 201(g) of the Nationality Act of 1940) that provided for a person's loss of citizenship or nationality if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act (as added by subsection (a)).

(c) RETROACTIVE APPLICATION.—The immigration and nationality laws of the United States shall be applied (to persons born before, on, or after the date of the enactment of this Act) as though such amendment and such subsection had been in effect as of the date of their birth. However, the retroactive application of the amendment and provision shall not affect the validity of citizenship of anyone who has obtained citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934, 48 Stat. 797).

SEC. 3. EXPANDING WAIVER OF THE GOVERNMENT KNOWLEDGE, UNITED STATES HISTORY, AND ENGLISH LANGUAGE REQUIREMENTS FOR NATURALIZATION.

(A) IN GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended—

(1) by inserting "(a)" after "312.",

(2) by striking "this requirement" and all that follows through "That" the second place it appears,

(3) by striking "this section" and inserting "this paragraph", and

(4) by adding at the end the following new subsection:

"(b)(1) The requirements of subsection (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.

"(2) The requirement of subsection (a)(1) shall not apply to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, either—

"(A) is over fifty years of age and has been living in the United States for periods totalling at least twenty years subsequent to a lawful admission for permanent residence, or

"(B) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years subsection to a lawful admission for permanent residence.

"(3) The requirement of subsection (a)(2) shall not apply to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, is over sixty-five years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence.".

(b) CONFORMING AMENDMENTS.—Section 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is amended by striking "312" each place it appears and inserting "312(a)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed on or after such date and to such applications pending on such date.

SEC. 4. NATURALIZATION OF CHILDREN ON APPLICATION OF CITIZEN PARENT.

(A) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follow:

"CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

"Sec. 322. (a) A parent who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate of citizenship upon proof

to the satisfaction of the Attorney General that the following conditions have been fulfilled

"(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

"(2) The child is physically present in the United States pursuant to a lawful admission.

"(3) The child is under the age of 18 years and in the legal custody of the citizen parent.

"(4) If the citizen parent is an adoptive parent of the child, the child was adopted by the parent before the child reached the age of 16 years and the child meets the requirements for being a child under subparagraph (E) or (F) of section 101(b)(1).

"(5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totalling not less than five years, at least two of which were after attaining the age of fourteen years—

"(A) the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or

"(B) a citizen parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

"(b) Upon approval of the application (which may be filed abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

"(c) Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent if the conditions specified in such subsection have been fulfilled.".

(b) CONFORMING AMENDMENT.—Subsection (c) of section 341 of such Act (8 U.S.C. 1452) is repealed.

(c) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 322 is amended to read as follows:

"Sec. 322. Child born outside the United States; application for certificate of citizenship requirements.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than one hundred twenty days after the date of the enactment of this Act.

SEC. 5. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

(a) IN GENERAL.—Section 324 of the Immigration and Nationality Act (8 U.S.C. 1435) is amended by adding at the end the following new subsection:

"(d)(1) A person who was a citizen of the United States at birth and lost such citizenship for failure to meet the physical presence retention requirements under section 301(b) (as in effect before October 10, 1978), shall, from and after taking the oath of allegiance required by section 337 be a citizen of the United States and have the status of a citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

"(2) The provisions of paragraphs (2) and (3) of subsection (c) shall apply to a person regaining citizenship under paragraph (1) in the same manner as they apply under subsection (c)(1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than one hundred twenty days after the date of the enactment of this Act.

SEC. 6. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED ALIENS.

Not later than June 30, 1996, the Commissioner of the Immigration and Naturalization Service shall prepare and submit to the Congress a report concerning the citizenship status of aliens legalized under section 245A and section 210 of the Immigration and Nationality Act. Such report shall include the following information by district office for each national origin group:

(1) The number of applications for citizenship filed.

(2) The number of applications approved.

(3) The number of applications denied.

(4) The number of applications pending.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

GENERAL LEAVE

Mr. MAZZOLI. 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. 783, the bill now being considered.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 783.

This legislation makes it easier for persons, born to U.S. citizens living abroad, to claim U.S. citizenship or to reacquire citizenship where, under effect of laws now revised, such status was taken from them.

The first proposed revision corrects a problem in law dating from 1934. Prior to the 1934, only U.S. citizen men could confer citizenship on children born outside the United States.

The child of a U.S. citizen father and a noncitizen mother was a U.S. citizen. The child of a U.S. citizen mother and noncitizen father was not a U.S. citizen.

In 1934, Congress revised that clearly discriminatory rule. However, the 1934 Act was not made retroactive. Thus, persons born abroad before 1934 to U.S. citizen mothers and alien fathers are not citizens of the United States. H.R. 783 corrects that inequity.

H.R. 783 also enables children of U.S. citizens who live and work abroad for long periods of time to receive U.S. citizenship. Under current law, U.S. citizen parents are forced to return to the States for lengthy periods of residency to confer citizenship on their children born abroad. H.R. 783 makes it easier for U.S. citizen parents to pass on U.S. citizenship to their children born abroad.

Third, the bill makes available, with regard to the U.S. history and government knowledge portions of the naturalization test, an exemption similar to the one that is available now with regard to the English test. This exemption applies to persons over 65 years old who have been permanent residents for at least 20 years. The bill also provides a general waiver of all testing requirements for persons of any age who, because of physical or developmental disability or mental impairment, could not reasonably be expected to pass the test.

Fourth, the bill allows an individual who lost U.S. citizenship because of failure to meet the retention requirements of the law as they existed prior to repeal in 1978, to regain such citizenship upon application to the Attorney General and upon taking the oath of allegiance, provided such person meets the requirements of existing law.

The Subcommittee on International Law, Immigration, and Refugees held a hearing in the 102d Congress on H.R. 5599, legislation containing similar provisions. The subcommittee heard testimony from a variety of witnesses, including Representatives FRANK, MINETA and ALEXANDER, each of whom had introduced bills dealing with particular problems addressed by H.R. 5599. In addition, Representative LAMAR SMITH had introduced legislation dealing with issues included in H.R. 5599.

H.R. 5599 was ordered favorably reported to the full Judiciary Committee. However, no further action on the bill was taken during the 102d Congress.

In the 103d Congress, I reintroduced the previously approved provisions in my bill H.R. 783. A hearing on that legislation took place on March 10, 1993 with the following witnesses: Representatives PATSY MINK, BARNEY FRANK, and NORM MINETA, the Department of State, World Federation of Americans Abroad, Federated League of Americans Around the Globe, and the National Association of Latino Elected and Appointed Officials.

H.R. 783 was reported out of the subcommittee on May 19, 1993 by a voice vote.

The measure was approved by voice vote by the full Judiciary Committee on November 17, after certain minor amendments were adopted.

H.R. 783 corrects problems in current immigration law and provides the opportunity for relief to individuals, some of whom have grounds for relief dating back to the 1930's.

I urge my colleagues to support H.R. 783.

Mr. BROOKS. Mr. Speaker, H.R. 783 provides improvements to the immigration laws relating to naturalization and citizenship. It removes discriminatory barriers which have been in the law for decades and which treat women different from men for the purposes of transmitting citizenship. The Department of State, rightfully, no longer wishes to defend this distinction.

The bill also eases other restrictions and procedures which present overly restrictive barriers to individuals who are qualified to obtain U.S. citizenship.

I wish to thank Congressman ROMANO MAZZOLI, chairman of the Immigration Subcommittee, for his efforts on this legislation, and Congressman BILL MCCOLLUM, the ranking subcommittee member, for his support.

I urge the Members to support this bill.

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

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

Mr. Speaker, I rise in support of H.R. 783. This bill is composed of several relatively narrow provisions relating to naturalization and the conveyance of U.S. citizenship. These provisions address discrete problems that have been brought to the attention of the Subcommittee on International Law, Immigration, and Refugees. It is not a far-reaching bill, but it is very important to those people whom it affects.

Section 2 of the bill corrects an inequity in current law that Congressmen LAMAR SMITH and NORMAN MINETA have worked for several years to eliminate. Children born abroad prior to 1934 to U.S. citizen mothers and alien fathers were not U.S. citizens at birth, while children born abroad to U.S. citizen fathers and alien mothers were U.S. citizens. This unequal treatment has been allowed to stand in the law for far too long. H.R. 783 puts an end to it.

Section 3 of the bill embodies a compromise worked out between Congressman BARNEY FRANK and me. Currently, applicants for naturalization must pass an English language test and a U.S. Government and history test. Age and disability waivers are available for the English test. H.R. 783 modifies the disability waiver and extends it to apply to the test on Government and history. The disability waiver, as newly formulated, is available to persons who are unable to take a particular test because of "physical or developmental disability or mental impairment." The new age based waiver of the Government and history test applies to persons who are over 65 and have lived in the United States for 20 or more years.

Sections 4 and 5 address concerns raised with the Subcommittee by the World Federation of Americans Abroad and the Federated League of Americans Around the Globe. Working closely with the World Federation, the State Department and the Immigration and Naturalization Service, I believe we have developed a fair and workable solution to naturalization problems faced by U.S. citizen parents living abroad.

U.S. citizen parents who adopt children abroad and continue to live abroad are unable to naturalize their adopted children under current law. Also, U.S. citizens who have not satisfied certain residency requirements and who are married to alien spouses cannot automatically transmit their U.S. citizenship to children born to them abroad. Section 4 provides a way to naturalize these children. Under this new provision, all administrative action should be able to be completed from abroad and a date set for the naturalization ceremony so that the parent and children can complete the naturalization on one trip to the United States.

Section 5 addresses another inequity in the Immigration and Nationality Act. From 1934 through 1978, U.S. citizens who were born abroad to a U.S. citizen parent and an alien parent were required to be physically present in the United States for a specified period of time in order to retain their U.S. citizenship. This residency requirement was repealed in 1978, but the repeal was not retroactive; as a result, persons who already had lost their citizenship did not benefit from the repeal. Section 5 of H.R. 783 provides a means for these persons to regain their U.S. citizenship.

The language in H.R. 783 has been worked out among various members of the subcommittee, past and present. I believe the resulting product is a very good piece of legislation, and I urge my colleagues to support it.

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

Mr. MAZZOLI. Mr. Speaker, let me yield myself such time as I may consume in order to respond to the gentleman from Florida [Mr. MCCOLLUM], who is the ranking member of our subcommittee and with whom I have had a very fond professional and personal relationship for many years. This is the reason why we can bring pieces of legislation like this out, and I hope that in the next session of Congress we will have opportunities to bring out other immigration issues which have been developed in our committee.

I want to thank our chairman for allowing us to bring this legislation forward. The gentleman from Florida mentioned that the gentleman from California [Mr. BERMAN] is involved in a part of this measure. The gentleman from California [Mr. MINETA], the gentleman from Texas [Mr. SMITH], and the gentleman from Massachusetts [Mr. FRANK] have also helped in these matters.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentleman from Kentucky for his hard work on this and on so many other matters. I am only coming down here because I used to be part of that subcommittee, and I know that it is one of the toughest and the most emotional and the least glamorous jobs around here. I think anybody who serves on that subcommittee on both sides of the aisle deserves some kind of an award. We do not want say that enough around here, but these are some of the toughest doggoned issues there are, and I think we all have the attitude that we do not want liberal immigration except for the people we know, and we think there ought to be laws to let them in. Everybody has 500 different twists to it, and I know you also have to sit there as judge and jury and do all sorts of things.

But I think everyone in this body ought to take more time and say that we realize we have in immigration probably one of the most thankless jobs around here, but it is terribly critical and terribly important. I thank the subcommittee for its work because I think it really has earned many, many stars for doing this job.

Mr. MAZZOLI. Mr. Speaker, I think it is most gracious of the gentlewoman from Colorado to say that. I do remember, of course, in an earlier year when the gentlewoman and I did serve together on the committee. We had a lot of fun, and I think we made some strides in the direction of making immigration more sensitive to the real, true needs of the people in this country and around the world, but at the same time making it a system that is a system, that is not just a system in complete chaos. To bring it together does take patience, and it does obviously take collaboration with Members like the gentleman from Florida [Mr. MCCOLLUM] and others. It takes the great help of the gentlewoman from Colorado [Mrs. SCHROEDER], such as that embodied in a bill that will come up momentarily, and that is, I believe, the bill involving violence against women. It also really takes the support of the entire House. The gentleman from Kentucky has been a beneficiary of a lot of that extraordinary assistance, and he appreciates it, and he very much thanks the gentlewoman.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield further, I chickened out. As I say, I got very frustrated with trying to deal with the complexities of all those issues. There is no one out there who is really trying to lobby or help, and everybody would like to kind of have ad hoc system so they could wade through whatever they want.

So I thank the gentleman for staying with it and trying to work on those

matters. I thank this committee, too, for helping us with the difficult domestic violence issues that rotate around these other issues. Any issue we deal with in this country, on crime, domestic violence, health care, or whatever, there is always an immigration component, because not everybody in this country is a citizen. So it really cuts across jurisdictions all across the border, and they are always coming at you and saying, "What about this?" and "What about that?" so I just want to take this time on this Saturday morning to say, "Thank you," because it has been a very fine subcommittee.

Mr. MAZZOLI. Mr. Speaker, the gentleman from Kentucky greatly appreciates the gentlewoman's comments and appreciates them both for himself and on behalf of the full subcommittee.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise today in strong support of H.R. 783, the Nationality and Naturalization Amendments of 1993.

I would like to express my deep thanks to my very good friends Mr. MAZZOLI, Mr. MCCOLLUM, and Mr. BERMAN for all of their hard work on this bill over the past 2 years. H.R. 783 is a testament to them, and the skill and dedication of their staffs.

In particular, I am pleased that the bill incorporates H.R. 283, the Equity in Citizenship Act, legislation I authored to remove a longstanding vestige of discrimination against women in our nationality laws.

Prior to 1934, our nationality laws allowed only men to transmit their American citizenship to their children born overseas.

Women who married foreign nationals, and whose children were born outside the United States, could not pass on their citizenship. Although women were finally granted the right to independently transmit their U.S. citizenship to their children in 1934, the Congress failed to make that reform retroactive.

As a result, people born overseas to American mothers and foreign national fathers before 1934 continue to be denied the U.S. citizenship that should be theirs by right.

By granting U.S. citizenship to these individuals, H.R. 783 will at long last correct that injustice. This reform is long overdue, and I urge my colleagues to join me in support of this important legislation.

I also wish to note, Mr. Speaker, that our fine colleague from Kentucky [Mr. MAZZOLI], has announced his intention to retire at the end of this Congress. All of us in this body are going to miss him, and I, especially, will miss working with the gentleman from Kentucky because of his knowledge of all issues that come before the Judiciary Committee and, especially, immigration and naturalization matters.

Mr. MAZZOLI. Mr. Speaker, Let me yield myself just 30 seconds in order to say that I appreciate the words of my friend, the gentleman from California, very much. It has been a great pleasure working with the gentleman.

Mr. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 783, the nationality and naturalization amendments. I would like to congratulate my colleague, Congressman MAZZOLI, for his leadership on this legislation. I also would like to commend Chairman BROOKS and members of the committee and subcommittee for their hard work and dedication which has resulted in H.R. 783 successfully reaching the floor of the House today.

Until now, the law prevented equitable treatment regarding the citizenship of people who are similarly situated but for the gender of their parent who was a U.S. citizen. This legislation signifies the resolve of Congress to eliminate gender bias wherever it might exist. Clearly, individuals who are covered by the provisions of this legislation are entitled to U.S. citizenship, and it is my hope that those who have suffered under the existing and unfair law will find some solace in the amendments I am certain we will pass today.

In addition to correcting an injustice which impeded the rightful claims of many individuals, this legislation brings into line another aspect of the laws of our land as we continue to eliminate all types of discrimination. Members of Congress are duty bound to uncover and rectify bias and intolerance in our laws, rules, and regulations. We must continue to root out bigotry and prejudice wherever it lies.

Mr. Speaker, I again congratulate Congressman MAZZOLI, Chairman BROOKS, and the members of the Judiciary Committee for their hard work and dedication, and I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 783, as amended.

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

A motion to reconsider was laid on the table.

HAZARD MITIGATION AND RELOCATION ASSISTANCE ACT OF 1993

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate provides (S. 1670) to improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. BOEHLERT. Mr. Speaker, reserving the right to object, I will not object, but I would take advantage of this time so that our colleague, the chairman of the subcommittee, can give us an explanation of his request.

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

Mr. BOEHLERT. I certainly will yield to the gentleman from Ohio.

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Mr. APPLEGATE. Mr. Speaker, I thank the gentleman for yielding so that I may explain the bill.

Mr. Speaker, the Committee on Public Works and Transportation brings before the House important legislation to assist in the response to the Midwest floods of 1993. The bill provides immediate assistance to those people whose homes are in the floodplains and who are desirous of moving out of harm's way.

Mr. Speaker, S. 1670 is virtually identical to several sections of H.R. 3445 which passed the House on November 15, 1993, under suspension of the rules. Like H.R. 3445, S. 1670 increases the amount of funds available for hazard mitigation.

Also like H.R. 3445, S. 1670 clarifies the applicability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as it applies to relocations carried out as part of the postdisaster response.

The Senate deleted language in H.R. 3445 that would have authorized two Corps of Engineers studies. However, pursuant to a resolution approved by the Committee on Public Works and Transportation, the studies of the Upper Mississippi and Lower Missouri River Basins, which are funded in fiscal year 1994, will be able to be initiated as soon as possible.

Mr. Speaker, this bill is desperately needed to provide timely assistance to the flood victims in the Midwest; it does not require any new appropriation of money; the House approved similar language just this week; and, the administration supports its enactment.

For these reasons, I urge adoption of this important and timely legislation.

Mr. Speaker, I would like to extend special thanks to our friend and colleague, the gentleman from Missouri [Mr. VOLKMER], for doggedly pursuing this and not letting it go until it got passed today.

Mr. BOEHLERT. Mr. Speaker, continuing my reservation of objection, I yield to the distinguished chairman of the full committee, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I stand in strong support of this legislation.

Mr. BOEHLERT. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. MINETA. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. APPLEGATE] for his fine explanation of the bill, and I

want to commend him and the Subcommittee on Water Resources and Environment's ranking Republican, Mr. BOEHLERT, for their leadership on this important bill. I also want to pay special recognition to the following Members who have labored long and hard on behalf of their constituents and the Nation on this important issue: Congressmen VOLKMER, DURBIN, GEPHARDT, EMERSON, COSTELLO, and SKELTON, and Congresswoman DANNER.

In the past, the Federal Emergency Management Agency has helped people who wanted to move out of harm's way. But the scale was very small. Today, as towns try to look to the future, many see more floods. Over 200 communities, many of which have been victims of numerous Floods during the last 20 years, have approached the Federal Government about relocation out of the flood plains to higher ground. The legislation before the House today will increase the availability of Federal assistance for relocations.

Mr. Speaker, I again wish to thank the leadership of the subcommittee, the chairman as well as the ranking Republican, and my fine colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking Republican on our committee, and urge the adoption of this very important legislation.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman for yielding, and I also wish to commend the gentleman from California [Mr. MINETA], the gentleman from Ohio [Mr. APPLEGATE], the gentleman from Pennsylvania [Mr. SHUSTER], and the gentleman from New York [Mr. BOEHLERT] on this side, and also Senators HARKIN, BAUCUS, and CHAFEE, for assisting us in getting this legislation through, that is much needed by many people throughout the Midwest, and especially in my district, and even in my hometown. This will enable them to be able to accept buyouts and get out of the flood plain. They have been out of their homes since early July, and hopefully by Christmas they will be able to negotiate a buyout and be out of the flood plain and into new housing, and never have to worry about another flood.

Mr. Speaker, I want to thank everybody very, very much from the bottom of my heart.

Mr. BOEHLERT. Mr. Speaker, S. 1670 is a compromise based on H.R. 3445, the recent House-passed bill, addressing the Midwest flooding and improved floodplain management efforts. The compromise bill will help keep people and property out of harm's way. It makes sense to prevent future damages by encouraging floodplain protection and property relocations. Although less comprehensive than the earlier House bill, it is nonetheless, a greatly needed piece of legislation. It needs to get to the President's desk before the end of the year so that people can make more rational decisions about whether to relocate or rebuild flood damaged properties.

I congratulate the leadership of the House Public Works and Transportation Committee, Chairman MINETA, Mr. SHUSTER, and Chairman APPLEGATE, the primary sponsors of earlier House-passed legislation, Mr. VOLKMER and Mr. DURBIN, and key House and Senate Members from the region for their efforts in moving this consensus bill forward.

Mr. SHUSTER. Mr. Speaker, I rise in support of S. 1670, the Hazard Mitigation and Relocation Assistance Act of 1993. It provides a measured, helpful response to the Midwest flooding of 1993 as well as a way to reduce and prevent future flood damage and costly Government bailouts.

S. 1670 is a bipartisan, bicameral compromise, based on recent House-passed legislation. Senators HARKIN, DANFORTH, and others introduced the bill on November 18, 1993. It is a modified version of H.R. 3445, reported by the House Public Works and Transportation Committee on November 15, 1993, and passed by the House on the same day.

Our committee approved an earlier version of the legislation on November 9, 1993, after combining components of H.R. 3012, sponsored by Congressman HAROLD VOLKMER and others, and H.R. 2931, sponsored by Congressman RICHARD DURBIN and others, and adding a couple of amendments and various modifications.

Mr. Speaker, I would be remiss if I did not thank several key players in the two Chambers responsible for this legislation. First, let me commend the chairman of the Public Works and Transportation Committee, NORMAN MINETA, for his leadership and bipartisan cooperation. Chairman DOUGLAS APPLEGATE and ranking Republican SHERRY BOEHLERT of the Water Resources and Environment Subcommittee are also to be congratulated for their efforts.

Special thanks also go to committee members from Missouri and Illinois whose districts have been directly impacted by the Midwest flooding. Congressmen BILL EMERSON, GEORGE SANGMEISTER, GLENN POSHARD, and Congresswoman PAT DANNER, among others, have played key roles in the Federal Government's response to the flooding to date and have been instrumental in crafting our legislation. Obviously, Congressman VOLKMER and Congressman DURBIN, among others, have also been instrumental in writing and passing this consensus bill.

Thanks should also go to the leadership of the Senate Environment and Public Works Committee and key cosponsors of S. 1670.

Mr. Speaker, while S. 1670 will help to improve the Federal Emergency Management Agency's hazard mitigation program, it is less comprehensive than the House-passed bill. For example, S. 1670 omits provisions directing the Corps of Engineers to conduct comprehensive studies—both national and regional along the Upper Mississippi and Lower Missouri Rivers—to improve flood damage reduction and flood plain management. However, our committee has taken action to authorize a comprehensive study of the region's flood control needs by committee resolution. The bill also omits a provision allowing the corps to use Public Law 99 funds, at the request of local sponsor, to implement nonstructural measures.

I know several colleagues, particularly from the flood-ravaged Midwest States, had hoped this vehicle could have addressed a wider array of issues and needs. Some of these requests, however, may need to be addressed in other vehicles. For example, I am sure our committee will be looking in greater depth at a lot of flooding and water resources-related issues next session as we consider comprehensive legislation on the Corps of Engineers—the Emergency Management Agency.

In the meantime, S. 1670 represents a reasonable start in improving hazard mitigation and relocation assistance. Perhaps it can lead to better flood plain management that helps to avoid future bailouts by the Federal Government.

Mr. Speaker, I urge my colleagues to support the bill, allowing it to move forward expeditiously to the President for enactment into law.

Mr. BOEHLERT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

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

S. 1670

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 "Hazard Mitigation and Relocation Assistance Act of 1993".

SEC. 2. HAZARD MITIGATION.

(a) FEDERAL SHARE AND TOTAL CONTRIBUTIONS.—Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) in the first sentence, by striking "50 percent" and inserting "75 percent"; and

(2) in the last sentence, by striking "10 percent" and all that follows through the end of the sentence and inserting "15 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this Act with respect to the major disaster.".

(b) APPLICABILITY.—The amendments made by this section shall apply to any major disaster declared by the President pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after June 10, 1993.

SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.

Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

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

"(b) PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.—

"(1) GENERAL AUTHORITY.—In providing hazard mitigation assistance under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects that meet the requirements of paragraph (2).

"(2) TERMS AND CONDITIONS.—An acquisition or relocation project shall be eligible to

receive assistance pursuant to paragraph (1) only if—

"(A) the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a); and

"(B) on or after the date of enactment of this subsection, the applicant for the assistance enters into an agreement with the Director that provides assurances that—

"(i) any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices;

"(ii) no new structure will be erected on property acquired, accepted or from which a structure was removed under the acquisition or relocation program other than—

"(I) a public facility that is open on all sides and functionally related to a designated open space;

"(II) a rest room; or

"(III) a structure that the Director approves in writing before the commencement of the construction of the structure; and

"(iii) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program—

"(I) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and

"(II) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.

"(3) STATUTORY CONSTRUCTION.—Nothing in this subsection is intended to alter or otherwise affect an agreement for an acquisition or relocation project carried out pursuant to this section that was in effect on the day before the date of enactment of this subsection.".

SEC. 4. TREATMENT OF REAL PROPERTY BUYOUT PROGRAMS.

(a) INAPPLICABILITY OF URA.—The purchase of any real property under a qualified buyout program shall not constitute the making of Federal financial assistance available to pay all or part of the cost of a program or project resulting in the acquisition of real property or in any owner of real property being a displaced person (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).

(b) DEFINITION OF "QUALIFIED BUYOUT PROGRAM".—For purposes of this section, the term "qualified buyout program" means any program that—

(1) provides for the purchase of only property damaged by the major, widespread flooding in the Midwest during 1993;

(2) provides for such purchase solely as a result of such flooding;

(3) provides for such acquisition without the use of the power of eminent domain and notification to the seller that acquisition is without the use of such power;

(4) is carried out by or through a State or unit of general local government; and

(5) is being assisted with amounts made available for—

(A) disaster relief by the Federal Emergency Management Agency; or

(B) other Federal financial assistance programs.

GENERAL LEAVE

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 1670, the Senate bill just passed.

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

There was no objection.

OMNIBUS AGRICULTURAL RESEARCH AND PROMOTION IMPROVEMENT ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3515) to amend the Egg Research and Consumer Information Act, the Watermelon Research and Promotion Act, and the Lime Research, Promotion, and Consumer Information Act of 1990 to revise the operation of these acts and to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3515

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 "Omnibus Agricultural Research and Promotion Improvement Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—EGG RESEARCH AND CONSUMER INFORMATION

Sec. 101. Short title.
Sec. 102. Rate of assessment.
Sec. 103. Exempted egg producers.

TITLE II—WATERMELON RESEARCH AND PROMOTION

Sec. 201. Short title.
Sec. 202. Change to majority vote in referendum procedures.
Sec. 203. Expansion of watermelon plans to entire United States.
Sec. 204. Clarification of differences between producers and handlers.
Sec. 205. Clarification of collection of assessments by the Board.
Sec. 206. Changes to assessment rate not subject to formal rulemaking.
Sec. 207. Elimination of watermelon assessment refund.
Sec. 208. Equitable treatment of watermelon plans.
Sec. 209. Separate consideration of watermelon plan amendments.

TITLE III—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION

Sec. 301. Short title.
Sec. 302. Findings and declaration of policy.
Sec. 303. Definitions.
Sec. 304. Issuance of orders.
Sec. 305. Fresh Cut Flowers and Fresh Cut Greens Promotion Council (PromoFlor Council).
Sec. 306. Assessments.
Sec. 307. Miscellaneous requirements of order.
Sec. 308. Referenda.
Sec. 309. Petition and review.
Sec. 310. Enforcement.
Sec. 311. Investigations and power to subpoena.
Sec. 312. Confidentiality.
Sec. 313. Authority for Secretary to suspend or terminate order.
Sec. 314. Construction.
Sec. 315. Regulations.
Sec. 316. Authorization of appropriations.
Sec. 317. Separability.

TITLE IV—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION

Sec. 401. Short title.
Sec. 402. Findings and purpose.
Sec. 403. Definition of lime.
Sec. 404. Required terms in orders.
Sec. 405. Initial referendum.

TITLE I—EGG RESEARCH AND CONSUMER INFORMATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Egg Research and Consumer Information Improvement Act".

SEC. 102. RATE OF ASSESSMENT.

(a) ASSESSMENT TERMS AND CONDITIONS IN ORDERS.—Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended—

(1) by designating the first and second sentences as paragraph (1);

(2) by designating the fifth and sixth sentences as paragraph (3);

(3) by striking the third and fourth sentences and inserting the following new paragraph:

"(2)(A) The rate of assessment shall be prescribed by the order, except that the rate of assessment may not exceed 30 cents per case of commercial eggs or the equivalent thereof.

"(B) The Secretary may amend the order to increase the rate of assessment (subject to the limitation in subparagraph (A)) only if the increase is recommended by the Egg Board and approved by egg producers in a referendum conducted under section 9(b).

"(C) The Secretary may amend the order to decrease the rate of assessment only if the decrease is recommended by the Egg Board. A decrease in the rate of assessment shall take effect only after the Secretary provides public notice and an opportunity for comment in accordance with section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to decreasing the rate of assessment."; and

(4) by conforming the margins of paragraphs (1) and (3) (as so designated) to the margin of paragraph (2).

(b) REFERENDUM REQUIREMENTS.—Section 9 of the Egg Research and Consumer Information Act (7 U.S.C. 2708) is amended—

(1) by designating the first two sentences as subsection (a);

(2) by designating the last sentence as subsection (c);

(3) by inserting after subsection (a) (as so designated) the following new subsection:

"(b)(1) Whenever the Egg Board determines, based on scientific studies, marketing analysis, or other similar competent evidence, that an increase in assessment rate is needed to ensure that assessments under the order are set at an appropriate level to effectuate the declared policy of this Act, the Egg Board may request that the Secretary conduct a referendum, as provided in paragraph (2).

"(2) When requested by the Egg Board under paragraph (1) or (3), the Secretary shall conduct a referendum among egg producers not exempt hereunder who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether such producers approve the increase in the assessment rate proposed by the Egg Board. The increase in the assessment rate shall take effect if approved or favored by not less than two-thirds of the producers voting in such referendum, or by a majority

of the producers voting in such referendum if such majority produced not less than two-thirds of all the commercial eggs produced by those voting during a representative period defined by the Secretary.

"(3) With respect to the order in effect on the date of the enactment of this subsection, the Egg Board shall undertake to determine under paragraph (1), as soon as practicable after such date of enactment, whether to request that the Secretary conduct a referendum under paragraph (2). If the Egg Board makes such a request on competent evidence, as provided in paragraph (1), the Secretary shall conduct such referendum as soon as practicable, but not later than 120 days after receipt of the request from the Egg Board.

"(4) Notwithstanding any other provision of this Act, whenever an increase in the assessment rate and the authority for additional increases is approved by producers in a referendum under this subsection, the Secretary shall amend the order as appropriate to reflect such vote of producers. The amendment to the order shall become effective on the date it is issued."; and

(4) by conforming the margins of subsections (a) and (c) (as so designated) to the margin of subsection (b).

SEC. 103. EXEMPTED EGG PRODUCERS.

(a) INCREASE IN EXEMPTION AMOUNT.—Section 12(a)(1) of the Egg Research and Consumer Information Act (7 U.S.C. 2711(a)(1)) is amended by striking "30,000 laying hens" and inserting "75,000 laying hens".

(b) ISSUANCE OF AMENDMENT TO ORDER.—To implement the amendment made by subsection (a) to the Egg Research and Consumer Information Act, the Secretary of Agriculture shall issue an amendment to the egg promotion and research order issued under such Act. The amendment to the order shall be issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to the amendment to the order. The Secretary shall issue the proposed amendment to the order not later than 30 days after the date of the enactment of this title.

(c) EFFECTIVE DATE.—The amendment to the egg promotion and research order required by subsection (b) shall become effective not later than 120 days after the date of the enactment of this Act. The amendment shall not be subject to a referendum under the Egg Research and Consumer Information Act.

TITLE II—WATERMELON RESEARCH AND PROMOTION

SEC. 201. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Watermelon Research and Promotion Improvement Act".

SEC. 202. CHANGE TO MAJORITY VOTE IN REFERENDUM PROCEDURES.

Section 1653 of the Watermelon Research and Promotion Act (7 U.S.C. 4912) is amended—

(1) by inserting "(a)" after "SEC. 1653.";

(2) by striking the third sentence; and

(3) inserting at the end the following new subsection:

"(b) A plan issued under this subtitle shall not take effect unless the Secretary determines that the issuance of the plan is approved or favored by a majority of the producers and handlers (and importers if subject to the plan) voting in the referendum.".

SEC. 203. EXPANSION OF WATERMELON PLANS TO ENTIRE UNITED STATES.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902(3)) is amended—

(1) in paragraph (3), by striking "the forty-eight contiguous States of"; and

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

"(10) The term 'United States' means each of the several States and the District of Columbia.".

(b) ISSUANCE OF PLANS.—The last sentence of section 1644 of such Act (7 U.S.C. 4903) is amended by striking "the forty-eight contiguous States of".

SEC. 204. CLARIFICATION OF DIFFERENCES BETWEEN PRODUCERS AND HANDLERS.

Section 1647(c) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(c)) is amended by adding at the end the following:

"(3) If a producer purchases watermelons from other producers, in a combined total volume that is equal to 25 percent or more of the producer's own production, the producer shall be eligible to serve on the Board only as a representative of handlers and not as a representative of producers. In addition, if the combined total volume of watermelons handled by a producer from the producer's own production and purchases from other producers' production is more than 50 percent of the producer's own production, the producer shall be eligible to serve on the Board only as a representative of handlers and not as a representative of producers.".

SEC. 205. CLARIFICATION OF COLLECTION OF ASSESSMENTS BY THE BOARD.

Section 1647 of the Watermelon Research and Promotion Act (7 U.S.C. 4906) is amended—

(1) in subsection (f), by striking "collection of the assessments by the Board." and inserting "payment of the assessments to the Board."; and

(2) in paragraphs (1) and (3) of subsection (g), by striking "collected" and inserting "received".

SEC. 206. CHANGES TO ASSESSMENT RATE NOT SUBJECT TO FORMAL RULEMAKING.

Section 1647(f) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(f)), as amended by section 205(1), is further amended by adding at the end the following new sentences: "In fixing or changing the rate of assessment pursuant to the plan, the Secretary shall comply with the notice and comment procedures established under section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to fixing or changing the rate of assessment.".

SEC. 207. ELIMINATION OF WATERMELON ASSESSMENT REFUND.

Section 1647(h) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(h)) is amended—

(1) by striking "The plan" in the first sentence and inserting "(1) Except as provided in paragraph (2), the plan"; and

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

"(2) If approved in the referendum required by section 1655(b) relating to the elimination of the assessment refund under paragraph (1), the Secretary shall amend the plan that is in effect on the day before the date of the enactment of the Watermelon Research and Promotion Improvement Act to eliminate such refund provision.

"(3) Notwithstanding paragraph (2), if importers are subject to the plan, the plan shall provide that importers of less than 75,000 pounds of watermelons per year shall be entitled to apply for a refund of the equivalent of the rate of assessment paid by domestic producers. The Secretary may adjust the weight exemption contained in this paragraph to reflect significant changes in the average yield per acre of watermelons in the United States for the 5-year period immediately preceding the year in which the adjustment is made. An adjustment in the weight exemption under this paragraph may be made only upon the recommendation of the Board and after the Secretary provides an opportunity for notice and comment on the proposed adjustment.".

SEC. 208. EQUITABLE TREATMENT OF WATERMELON PLANS.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902), as amended by section 203(a), is further amended—

(1) in paragraph (3), by striking the semicolon at the end and inserting the following: "or imported into the United States.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'importer' means any person who imports watermelons into the United States.

"(7) The term 'plan' means an order issued by the Secretary under this subtitle.".

(b) ISSUANCE OF PLANS.—Section 1644 of such Act (7 U.S.C. 4903), as amended by section 203(b), is further amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers";

(2) by striking the second sentence; and

(3) in the last sentence, by inserting "or imported into the United States" before the period.

(c) NOTICE AND HEARINGS.—Section 1645(a) of such Act (7 U.S.C. 4904(a)) is amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers"; and

(2) in the last sentence, by striking "or handlers" and inserting ", handlers, or importers".

(d) MEMBERSHIP OF BOARD.—Section 1647(c) of such Act (7 U.S.C. 4906(c)), as amended by section 204, is further amended—

(1) by inserting "(1)" after "(c)";

(2) in the second sentence, by striking "producer and handler members" and inserting "other members"; and

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

"(2) If importers are subject to the plan, the Board shall also include one or more representatives of importers who shall be appointed by the Secretary from nominations submitted by importers in such manner as may be prescribed by the Secretary. Importer representation on the Board shall be proportionate to the percentage of assessments paid by importers to the Board, except that there shall always be at least one representative of importers on the Board. If importers are subject to the plan and fail to select nominees for appointment to the Board, the Secretary may appoint any importers as the representatives of importers. Every 5 years, the Secretary shall evaluate the average annual percentage of assessments paid by importers during the most recent 3-year period and adjust, to the extent possible, the number of importer representatives on the Board.".

(e) ASSESSMENTS.—Section 1647(g) of such Act (7 U.S.C. 4906(g)), as amended by section 205(2), is further amended—

(1) in paragraph (4)—

(A) by striking "(4) assessments" and inserting "(4) Assessments"; and

(B) by inserting "in the case of producers and handlers" after "such assessments"; and

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

"(5) If importers are subject to the plan, an assessment shall also be made on watermelons imported into the United States by such importers. The rate of assessment for importers (if subject to the plan) shall be equal to the combined rate for producers and handlers.".

(f) REFUNDS.—Section 1647(h) of such Act (7 U.S.C. 4906(h)), as amended by section 207, is further amended—

(1) by inserting after "or handler" the first two places it appears the following: "(or importer if subject to the plan)"; and

(2) by striking "or handler" the last place it appears and inserting ", handler, or importer".

(g) ASSESSMENT PROCEDURES.—Section 1649 of such Act (7 U.S.C. 4908) is amended—

(1) in subsection (a)—

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

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

"(2) If importers are subject to the plan, each importer required to pay assessments under the plan shall be responsible for payment of the assessments to the Board, as the Board may direct. The assessment on imported watermelons shall be paid by the importer to the Board at the time of the entry of the watermelons into the United States. Each such importer shall maintain a separate record specifying the total quantity of watermelons imported into the United States that are included under the terms of the plan, as well as those that are exempt under such plan, and containing such other information as may be prescribed by the Board. No more than one assessment shall be made on any imported watermelons.";

(2) in subsection (b), by inserting "and importers" after "Handlers"; and

(3) in subsection (c)(1), by inserting "or importers" after "handlers".

(h) INVESTIGATIONS.—Section 1652(a) of such Act (7 U.S.C. 4911(a)) is amended—

(1) in the first sentence, by striking "a handler or any other person" and inserting "a person";

(2) in the fourth sentence, by inserting "(or an importer if subject to the plan)" after "a handler"; and

(3) in the last sentence, by striking "the handler or other person" and inserting "the person".

(i) REFERENDUM.—Section 1653 of such Act (7 U.S.C. 4912), as amended by section 202, is further amended—

(1) in the first sentence—

(A) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(B) by striking "or handling" and inserting ", handling, or importing";

(2) by striking the second sentence; and

(3) in the sentence beginning "The ballots"—

(A) by striking "or handler" and inserting ", handler, or importer"; and

(B) by striking "or handled" and inserting ", handled, or imported".

(j) TERMINATION OF PLANS.—Section 1654(b) of such Act (7 U.S.C. 4913(b)) is amended—

(1) in the first sentence—

(A) by striking "10 per centum or more" and inserting "at least 10 percent of the combined total"; and

(B) by striking "and handlers" both places it appears and inserting ", handlers, and importers";

(2) in the second sentence—

(A) by striking "or handle" and inserting ", handle, or import";

(B) by striking "50 per centum" and inserting "50 percent of the combined total"; and

(C) by striking "or handled by the handlers" and inserting ", handled by the handlers, and imported by the importers"; and

(3) by striking the last sentence.

(k) CONFORMING AND TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1642(a)(5) (7 U.S.C. 4901(a)(5)), by striking "and handling" and inserting "handling, and importing";

(2) in the first sentence of section 1642(b) (7 U.S.C. 4901(b))—

(A) by inserting ", or imported into the United States," after "harvested in the United States"; and

(B) by striking "produced in the United States";

(3) in section 1643 (7 U.S.C. 4902), as amended by subsection (a) and section 203—

(A) by striking "subtitle—" and inserting "subtitle:";

(B) in paragraphs (1), (2), (3), (4), and (5), by striking "the term" and inserting "The term";

(C) in paragraphs (1), (2), (4), and (5), by striking the semicolon at the end and inserting a period;

(D) in paragraph (8), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "; and" and inserting a period; and

(E) in paragraph (9), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "1644" and inserting "1647"; and

(4) in section 1647(g) (7 U.S.C. 4906(g)), as amended by subsection (e) and section 205(2)—

(A) by striking "that—" and inserting "the following:";

(B) in paragraph (1)—

(i) by striking "(1) funds" and inserting "(1) Funds"; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking "(2) no" and inserting "(2) No"; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking "(3) no" and inserting "(3) No"; and

(ii) by striking "; and" and inserting a period.

SEC. 209. SEPARATE CONSIDERATION OF WATERMELON PLAN AMENDMENTS.

Section 1655 of the Watermelon Research and Promotion Act (7 U.S.C. 4914) is amended—

(1) by striking "The provisions" and inserting "(a) Except as provided in section 1647(f), the provisions"; and

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

"(b) The amendments described in subsection (c) that are required to be made by the Secretary to a plan as a result of the amendments made by the Watermelon Research and Promotion Improvement Act shall be subject to separate line item voting and approval in a referendum conducted pursuant to section 1653 before the Secretary alters the plan as in effect on the day before the date of the enactment of such Act.

"(c) The amendments referred to in subsection (b) are those amendments required under—

"(1) section 207 of the Watermelon Research and Promotion Improvement Act relating to the elimination of the assessment refund; and

"(2) section 208 of such Act relating to subjecting importers to the terms and conditions of the plan.

"(d) When conducting the referendum relating to subjecting importers to the terms and conditions of a plan, the Secretary shall include as eligible voters in the referendum producers, handlers, and importers who would be subject to the plan if the amendments are approved.".

TITLE III—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act".

SEC. 302. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Fresh cut flowers and fresh cut greens are an integral part of life in the United States, are enjoyed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to the human environment.

(2) Cut flowers and cut greens are produced by many individual producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses, and such production, handling, and marketing constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States.

(3) Handlers play a vital role in the marketing of cut flowers and cut greens in that they purchase most of the cut flowers and cut greens marketed by producers, prepare the cut flowers and cut greens for retail consumption, serve as intermediary between source of product and retailer, otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce, and add efficiencies to the market process that ensure the availability of a much greater variety of product to retailers and consumers.

(4) It is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to consumers in the United States.

(5) Cut flowers and cut greens move in interstate and foreign commerce, and cut flowers and cut greens that do not move in such channels of commerce, but only in intrastate commerce, directly affect interstate commerce in cut flowers and cut greens.

(6) The maintenance and expansion of existing markets and the development of new or improved markets or uses for cut flowers and cut greens are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry.

(7) Generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens marketed.

(8) Because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of existing markets and the development of new markets for cut flowers and cut greens have been prevented.

(9) There exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will be able to take advantage of the promotion and consumer information program authorized by this title to enhance their market development efforts for domestic producers.

(10) An effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for these articles.

(11) The most efficient method of financing a nationwide program of generic promotion and consumer information regarding cut flowers and

cut greens is to assess cut flowers and cut greens at the point they are sold by handlers into the retail market.

(b) POLICY AND PURPOSE.—It is declared to be the policy of Congress that it is in the public interest, and it is the purpose of this title, to authorize the establishment pursuant to this title of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the position of the cut flowers and cut greens industry in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

SEC. 303. DEFINITIONS.

For purposes of this title:

(1) CONSUMER INFORMATION.—The term "consumer information" means any action or program to provide information to consumers and other persons regarding—

(A) appropriate uses of cut flowers or cut greens under varied circumstances; and

(B) the care and handling of cut flowers or cut greens.

(2) CUT FLOWERS AND CUT GREENS.—

(A) IN GENERAL.—The term "cut flowers" includes all flowers cut from growing plants and used as fresh-cut flowers, produced either under cover or in field operations. The term "cut greens" includes all cultivated or noncultivated decorative foliage cut from growing plants and used as fresh-cut decorative foliage, produced either under cover or in field operations. The term "cut greens" does not include Christmas trees, and neither term includes foliage plants, floral supplies, or flowering plants.

(B) SUBSTANTIAL PORTION.—In any case in which a handler packages cut flowers or cut greens with hard goods in an article, such as a gift basket or similar presentation, for sale to retailers, the PromoFlor Council may determine, under procedures set out in the order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article. Based on such a determination, the article containing the cut flowers or cut greens shall not be treated as an article of cut flowers or cut greens for purposes of—

(i) determining the annual sales of cut flowers and cut greens of a handler under paragraph (4)(C); or

(ii) imposing an assessment under section 306.

(3) GROSS SALES PRICE.—The term "gross sales price" means the total amount of the transaction in a sale of cut flowers or cut greens by a handler.

(4) HANDLER DEFINITIONS.—

(A) QUALIFIED HANDLER.—

(i) IN GENERAL.—The term "qualified handler" means a person (including a cooperative) operating in the cut flowers or cut greens industry that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers and whose annual sales of cut flowers and cut greens to retailers and exempt handlers are $750,000 or more.

(ii) INCLUSIONS.—The term "qualified handler" includes the following:

(I) Bouquet manufacturers.

(II) Auction houses that clear sales of cut flowers and cut greens to retailers and exempt handlers through a central clearinghouse.

(III) Any distribution center that is owned or controlled by a retailer if the predominant retail business activity of the retailer is floral sales. For purposes of determining sales of cut flowers and cut greens to retailers from any such distribution center, each non-sale transfer to a retailer shall be treated as a sale in an amount calculated as provided in subparagraph (C)(ii).

(iii) EXCLUSIONS.—The term "qualified handler" does not include a person who merely physically transports or delivers cut flowers or cut greens.

(iv) RULES OF CONSTRUCTION FOR DIRECT TO CONSUMER SALES.—The term "qualified handler" includes an importer that sells directly to consumers cut flowers or cut greens that it has imported into the United States and whose sales of such cut flowers or cut greens (as calculated under subparagraph (C)), along with sales of cut flowers and cut greens to retailers or exempt handlers, annually are $750,000 or more. The term "qualified handler" also includes a producer that sells directly to consumers cut flowers or cut greens that it has produced and whose sales of such cut flowers or cut greens (as calculated under subparagraph (C)), along with sales of cut flowers and cut greens to retailers or exempt handlers, annually are $750,000 or more. Each direct sale to consumers by an importer or producer described in this clause shall be treated as a sale to a retailer or exempt handler in an amount calculated as provided in clause (iii) or (iv) of subparagraph (C).

(B) EXEMPT HANDLER.—The term "exempt handler" means a person that would otherwise be considered to be a qualified handler, except that its annual sales of cut flowers and cut greens to retailers and other exempt handlers are less than $750,000.

(C) ANNUAL SALES DETERMINED.—

(i) IN GENERAL.—For purposes of determining the amount of annual sales of cut flowers and cut greens under subparagraphs (A) and (B), the amount of a sale shall be determined on the basis of the gross sales price of product sold.

(ii) SPECIAL RULE FOR DISTRIBUTION CENTERS.—In the case of a non-sale transfer of cut flowers or cut greens from a distribution center, as described in subparagraph (A)(ii)(III), the amount of the sale shall be—

(I) the price paid by the distribution center to acquire the cut flowers or cut greens; plus

(II) an amount determined by multiplying the acquisition price determined under subclause (I) by a uniform percentage established by the order to represent a wholesale handler's mark-up on a sale to a retailer.

(iii) SPECIAL RULE FOR DIRECT SALES BY IMPORTERS.—In the case of a direct sale by an importer to a consumer, as described in subparagraph (A)(iv), the amount of the sale shall be—

(I) the price paid by the importer to acquire the cut flowers or cut greens; plus

(II) an amount determined by multiplying the acquisition price determined under subclause (I) by a uniform percentage established by the order to represent a wholesale handler's mark-up on a sale to a retailer.

(iv) SPECIAL RULE FOR DIRECT SALES BY PRODUCERS.—In the case of a direct sale by a producer to a consumer, as described in subparagraph (A)(iv), the amount of the sale shall be an amount determined by applying to the price paid by the consumer a uniform percentage established by the order to represent the cost of producing the article and a wholesale handler's mark-up on a sale to a retailer.

(D) REFERENCE TO OTHER DEFINITIONS.—For purposes of this paragraph, the term "producer" has the meaning given the term "producers that are qualified handlers" in section 305(a)(2)(D)(ii), and the term "importer" has the meaning given the term "importers that are qualified handlers" in section 305(a)(2)(D)(iii).

(5) PERSON.—The term "person" means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, society, cooperative, or other legal entity.

(6) PROMOFLOR COUNCIL.—The term "PromoFlor Council" means the Fresh Cut Flowers and Fresh Cut Greens Promotion Council established under section 305(a).

(7) PROMOTION.—The term "promotion" means any action determined by the Secretary to advance the image, desirability, or marketability of cut flowers or cut greens, including paid advertising.

(8) RESEARCH.—The term "research" means market research and studies limited to the support of advertising, market development, and other promotion efforts and consumer information efforts relating to cut flowers or cut greens, including educational activities.

(9) RETAILER.—The term "retailer" means a person (such as a retail florist, supermarket, mass market retail outlet, or other end-use seller as described in an order issued under this title) that sells cut flowers or cut greens to consumers. The term shall include any distribution center—

(A) owned or controlled by such person, or owned or controlled cooperatively by a group of such persons, if the predominant retail business activity of such person is not floral sales; or

(B) independently owned but operated primarily to provide food products to retail stores.

An independently owned distribution center covered by subparagraph (B) that is also an importer or producer of cut flowers or cut greens shall be subject to the rules of construction set out in paragraph (4)(A)(iv) and, for such purposes only, shall be deemed to be the seller of cut flowers or cut greens directly to the consumer.

(10) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(11) UNITED STATES; STATE.—The terms "United States" and "State" include the fifty States of the United States, the District of Columbia, and all the territories and possessions of the United States.

SEC. 304. ISSUANCE OF ORDERS.

(a) IN GENERAL.—To effectuate the declared policy of section 302(b), the Secretary shall issue an order under this title applicable to qualified handlers of cut flowers and cut greens. Any such order shall be national in scope. Not more than one order shall be in effect under this title at any one time.

(b) PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—The Secretary may propose the issuance of an order under this title. In addition, an industry group that represents a substantial number of the industry members who are to be assessed under the order, or any other person that will be affected by this title, may request the issuance of, and submit a proposal for, such an order.

(2) PUBLICATION OF PROPOSAL.—The Secretary shall publish the proposed order and give due notice and opportunity for public comment on the proposed order not later than 60 days after the earlier of—

(A) the date on which the Secretary receives the proposal for the order from an industry group or interested person, as provided in paragraph (1); or

(B) the date on which the Secretary determines to propose the order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are provided, the Secretary shall issue the order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this title. The order shall be issued and become effective not later than 180 days after publication of the proposed order.

(c) AMENDMENTS.—From time to time, the Secretary may amend an order issued under this title. The provisions of this title applicable to the issuance of an order shall be applicable to amendments to the order.

SEC. 305. FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION COUNCIL (PROMOFLOR COUNCIL).

(a) ESTABLISHMENT OF PROMOFLOR COUNCIL.—

(1) ESTABLISHMENT.—The order issued under this title shall provide for the establishment of a Fresh Cut Flowers and Fresh Cut Greens Promotion Council to administer the order. The Secretary shall appoint the members of the PromoFlor Council in the manner provided in paragraphs (2) and (3).

(2) APPOINTMENT OF MEMBERS.—

(A) DISTRIBUTION OF APPOINTMENTS.—The order shall provide that the membership of the PromoFlor Council shall consist of 23 members as follows:

(i) Fourteen members selected from among qualified wholesale handlers of domestic or imported cut flowers and cut greens.

(ii) Three members selected from among producers that are qualified handlers of cut flowers and cut greens.

(iii) Three members selected from among importers that are qualified handlers of cut flowers and cut greens.

(iv) One member selected from among retailers of cut flowers and cut greens.

(v) Two members selected from among producers of cut flowers and cut greens that are not qualified handlers or exempt handlers.

(B) APPOINTMENT FROM NOMINEES.—The Secretary shall appoint the producer members of the PromoFlor Council required by subparagraph (A)(v) from nominees submitted by producers of cut flowers and cut greens described in such paragraph. With respect to the other appointments to the PromoFlor Council required by subparagraph (A), two nominees shall be submitted for each appointment pursuant to the nomination process provided for in paragraph (3). If nominees are not submitted for an appointment, the Secretary may make the appointment on a basis to be provided in the order or other regulations of the Secretary.

(C) GEOGRAPHICAL CONSIDERATIONS.—In making appointments of qualified wholesale handlers to the PromoFlor Council under subparagraph (A)(i), the Secretary shall take into account the geographical distribution of cut flowers and cut greens markets in the United States. In making appointments of producers of cut flowers and cut greens to the PromoFlor Council under subparagraph (A)(v), the Secretary shall ensure that one member is selected from among producers located east of the Mississippi River and one member is selected from among producers located west of the Mississippi River.

(D) DEFINITIONS.—For purposes of this subsection:

(i) QUALIFIED WHOLESALE HANDLERS.—The term "qualified wholesale handler" means a person in business as a floral wholesale jobber or floral supplier and that is subject to assessments as a qualified handler under the order. For purposes of this clause, the term "floral wholesale jobber" means a person that conducts a commission or other wholesale business in buying and selling cut flowers or cut greens, and the term "floral supplier" means a person engaged in acquiring cut flowers or cut greens to be manufactured into floral articles or otherwise processed for resale.

(ii) PRODUCERS THAT ARE QUALIFIED HANDLERS.—The term "producers that are qualified handlers" means those persons that are subject to assessments as a qualified handler under the order and are engaged—

(I) in the domestic production, for sale in commerce, of cut flowers or cut greens if the persons own or share in the ownership and risk of loss of the cut flowers or cut greens; or

(II) as a first processor of noncultivated cut greens, in receiving the cut greens from the persons that gather them for handling.

(iii) IMPORTERS THAT ARE QUALIFIED HANDLERS.—The term "importers that are qualified handlers" means those persons—

(I) whose principal activity is the importation of cut flowers or cut greens into the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles cut flowers or cut greens outside the United States for sale in the United States); and

(II) that are subject to assessments as a qualified handler under the order.

(3) NOMINATION PROCESS.—

(A) QUALIFIED HANDLERS.—Nominations for the appointment to the PromoFlor Council of qualified wholesale handlers, producers that are qualified handlers, or importers that are qualified handlers shall be made by qualified wholesale handlers, producers that are qualified handlers, or importers that are qualified handlers, whichever applies, through an election process under regulations prescribed by the Secretary;

(B) RETAILERS.—Nominations for the retailer appointment under paragraph (2)(A)(iv) shall be made by the American Floral Marketing Council, or successor entity.

(4) ALTERNATES.—The order shall provide for the selection of alternate members of the PromoFlor Council by the Secretary under procedures specified in the order.

(5) TERMS.—The order shall provide that each member of the PromoFlor Council shall serve a term of three years. However, of the initial appointments, seven members shall be appointed for a term of two years, eight members shall be appointed for a term of three years, and eight members shall be appointed for a term of four years, as designated by the Secretary at the time of appointment. No member of the PromoFlor Council may serve more than two consecutive terms of three years, except that any member serving an initial term of four years may serve an additional term of three years.

(6) COMPENSATION.—Members of the PromoFlor Council shall serve without compensation, but shall be reimbursed for their expenses incurred in performing their duties as members of the PromoFlor Council.

(7) EXECUTIVE COMMITTEE.—

(A) ESTABLISHMENT.—The order shall authorize the PromoFlor Council to appoint from among its members an executive committee of not more than nine members. The membership of the executive committee initially shall be composed of four members appointed pursuant to clause (i) of subparagraph (2)(A), two members appointed pursuant to clause (ii) of such subparagraph, two members appointed pursuant to clause (iii) of such subparagraph, and one member appointed pursuant to clause (iv) of such subparagraph. Thereafter, appointments to the executive committee shall be made so as to ensure that the committee reflects, to the maximum extent practicable, the membership composition of the PromoFlor Council as a whole. The initial appointments to the executive committee shall be for a term of two years. Thereafter, appointments to the executive committee shall be for a term of one year.

(B) DELEGATION OF AUTHORITY.—The PromoFlor Council may delegate to the executive committee its authority under the order to hire and manage staff and conduct the routine business of the PromoFlor Council within the policies determined by the PromoFlor Council.

(b) RESPONSIBILITIES OF THE PROMOFLOR COUNCIL.—

(1) IN GENERAL.—The order shall define the responsibilities of the PromoFlor Council, which shall include the general responsibilities described in this subsection.

(2) ADMINISTRATION.—The PromoFlor Council shall administer the order in accordance with its terms and provisions and may prescribe such rules and regulations to effectuate the terms and provisions of the order as the PromoFlor Council considers appropriate.

(3) STAFF.—The PromoFlor Council may employ such persons as the PromoFlor Council determines are necessary and set the compensation and define the duties of such persons.

(4) MISCELLANEOUS.—The PromoFlor Council may receive complaints regarding violations of the order and shall investigate and report to the Secretary regarding such complaints. The PromoFlor Council may recommend to the Secretary amendments to the order. The PromoFlor Council shall furnish the Secretary with such information as the Secretary may require.

(c) BUDGETS.—

(1) SUBMISSION OF BUDGETS.—The order shall require the PromoFlor Council to prepare and submit to the Secretary on a fiscal year basis a budget of the anticipated expenses and disbursements of the Board to implement the order. The budget shall include projected costs of cut flowers and cut greens promotion, consumer information, and related research plans and projects.

(2) APPROVAL BY SECRETARY REQUIRED.—The PromoFlor Council may not implement a budget submitted under paragraph (1) before the budget is approved by the Secretary.

(3) INVESTMENT AUTHORITY.—The order shall provide the PromoFlor Council with the authority to invest, pending disbursement under a plan or project, funds collected through assessments authorized under this title. Income from invested funds shall be used only for a purpose for which the invested funds may be used. The investment of such funds shall be made only in—

(A) obligations of the United States or any agency thereof;

(B) general obligations of any State or any political subdivision thereof;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States.

(4) CONTROL OF ADMINISTRATIVE COSTS.—The order shall provide that, as soon as practicable after the date the order becomes effective and after consultation with the Secretary and other appropriate persons, the PromoFlor Council shall implement a system of cost controls based on normally accepted business practices to ensure that the PromoFlor Council's annual budgets only include amounts for administrative expenses that cover the minimum administrative activities and personnel needed to properly administer and enforce the order and conduct, supervise, and evaluate plans and projects under the order.

(d) PLANS AND PROJECTS.—

(1) PROMOTION AND CONSUMER INFORMATION.—The order shall provide for the establishment, implementation, administration, and evaluation by the PromoFlor Council of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to cut flowers and cut greens. A plan or project under this paragraph shall be directed toward increasing the general demand for cut flowers or cut greens.

(2) RESEARCH.—The order shall provide for the establishment, implementation, administration, and evaluation by the PromoFlor Council of plans and projects for market development research, research with respect to the sale, distribution, marketing, or use of cut flowers or cut greens, and other research with respect to cut flowers or cut greens marketing, promotion, or consumer information. The PromoFlor Council shall provide for the dissemination of information resulting from research plans and projects under this paragraph.

(3) DISBURSEMENT OF FUNDS.—The order shall also provide authority for the disbursement by the PromoFlor Council of necessary funds to carry out the plans and projects under this subsection.

(4) SUBMISSION TO SECRETARY.—The order shall provide that the PromoFlor Council shall submit to the Secretary for approval any proposed plan or project for cut flowers or cut

greens promotion, consumer information, or related research under this subsection.

(5) APPROVAL BY SECRETARY REQUIRED.—The PromoFlor Council may not implement a plan or project for cut flowers or cut greens promotion, consumer information, or related research before the plan or project is approved by the Secretary.

(6) LIMITATIONS.—A plan or project under this subsection may not make a reference to a private brand or trade name, point of origin, or source of supply, except that these limitations shall not preclude the PromoFlor Council from offering its plans and projects for use by commercial parties, under terms and conditions prescribed by the PromoFlor Council and approved by the Secretary. A plan or project may not make use of unfair or deceptive acts or practices with respect to quality or value.

(e) CONTRACTS AND AGREEMENTS.—

(1) PROMOTION, CONSUMER INFORMATION, AND RELATED RESEARCH PLANS AND PROJECTS.—To ensure the efficient use of funds, the order shall provide that, subject to the approval of the Secretary, the PromoFlor Council may—

(A) enter into contracts or agreements for the implementation of any plan or project under subsection (d) for promotion, consumer information, or related research with respect to cut flowers or cut greens; and

(B) pay costs related to the plan or project with funds received by the PromoFlor Council under the order.

(2) REQUIREMENTS OF CONTRACTS AND AGREEMENTS.—The order shall provide that any contract or agreement under paragraph (1) shall provide that—

(A) the contracting or agreeing party shall develop and submit to the PromoFlor Council a plan or project together with a budget or budgets that shall show estimated costs to be incurred under the plan or project;

(B) the plan or project shall become effective only upon the approval of the Secretary; and

(C) the contracting or agreeing party shall keep accurate records of all of its transactions, account for funds received and expended, make periodic reports to the PromoFlor Council of activities conducted, and make such other reports as the PromoFlor Council or the Secretary may require.

(3) OTHER CONTRACTS AND AGREEMENTS.—The order shall provide that the PromoFlor Council also may enter into contracts or agreements for administrative services. Any such contract or agreement shall include provisions comparable to those provided in paragraph (2).

(f) BOOKS AND RECORDS OF THE PROMOFLOR COUNCIL.—

(1) IN GENERAL.—The order shall require the PromoFlor Council to maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe. The PromoFlor Council shall also prepare and submit to the Secretary such reports as the Secretary may require and account for the receipt and disbursement of all funds entrusted to the PromoFlor Council.

(2) AUDITS.—The PromoFlor Council shall cause its books and records to be audited by an independent auditor at the end of each fiscal year. A report of each such audit shall be submitted to the Secretary.

(3) LISTS OF IMPORTERS.—The order shall require the staff of the PromoFlor Council to periodically review lists of importers of cut flowers and cut greens to determine whether persons included in the lists are subject to the order. At the request of the PromoFlor Council, the United States Customs Service shall provide to the PromoFlor Council lists of importers of cut flowers and cut greens.

(g) PROHIBITION ON LOBBYING.—The order shall prohibit the use of any funds received by the PromoFlor Council in any manner for the purpose of influencing legislation or government action or policy, except that funds may be used by the PromoFlor Council for the development and recommendation to the Secretary of amendments to the order.

(h) CONSULTATIONS WITH INDUSTRY EXPERTS.—The order shall provide that the PromoFlor Council may seek advice from and consult with experts from the production, import, wholesale, and retail segments of the cut flowers and cut greens industry to assist in the development of promotion, consumer information, and related research plans and projects. For such purpose, the order also shall authorize the appointment of special committees composed of persons other than PromoFlor Council members. A committee appointed pursuant to the authority provided in this subsection may not provide advice or recommendations to an agency or officer of the Federal Government, but shall consult directly with the PromoFlor Council.

SEC. 306. ASSESSMENTS.

(a) AUTHORITY TO IMPOSE ASSESSMENT.—

(1) IN GENERAL.—An order issued under this title shall provide that each qualified handler shall pay to the PromoFlor Council, in the manner prescribed by the order, an assessment on each sale of cut flowers or cut greens (other than a sale described in subsection (g)) to a retailer or an exempt handler. This assessment requirement shall also apply to each transaction described in paragraph (4).

(2) DETERMINATION OF QUALIFIED HANDLER OR EXEMPT HANDLER STATUS.—The order shall contain provisions regarding the making of determinations to determine status as a qualified handler or exempt handler that include the rules and requirements set out in section 303(4) and subsections (a) and (b) of section 307.

(3) PUBLISHED LISTS OF HANDLERS.—To facilitate the payment of assessments under this section, the PromoFlor Council shall publish lists of qualified handlers required to pay assessments under the order and exempt handlers.

(4) CERTAIN COVERED TRANSACTIONS.—

(A) IN GENERAL.—The order shall provide that each non-sale transfer of cut flowers or cut greens to a retailer from a qualified handler that is a distribution center, as described in section 303(4)(A)(ii)(III), and each direct sale of cut flowers or cut greens to a consumer by a qualified handler that is an importer or producer, as described in section 303(4)(A)(iv), shall be treated as a sale of cut flowers or cut greens to a retailer subject to assessments under this subsection.

(B) DETERMINATION OF SALE AMOUNT FOR DISTRIBUTION CENTERS.—In the case of a non-sale transfer of cut flowers or cut greens from a distribution center, the amount of the sale shall be considered to be—

(i) the price paid by the distribution center to acquire the cut flowers or cut greens; plus

(ii) an amount determined by multiplying acquisition price determined under clause (i) by a uniform percentage established by the order to represent a wholesale handler's mark-up on a sale to a retailer.

(C) DETERMINATION OF SALE AMOUNT FOR DIRECT SALES BY IMPORTERS.—In the case of a direct sale by an importer to a consumer, the amount of the sale shall be considered to be—

(i) the price paid by the importer to acquire the cut flowers or cut greens; plus

(ii) an amount determined by multiplying the acquisition price determined under clause (i) by a uniform percentage established by the order to represent a wholesale handler's mark-up on a sale to a retailer.

(D) DETERMINATION OF SALE AMOUNT FOR DIRECT SALES BY PRODUCERS.—In the case of a direct sale by a producer to a consumer, the amount of the sale shall be considered to be an amount determined by applying to the price paid by the consumer a uniform percentage established by the order to represent the cost of producing the article and a wholesale handler's mark-up on a sale to a retailer.

(E) ADJUSTMENT OF UNIFORM PERCENTAGE.—The PromoFlor Council may recommend to the Secretary changes to the uniform percentage established by the order and used to determine the amount of annual sales of handlers under section 303(4) and sale amounts under this paragraph. The Secretary may make a change in the uniform percentage based on such a recommendation only after providing an opportunity for notice and comment regarding the proposed change.

(b) ASSESSMENT RATES.—The order shall comply with the following assessment requirements:

(1) INITIAL ASSESSMENT RATE.—The rate of assessment on each sale or transfer of cut flowers or cut greens, for the first three years the order is in effect, shall be one-half of one percent of—

(A) the gross sales price of product sold; or

(B) in the case of transactions described in subsection (a)(4), the amount of the transaction calculated as provided in such subsection.

(2) CHANGES IN ASSESSMENT RATE.—

(A) AUTHORIZED AMOUNT OF CHANGE.—Subject to subparagraph (B), after the first three years the order is in effect, the uniform assessment rate may be increased or decreased annually by not more than .25 percent of—

(i) the gross sales price of product sold; or

(ii) in the case of transactions described in subsection (a)(4), the amount of the transaction calculated as provided in such subsection.

(B) LIMITATION.—The assessment rate may not exceed one percent of gross sales price or transaction amount.

(C) METHOD OF CHANGING ASSESSMENT AMOUNT.—Any change in the rate of assessment may be made only if adopted by the PromoFlor Council by a two-thirds majority vote and approved by the Secretary as necessary to achieve the objectives of this title. The Secretary may make the change only after providing an opportunity for notice and comment regarding the proposed change, and the change in the rate of assessment shall be announced by the PromoFlor Council at least 30 days prior to going into effect. A change in the rate of assessment shall not be subject to a vote in a referendum under section 308.

(c) SUBMISSION OF ASSESSMENTS.—The order shall provide that each person required to pay assessments under this section shall remit, to the PromoFlor Council, the assessment due from each sale by that person of cut flowers or cut greens that is subject to an assessment within such time period after the sale (not to exceed 60 days from the end of the month in which the sale took place) as specified in the order.

(d) REFUNDS FROM ESCROW ACCOUNT.—

(1) ESTABLISHMENT OF ESCROW ACCOUNT.—The order shall provide that the PromoFlor Council shall—

(A) establish an escrow account to be used for assessment refunds as needed; and

(B) place into the escrow account an amount equal to 10 percent of the total amount of assessments collected during the period beginning on the date the order goes into effect, as provided in section 304(b)(3), and ending on the date the initial referendum on the order provided for in section 308(a) is completed.

(2) RIGHT TO RECEIVE REFUND.—

(A) IN GENERAL.—The order shall provide that, subject to paragraph (3) and the conditions specified in subparagraph (B), any qualified handler shall have the right to demand and receive from the PromoFlor Council out of the escrow account a one-time refund of any assessments paid by or on behalf of the qualified handler during the time period specified in paragraph (1)(B), if—

(i) the qualified handler is required to pay such assessments;

(ii) the qualified handler does not support the program established under this title;

(iii) the qualified handler demands a refund prior to the conduct of the referendum on the order under section 308(a); and

(iv) the order is not approved by qualified handlers in the referendum.

(B) CONDITIONS.—The right of any qualified handler to receive refunds under subparagraph (A) shall be subject to the following conditions:

(i) The demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the PromoFlor Council.

(ii) The refund shall be made only on submission of proof satisfactory to the PromoFlor Council that the qualified handler paid the assessment for which refund is demanded.

(iii) If the amount in the escrow account required under paragraph (1) is not sufficient to refund the total amount of assessments demanded by all qualified handlers determined eligible for refunds and the order is not approved in the referendum on the order under section 308(a), the PromoFlor Council shall prorate the amount of all such refunds among all eligible qualified handlers that demand a refund.

(3) PROGRAM APPROVED.—The order shall provide that, if the order is approved in the referendum under section 308(a), there shall be no refunds made and all funds in the escrow account shall be returned to the PromoFlor Council for use by the PromoFlor Council in accordance with the other provisions of the order.

(e) USE OF ASSESSMENT FUNDS.—The order shall provide that assessment funds (net of any refunds paid out under the terms of the order contained in subsection (d)) shall be used for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve, and to cover those administrative costs incurred by the Secretary in implementing and administering this title, except for the salaries of Government employees incurred in conducting referenda.

(f) POSTPONEMENT OF COLLECTIONS.—

(1) AUTHORITY.—Notwithstanding any other provision of this title, the PromoFlor Council may grant a postponement of the payment of assessments under this section for any qualified handler that establishes that it is financially unable to make the payment. The granting of such a postponement shall be considered under application and documentation requirements and review procedures established under rules recommended by the PromoFlor Council, approved by the Secretary, and issued after providing public notice and an opportunity to comment on the proposed rules.

(2) CRITERIA AND RESPONSIBILITY FOR DETERMINATIONS.—To establish that it is financially unable to pay assessments, an applicant for a postponement shall demonstrate that it is insolvent and will be unable to continue to operate if it is required to pay assessments when they are otherwise due. As part of making such a demonstration, the applicant shall submit an opinion of an independent certified pubic accountant and any other documentation required under rules prescribed under paragraph (1). All books, records, and other documentation submitted by a qualified handler under this paragraph shall be subject to the confidentiality requirements of section 307(d).

(3) PERIOD OF POSTPONEMENT.—The time period of any postponement and the terms and conditions of payment of assessments that are postponed under this subsection shall be established by the PromoFlor Council, in accordance with rules prescribed under paragraph (1), so as to appropriately reflect the proven needs of the qualified handler. Postponements may be extended under the requirements and procedures established pursuant to paragraph (1) for the grant of initial postponements.

(g) EXCLUSION FROM ASSESSMENTS.—The order shall exclude from assessments under the order any sale of cut flowers or cut greens for export from the United States.

SEC. 307. MISCELLANEOUS REQUIREMENTS OF ORDER.

(a) DETERMINATION OF ANNUAL SALES.—

(1) IN GENERAL.—For purposes of applying the $750,000 annual sales limitation to specific persons in order to determine status as a qualified handler or an exempt handler under section 303(4), or to specific facilities in order to determine status as an eligible separate facility under section 308(b)(2), any order issued under this title shall provide that a determination of a person's or facility's annual sales volume shall be based on the sales of cut flowers and cut greens by the person or facility during the most recently-completed calendar year.

(2) SPECIAL RULE FOR NEW BUSINESSES.—With respect to new businesses and other operations for which complete data on sales during all or part of the most recently-completed calendar year are not available to the PromoFlor Council, the determination under paragraph (1) may be made using an alternative time period or other alternative procedures specified in the order.

(3) REPORTS.—For purposes of this section, the order may require each person that sells cut flowers or cut greens to retailers to submit reports to the PromoFlor Council on annual sales by the person. A report under this subsection shall be subject to the confidentiality requirements provided in subsection (d).

(b) RULE OF ATTRIBUTION.—

(1) IN GENERAL.—For purposes of determining the annual sales volume of a person or a separate facility of a person, sales attributable to a person shall include—

(A) in those cases in which the person is an individual, sales attributable to such person's spouse, children, grandchildren, parents, and grandparents;

(B) in those cases in which the person is a partnership or member of a partnership, sales attributable to the partnership and other partners of the partnership;

(C) for both individuals and partnerships, sales attributable to any corporation or other entity in which the person owns more than 50 percent of the stock or (if the entity is not a corporation) that the person controls; and

(D) in those cases in which the person is a corporation, sales attributable to any corporate subsidiary or other corporation or entity in which the corporation owns more than 50 percent of the stock or (if the entity is not a corporation) that the corporation controls.

(2) TREATMENT OF CERTAIN STOCK AND OWNERSHIP INTERESTS.—For purposes of this subsection, stock or an ownership interest in an entity that is owned by the spouse, children, grandchildren, parents, grandparents, or partners of an individual, or by a partnership in which a person is a partner, or by a corporation more than 50 percent of the stock of which is owned by a person, shall be treated as owned by the individual or person.

(c) BOOKS, RECORDS, AND REPORTS.—So that information is available to the Secretary and the PromoFlor Council for the administration and enforcement of this title, the order, or any regulation issued under this title, the order shall provide that each qualified handler shall—

(1) maintain, and make available for inspection, such books and records as may be required by the order; and

(2) file reports at the time, in the manner, and having the content prescribed by the order, to the end that information is made available to the Secretary and the PromoFlor Council as is appropriate for the administration or enforcement of this title, the order, or any regulation issued under this title.

(d) CONFIDENTIALITY REQUIRED.—

(1) IN GENERAL.—Information obtained by the PromoFlor Council from books, records, or reports required to be maintained under this section shall be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the PromoFlor Council. Such information may be disclosed to the public only in a suit or administrative hearing involving the order that is brought at the request of the Secretary (or to which the Secretary or any officer of the United States is a party), and then, only to the extent the Secretary considers relevant.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) prohibits—

(A) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected therefrom, which statements do not identify the information furnished by any person; or

(B) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

(e) OTHER TERMS OF ORDER.—The order shall contain such other terms and provisions, not inconsistent with this title, as are necessary to effectuate this title, including provision for the assessment of interest and a charge for each late payment of assessments under this section.

SEC. 308. REFERENDA.

(a) REQUIREMENT FOR INITIAL REFERENDUM.—

(1) CONDUCT.—Not later than 36 months after the issuance of an order under section 304(b)(3), the Secretary shall conduct a referendum among qualified handlers required to pay assessments under the order to ascertain whether or not the order then in effect shall be continued.

(2) APPROVAL OF ORDER NEEDED.—The order shall be continued only if the Secretary determines that the order has been approved by a simple majority of all votes cast in the referendum. If the order is not approved, the Secretary shall terminate the order as provided in subsection (d).

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each qualified handler eligible to vote in a referendum under this section may cast one vote for each separate facility of the person that is an eligible separate facility, as determined under paragraph (2).

(2) ELIGIBLE SEPARATE FACILITY.—

(A) SEPARATE FACILITY.—A handling or marketing facility of a qualified handler shall be considered a separate facility if it is physically located away from other facilities of the qualified handler or its business function is substantially different than the functions of other facilities owned or operated by the qualified handler.

(B) ELIGIBILITY.—A separate facility of a qualified handler shall be considered to be an eligible separate facility if the annual sales of cut flowers and cut greens to retailers and exempt handlers from the facility are $750,000 or more.

(C) ANNUAL SALES DETERMINED.—Subparagraphs (A) and (C) of section 303(4) shall apply for purposes of determining the amount of annual sales of cut flowers and cut greens under subparagraph (B).

(c) SUSPENSION OR TERMINATION REFERENDA.—Effective beginning three years after the date on which an order issued under this title is approved in a referendum conducted under subsection (a), the Secretary—

(1) at the Secretary's discretion, may conduct at any time a referendum of qualified handlers required to pay assessments under the order to ascertain whether or not qualified handlers favor suspension or termination of the order; and

(2) whenever requested by the PromoFlor Council or by a representative group comprising 30 percent or more of all qualified handlers required to pay assessments under the order, shall conduct a referendum of all qualified handlers required to pay such assessments to ascertain whether or not qualified handlers favor suspension or termination of the order.

(d) SUSPENSION OR TERMINATION.—If, as a result of the referendum conducted under subsection (a), the Secretary determines that the order has not been approved by a simple majority of all votes cast in the referendum, or as a result of a referendum conducted under subsection (c), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum, the Secretary shall—

(1) within six months after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as practicable.

(e) MANNER OF CONDUCTING REFERENDA.—Referenda under this section shall be conducted in such manner as is determined appropriate by the Secretary.

SEC. 309. PETITION AND REVIEW.

(a) PETITION AND HEARING.—

(1) PETITION.—A person subject to an order issued under this title may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARING.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary. Any such hearing shall be conducted in accordance with section 311(b)(2) and be held within the United States judicial district in which the person's residence or principal place of business is located.

(3) RULING.—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person that is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the Secretary's ruling on the person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling by the Secretary.

(2) PROCESS.—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMAND.—If the court in a proceeding under this subsection determines that the Secretary's ruling on the person's petition is not in accordance with law, the court shall remand the matter to the Secretary with directions either—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(c) ENFORCEMENT UNDER SECTION 310.—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 310.

SEC. 310. ENFORCEMENT.

(a) JURISDICTION.—The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, this title or an order or regulation made or issued by the Secretary under this title.

(b) REFERRAL TO ATTORNEY GENERAL.—The Secretary shall refer to the Attorney General for appropriate action all cases of a violation of this title or an order or regulation made or issued by the Secretary under this title, except that the Secretary is not required to refer to the Attorney General such a violation if the Secretary believes that the administration and enforcement of this title would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—A person that violates a provision of this title, or an order or regulation issued by the Secretary under this title, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of the person under an order or regulation issued under this title, may be assessed by the Secretary—

(A) a civil penalty of not less than $500 nor more than $5,000 for each such violation; and

(B) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(2) TREATMENT AS SEPARATE OFFENSES.—Each violation described in paragraph (1) shall be treated as a separate offense.

(3) CEASE AND DESIST ORDERS.—In addition to or in lieu of a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation of this title or an order or regulation issued under this title.

(4) NOTICE AND HEARING.—No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to the violation. The hearing shall be conducted in accordance with section 311(b)(2) and be held within the United States judicial district in which the person's residence or principal place of business is located.

(5) FINALITY.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under subsection (c) may obtain review of the penalty or order by—

(A) filing, within the 30-day period beginning on the date the penalty is assessed or order issued, a notice of appeal in the district court of the United States for the district in which the person resides or carries on business, or in the United States district court for the District of Columbia; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

(2) FILING OF RECORD.—Upon the filing of a notice of appeal under paragraph (1), the Secretary shall promptly file in the district court in which the notice of appeal is filed a certified copy of the record on which the Secretary found that the person had committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside under this subsection only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY AN ORDER.—A person that fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary of not more than $5,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d). Each day during which the failure continues shall be considered as a separate violation of the order.

(f) FAILURE TO PAY A PENALTY.—If a person fails to pay a civil penalty assessed under subsection (c) or (e) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or carries on business. In such action, the validity and appropriateness of the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this title shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 311. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this title, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this title, or any order or regulation issued under this title.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) INVESTIGATIONS.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 309(a)(2) or 310(c)(4), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in order to enforce a subpoena issued under subsection (b). The court may issue an order requiring the person to comply with such a subpoena. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(2) PROCESS.—Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or carries on business or wherever the person may be found.

SEC. 312. CONFIDENTIALITY.

(a) PROHIBITION.—No information on how a person voted in a referendum conducted under this title shall be made public.

(b) PENALTY.—Any person knowingly violating subsection (a) or the confidentiality terms of an order, as described in section 307(d), on conviction shall be subject to a fine of not less than $1,000 nor more than $10,000 or to imprisonment for not more than one year, or both, and, if an officer or employee of the Department of Agriculture or the PromoFlor Council, shall be removed from office.

(c) ADDITIONAL PROHIBITION.—No information obtained under this title may be made available

to any agency or officer of the Federal Government for any purpose other than the implementation of this title and any investigatory or enforcement actions necessary for the implementation of this title.

(d) WITHHOLDING INFORMATION FROM CONGRESS PROHIBITED.—Nothing in this title authorizes the withholding of information from Congress.

SEC. 313. AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER.

Whenever the Secretary finds that an order issued under this title, or any provision of the order, obstructs or does not tend to effectuate the declared policy of this title, the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines appropriate.

SEC. 314. CONSTRUCTION.

(a) TERMINATION OR SUSPENSION NOT AN ORDER.—The termination or suspension of an order, or any provision thereof, shall not be considered an order under the meaning of this title.

(b) PRODUCER RIGHTS.—Nothing in this title may be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens. This title seeks to treat all persons producing cut flowers and cut greens fairly and to implement any order established hereunder equitably in every respect.

(c) OTHER PROGRAMS.—Nothing in this title may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or any State.

SEC. 315. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this title and the powers vested in the Secretary by this title, including regulations relating to the assessment of late payment charges and interest.

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) may not be used for payment of the expenses or expenditures of the PromoFlor Council in administering any provision of an order issued under this title.

SEC. 317. SEPARABILITY.

If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE IV—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Lime Research, Promotion, and Consumer Information Improvement Act".

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201 et seq.) was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes.

(2) The lime research, promotion, and consumer information order required by such Act became effective on January 27, 1992.

(3) Although the intent of such Act was to cover seedless limes, the definition of the term "lime" in section 1953(6) of such Act (7 U.S.C. 6202(6)) applies to seeded limes. Therefore, the Act and the order need to be revised before a research, promotion, and consumer information program on seedless limes can go into effect.

(4) Since the enactment of such Act, the United States production of fresh market limes has plummeted and the volume of imports has risen dramatically. The drop in United States production is primarily due to damage to lime orchards in the State of Florida by Hurricane Andrew in August 1992. United States production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because a majority of the limes produced in the United States are produced in Florida.

(b) PURPOSES.—The purpose of this Act is to amend the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201 et seq.)—

(1) to cover seedless rather than seeded limes;

(2) to increase the exemption level;

(3) to delay the initial referendum date; and

(4) to alter the composition of the Lime Board.

SEC. 403. DEFINITION OF LIME.

Section 1953(6) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6202(6)) is amended by striking "citrus aurantifolia" and inserting "citrus latifolia".

SEC. 404. REQUIRED TERMS IN ORDERS.

(a) COMPOSITION OF LIME BOARD.—Subsection (b) of section 1955 of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6204) is amended—

(1) in paragraph (1)(A), by striking "7" and inserting "3";

(2) in paragraph (2)(B), by striking "7" and inserting "3"; and

(3) in paragraph (2)(F), by adding at the end the following new sentence: "The Secretary shall terminate the initial Board established under this subsection as soon as practicable after the date of the enactment of the Lime Research, Promotion, and Consumer Information Improvement Act.".

(b) ALLOCATION OF MEMBERS.—Subsection (b)(2) of such section is amended—

(1) in subparagraph (B) (as amended by subsection (a)(2)), by adding at the end the following new sentence: "Of these producer members, 2 members shall be appointed from the district east of the Mississippi River and 1 member shall be appointed from the district west of the Mississippi River."; and

(2) in subparagraph (C), by adding at the end the following new sentence: "Of these importer members, 1 member shall be appointed from the district east of the Mississippi River and 2 members shall be appointed from the district west of the Mississippi River.".

(c) TERMS OF MEMBERS.—Subsection (b)(4) of such section is amended—

(1) by striking "Members of" and all that follows through "appointed—" and inserting "The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—";

(2) in subparagraph (A), by striking "3" and inserting "2";

(3) in subparagraph (B), by striking "4" and inserting "2"; and

(4) in subparagraph (C), by striking "4" and inserting "3".

(d) DE MINIMIS EXCEPTION.—Subsection (d)(5) of such section is amended by striking "35,000" each place it appears and inserting "200,000".

SEC. 405. INITIAL REFERENDUM.

Section 1960(a) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6209(a)) is amended by striking "Not later than 2 years after the date on which the Secretary first issues an order under section 1954(a)," and inserting "Not later than 30 months after the date on which the collection of assessments begins under the order pursuant to section 1955(d),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation provides for authorization language and legislative changes for four commodity research and promotion programs—what we commonly call commodity checkoff programs.

Three of the titles of H.R. 3515 make various changes in existing research and promotion programs—those for eggs, watermelons, and limes. Title III establishes a new checkoff program for the cut flower and cut greens industry.

The purpose of a checkoff program is to allow participants in an industry to join together to fund and operate national market and product development efforts for their commodity. Generally, the objective of these kind of industry-funded programs is to increase sales of the commodity through consumer education, product research and advertising and promotion activities.

H.R. 3115 was introduced by myself, Mr. ROBERTS of Kansas, Mr. STENHOLM of Texas, Mr. LEWIS of Florida, Mr. BOEHNER of Ohio, Mr. HOLDEN of Pennsylvania, and Mr. ENGLISH of Oklahoma. This bill bundles together, in amended form, four different bills that were introduced in this session of Congress. The committee met this week on H.R. 3515 and reported it out in amended form by voice vote.

This legislation has broad support in the industries affected. However, we understand concerns have been raised in some quarters about certain details of the legislation.

Similar legislation is working its way through the other body. We would like to try to work with our colleagues to address any outstanding concerns before the commodity research and promotion legislation is sent to the President.

Mr. Speaker, let me briefly explain the provisions of H.R. 3515:

Title I.—Title I amends the current egg checkoff program. The changes will allow for an increase in the maximum assessment rate, subject to approval through a producer referendum. The bill exempts those egg producers who have 75,000 laying hens or less from the assessment.

Title II.—Title II makes a number of changes in the current watermelon checkoff program. The key changes are: It lowers the referendum threshold; and it eliminates the refund of assessments, except for those producers or importers who market less than 75,000 pounds of watermelons a year.

Title III.—Title III establishes a new industry-funded checkoff program that has been requested by the handlers of fresh cut flowers and cut greens. H.R. 3515 establishes a 23-member PromoFlor Council and an administrative structure similar to that used for other checkoff programs.

During the first 3 years the PromoFlor Program is in effect, the bill stipulates that the rate of assessment on each sale or transfer of cut flowers or cut greens will be one-half of 1 percent of the gross sales price of product sold. After the first 3 years the order is in effect, the uniform assessment rate could be increased or decreased annually by a limited amount, but in no case could the assessment rate be more than 1 percent of gross sales.

An industrywide referendum on continuing the assessment is required to occur not later than 3 years after the Secretary of Agriculture has established the order. Concern had been expressed by some growers about the financial hardship the assessment might cause. The committee bill allows postponement of assessment collections for those growers that the Secretary of Agriculture determines would be adversely affected.

Title IV.—Title IV amends the research and promotion program for limes that was approved by Congress in 1990. The bill would: First replace the scientific name used in the underlying law with the correct scientific name; second, increase the assessment exemption level from 35,000 pounds per year to 200,000 pounds; third, require the referendum no later than 30 months after assessments begin; and fourth, it would alter the board composition to more fairly reflect the structure of the lime industry.

Mr. Speaker, I urge my colleagues to support passage of the legislation.

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

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank Chairman DE LA GARZA for his leadership in passage of this important legislation concerning the cut flower, watermelon, egg and lime research and promotion orders.

Many of these issues were considered before the Subcommittee on Specialty Crops and Natural Resources this year. After extensive review and industry input, I am pleased to support passage of this omnibus legislation. I also want to commend members of the Agriculture staff for their efforts and especially Stacy Steintz in preparing this legislation. I would say to the chairman of the Committee, his effort and commitment to passage of H.R. 3515 is greatly appreciated.

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

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the distinguished gentleman from Florida [Mr. LEWIS]. The gentleman has been very active in this legislation, and specifically on the lime promotion that impacts Florida, Texas, and California. I wish to thank the gentleman for his cooperation and also his availability to work with us in areas such as this.

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

Mr. LEWIS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, ordinarily I would not trample around in legislation of this nature with my dress boots on, but this morning I felt a little bit compelled.

Since I did not want anybody to think that I had just come to town on the back of a melon truck, I thought I should speak. Yet I do not want anybody to think I am trying to steal the limelight.

Nevertheless, not wanting to get egg on my face, since we have not had a chance to organize resistance against this, I will not call a vote. I am sure that act of courtesy will be met by the chairman and the members of the committee by the facetious comment, "Pin a rose on you." Still, nevertheless, I did feel compelled to come down here.

Mr. Speaker, this seems like a relatively harmless piece of legislation. It is very much in the most ordinary sense of the word, business as usual with the Committee on Agriculture, and ought not to attract much attention or dissension. Still, nevertheless, that is exactly why I did feel compelled to come down here and speak today.

We are not spending much money in this bill, $150,000 of taxpayer money so the Department of Agriculture can manage the marketing of eggs, watermelons, fresh cut flowers and limes; or, if not manage that itself, manage the management of it.

It is not much money. Still, I have some serious questions about it. Why is it, for example, that an ordinary person in commerce, maybe a merchant on the street, who might want to get together with his fellow merchants and put together a marketing consortium, would naturally call the other merchants and say, "Hey, fellows, ladies and gentlemen, should we get together? If we are going to hold an election to see the extent to which we all want to get together, shouldn't we kick in a little bit of money to organize the election and see who will or will not participate?"

In that case, as the consortium, among themselves, unless the Federal Government were to hold an antitrust suit against this and call it collusion, they might organize themselves after the fashion of the National Federation of Independent Business, where those who chose to be independent and not associate with the consortium would be free not only of the association, but any assessments that the members of the association voluntarily voted on themselves.

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That is not quite the case here. In this case, the egg producers, the watermelon producers, the lime producers, the cut-flower producers did not call each other. They called their Congressman and they said, "Mr. Congressman, couldn't you get the Government to foot the bill to organize an election to see how many of us might want to voluntarily associate with one another to market our products?" And here we have, then, the taxpayers paying that bill.

Now, in this case, after the Government organizes the election and if the majority of the people involved vote to participate, those members that might, in fact, be called an independent producer, who do not want to participate, are not off the hook. The Government gives them an assessment.

Now, I can understand that if I voted yes and said I wanted to participate, that I might think that assessment of money, so many dollars, I think it is, in this case, for example, 30 cents per commercial case of eggs, I would see that as an assessment I voted unto myself for my right to participate in the program.

But what if I voted no and chose not to participate and got the assessment anyway? Would that not be a tax? Would we not be levying a tax and have the weight of the Federal Government compelling an independent egg producer to share the yoke of this burden and the yoke on their commercial enterprise? This is, of course, Norwegian for joke, but to share this burden.

My colleagues, this is not as benign as it appears. This is not a democratic support to the processes of commercial enterprise by free and independent men and women of agriculture. This is the heavy hand of Government managing the affairs of people in agriculture, whether they choose or not to be beneficiaries of this Government program.

This is truly a case for the truly independent love-the-earth farmer or rancher or flower cutter to look somebody in the face and say with disgust, again, "I don't believe it when you say, I am from the Government and I am here to help you."

This is coercion, perhaps in a mild form. What happens to that independent producer that chooses not to participate? Does that individual that believes himself free to be independent find himself prosecuted by the Federal Government because he did not pay his involuntary assessment or conform to the regulations of this democratic institution of agriculture policy?

I think we ought to think about these things a little more seriously.

Mr. LEWIS of Florida. Mr. Speaker, the gentleman's comment does not warrant a response.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

This is to assure the gentleman from Texas that we will look at these issues. We will continue looking at these issues.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 3515, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, ATMOSPHERIC AND SATELLITE PROGRAM AUTHORIZATION ACT OF 1993

Mr. HALL of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2811) to authorize certain atmospheric, weather, and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2811

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 "National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1993".

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. NATIONAL WEATHER SERVICE.

(a) OPERATIONS AND RESEARCH.—There are authorized to be appropriated to the Secretary of Commerce (in this Act referred to as the "Secretary") to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service, $473,256,000 for fiscal year 1994 and $492,185,000 for fiscal year 1995. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

(b) SYSTEMS ACQUISITION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the public warning and forecast systems duties of the National Weather Service, $76,299,000 for fiscal year 1994 and $14,600,000 for fiscal year 1995. Such duties include the development, acquisition, and implementation of major public warning and forecast systems. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567). None of the funds authorized under this subsection for fiscal year 1995 shall be used for the purposes for which funds are authorized under subsections (c) and (d) of this section. No funds may be expended for Next Generation Doppler Weather Radar (NEXRAD) until the requirements of paragraph (2)(A) or (B) of such section 102(b) have been fulfilled by the Secretary. None of the funds authorized by such section 102(b) shall be expended for a particular NEXRAD installation unless—

(1) it is identified as a National Weather Service NEXRAD installation in the National Implementation Plan for modernization of the National Weather Service for fiscal year 1994, required under section 703 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567);

(2) the Secretary, in consultation with the Modernization Transition Committee established under section 707 of the National Oceanic and Atmospheric Administration Authorization Act of 1992, has made a determination of technical and programmatic necessity with respect to such installation and a period of 60 legislative days after the transmittal to the Congress of such determination, or the period between such transmittal and the next October 1, whichever period is longer, has passed; or

(3) it is to be used only for spare parts, not as an installation at a particular site.

For purposes of this subsection, the term "legislative day" means any day on which either House of Congress is in session.

(c) ASOS COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1994, an aggregate of $30,808,000, to remain available until expended, to complete the acquisition and deployment of—

(A) the Automated Surface Observing System and related systems, including multisensor and backup arrays for National Weather Service sites at airports; and

(B) Automated Meteorological Observing System and Remote Automated Meteorological Observing System replacement units,

and to cover all associated activities, including program management and operations and maintenance through September 30, 1996.

(2) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the systems meet the technical performance specifications included in the system contract as in effect on February 20, 1991;

(ii) the systems can be fully deployed, sited, and operational without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any delays in the systems deployment and operations schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the systems deployment and operations schedule and systems coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(d) AWIPS COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1994, an aggregate of $315,887,000, to remain available until expended, to complete the acquisition and deployment of the Advanced Weather Interactive Processing System and NOAA Port and to cover all associated activities, including program management and operations and maintenance through September 30, 1999.

(2) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the systems meet the technical performance specifications included in the system contract as in effect on January 5, 1993;

(ii) the systems can be fully deployed, sited, and operational without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any delays in the systems deployment and operations schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the systems deployment and operations schedule and systems coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(e) CONSTRUCTION OF WEATHER FORECAST OFFICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out construction, repair, and modification activities relating to new and existing weather forecast offices, $62,784,000 for fiscal year 1994 and $14,739,000 for fiscal year 1995. Such activities include planning, design, and land acquisition related to such offices.

SEC. 102. ATMOSPHERIC RESEARCH.

(a) CLIMATE AND AIR QUALITY RESEARCH.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties, $105,922,000 for fiscal year 1994 and $138,737,000 for fiscal year 1995. Such duties include interannual and seasonal climate research and long-term climate and air quality research.

(2) CLIMATE AND GLOBAL CHANGE.—Of the sums authorized under paragraph (1), $66,902,000 for fiscal year 1994 and $84,573,000 for fiscal year 1995 are authorized to be appropriated for the purposes of studying climate and global change, including global observations, monitoring, and data and information management relating to the study of changes in the Earth's climatic system, and fundamental research on oceanic and atmospheric processes critical to climate prediction and diagnostics.

(b) ATMOSPHERIC PROGRAMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties, $42,103,000 for fiscal year 1994 and $52,980,000 for fiscal year

1995. Such duties include research for developing improved prediction capabilities for atmospheric processes, as well as solar-terrestrial research and services.

SEC. 103. NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE.

(a) SATELLITE OBSERVING SYSTEMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties, $206,383,000 for fiscal year 1994 and $217,710,000 for fiscal year 1995, except that no funds may be expended for Geostationary Operational Environmental Satellite until the requirements of section 105(d)(2) (A) or (B) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567) have been fulfilled by the Secretary. Such duties include spacecraft procurement, launch, and associated ground station systems involving polar orbiting and geostationary environmental satellites, as well as the operation of such satellites. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567). None of the funds authorized under this subsection for fiscal year 1995 shall be used for the purposes for which funds are authorized under subsection (b) of this section.

(b) POES COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1994, an aggregate of $196,343,000, to remain available until expended, to complete the procurement of Polar Orbiting Environmental Satellites J, K, L, and M, and the procurement of the launching and supporting ground systems of such satellites.

(2) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the satellite instruments meet the technical performance specifications included in the satellite contracts as in effect on July 27, 1988;

(ii) the procurements can be completed without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any gaps in two-satellite service operations resulting from nonperformance of the satellite contract; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the launch schedule and satellite coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(3) No funds for Polar Orbiting Environmental Satellites, other than for Polar Orbiting Environmental Satellites J, K, L, and M, are authorized to be appropriated under subsection (a) unless the Director of the Office of Science and Technology Policy submits an implementation plan for a single operational polar environmental and weather satellite system and the policy for polar satellite system convergence with the European Organization for the Exploitation of Meteorological Satellites (EUMETSAT).

(c) ENVIRONMENTAL DATA AND INFORMATION SERVICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its environmental data and information services duties, $34,068,000 for fiscal year 1994 and $41,227,000 for fiscal year 1995. Such duties include climate data services, geophysical data services, and environmental assessment and information services.

SEC. 104. PROGRAM SUPPORT.

(a) ADMINISTRATION AND SERVICES.—There are authorized to be appropriated to the Secretary for Administration and Services, $73,319,000 for fiscal year 1994 and $76,252,000 for fiscal year 1995.

(b) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary for Aircraft Services and Aircraft Critical Safety and Instrumentation, $9,495,000 for fiscal year 1994 and $9,875,000 for fiscal year 1995.

SEC. 105. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, except as provided in section 101 (c) and (d) and section 103(b), no funds are authorized to be appropriated for any fiscal year after fiscal year 1995 for carrying out the programs for which funds are authorized by this Act. This section shall not apply to the programs described in section 102(a)(2) or section 104(a).

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. STRATEGIC PLAN FOR ENVIRONMENTAL RESEARCH LABORATORIES.

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the long-term role and mission of the Environmental Research Laboratories of the National Oceanic and Atmospheric Administration and the relevance of the research conducted therein to issues of global and national importance. In conducting such assessment, the Secretary shall take into consideration—

(1) the adequacy of resources provided to support the missions of the Environmental Research Laboratories;

(2) the ability of the Environmental Research Laboratories to provide research support for the coastal and ocean management and regulatory responsibilities of the National Oceanic and Atmospheric Administration;

(3) the capacity of the Environmental Research Laboratories to process and disseminate environmental data and information collected and processed, or expected to be collected and processed, by the National Oceanic and Atmospheric Administration and other appropriate Federal departments and agencies;

(4) the mission of the Environment Research Laboratories to provide solar-terrestrial services to the Nation;

(5) the ability of the Environmental Research Laboratories to provide continued support for the modernization of weather services;

(6) the responsibilities of the Environmental Research Laboratories to monitor, assess, and predict changes in the Earth's climate;

(7) the capability of the Environmental Research Laboratories to integrate and interpret scientific data in order to provide information useful to policy makers for responding to national and global environmental concerns;

(8) the operational efficiency and effectiveness of the Environmental Research Laboratories;

(9) the interaction of the Environmental Research Laboratories with the academic community, including Joint and Cooperative Institutes, and the ability of these interactions to improve the quality and effectiveness of research;

(10) the number, location, and geographic distribution of the Environmental Research Laboratories; and

(11) any other issues that the Secretary may identify.

(b) COMPREHENSIVE STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Merchant Marine and Fisheries of the House of Representatives a comprehensive strategic plan, based on the assessment conducted under subsection (a), to modernize and improve the role and mission of the Environmental Research Laboratories of the National Oceanic and Atmospheric Administration. The assessment conducted under subsection (a) shall be submitted along with such plan.

SEC. 202. HYDROLOGICAL RESEARCH AND FLOOD FORECAST MODERNIZATION REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report identifying the actions required to improve the hydrological research programs and to modernize the Flood Forecasting System of the National Weather Service.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include consideration of—

(1) current, planned, and potential technological improvements in the collection of observational hydrological data;

(2) use of additional satellite remote-sensing data and airborne surveys, including those systems operated by other Federal agencies, for hydrological data collection;

(3) improvements in data analysis and computer modeling in support of flood forecasts and predictions; and

(4) full integration of the River Forecast Centers in the National Weather Service Modernization Plan.

SEC. 203. SENSE OF CONGRESS.

It is the sense of Congress that any transfers of National Weather Service employees from field offices necessitated by the National Implementation Plan for Modernization of the National Weather Service be carried out in a manner that will not result in the degradation of services in the service area of such field office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. HALL] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2811, the NOAA Atmospheric and Satellite Program Authorization Act of 1993.

I would like to thank my colleagues, the gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology; Mr. WALKER, the ranking minority member of the committee; and Mr. SENSENBRENNER, the ranking minority member on the Subcommittee on Space, for their hard work and cooperation in bringing this bill to the floor today.

I would also like to thank the gentleman from Massachusetts [Mr. STUDDS], chairman of the Committee on Merchant Marine and Fisheries; the gentleman from Texas [Mr. FIELDS], the ranking member of the Merchant Marine and Fisheries Committee; Mr. ORTIZ and Mr. WELDON, the chairman and ranking member of the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf, for their efforts on this important legislation.

Mr. Speaker, H.R. 2811 authorizes $1.083 billion in fiscal year 1994, $1.161 billion in fiscal year 1995, and $543 million in fiscal years 1995–99 for the weather, satellite, and atmospheric research programs of the National Oceanic and Atmospheric Administration [NOAA].

The funding authorizations contained in H.R. 2811, coupled with the authorizations in Public Law 102–567, provide for the continued operation of all National Weather Service offices and for the procurement of new technology to modernize the National Weather Service. These programs include NEXRAD, the Next Generation Doppler Weather Radar Program, the Geostationary Operational Environmental Satellite Program [GOES], the Automated Surface Observing System [ASOS], the Advanced Weather Interactive Processing System [AWIPS], and others.

Funding authorizations are also provided for atmospheric and climate research activities, including NOAA's contribution to the U.S. Global Climate Change Research Program.

In addition to these authorizations, the bill also includes provisions dealing with assessments of NOAA's environmental research laboratories, and on improving the National Weather Services' flood forecasting system. With the serious flooding in the Midwest this summer, and the potential for additional flooding next spring, it is important that we take action to assess and improve our flood warning network.

Mr. Speaker, weather satellite images analyzed by the National Weather Service indicate that the soil in the Midwest is still very saturated. If we receive a heavy snowfall this winter, the probability of spring flooding will be very high. We should begin preparations for that possibility now. This legislation will help in that regard.

While the total funding authorization we are considering today is less than the administration's budget request, it will continue essential services and research activities during very difficult budgetary times.

I urge my colleagues to support this legislation.

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

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

Modernizing the National Weather Service will dramatically improve both the accuracy and timeliness of warnings which will save countless lives. The President's budget for fiscal year 1994 states: "Weather service modernization funding remains NOAA's highest priority * * *" H.R. 2811 fully authorizes the programs under the National Weather Service at the President's requested level.

NEXRAD, the advanced Doppler radar warning system, dramatically increases our ability to detect impending weather dangers such as thunderstorms, hail, strong winds, tornados, and wind shears. It will increase tornado warning lead times from the current average of 0–2 minutes to 20–30 minutes. With 0–2 minutes people have no time to react; with 20–30 minutes people will have adequate time to take cover in homes, schools, hospitals, and businesses. In the locations where NEXRAD's have been deployed and are being used by trained staff, the improvements in forecasting have been remarkable. The warning accuracy at these weather offices has jumped from 50 percent to 90 percent and the false warning rate has dropped from 80 percent to 20 percent.

ASOS, the automated surface observing system, will provide data on temperature, pressure, wind direction, wind speed, visibility, cloud ceiling heights, and the type and intensity of precipitation on a nearly continuous basis. This data will support aviation operations and weather forecasting operations. AWIPS, the advanced weather interactive processing system, is the central integrating point for the modernization effort. It will integrate all meteorological, satellite, and radar data at the National Weather Service field offices, in a rapid-response manner which will give meteorologists and hydrologists the ability to quickly prepare and disseminate warnings and forecasts.

H.R. 2811 authorizes Polar Orbiting Environmental Satellites [POES] J, K, L, and M through completion. No funds for the follow-on series of polar satellites are authorized until the Director of OSTP submits an implementation plan on convergence of the Nation's polar satellite systems—NOAA, DOD, NASA—and develops a policy for system convergence with the Europeans. Vice President Gore's National Performance Review estimates that the national convergence may save American taxpayers as much as $1.3 billion over the next 10 years.

The bill also contains complete program authorizations for both ASOS and AWIPS. The POES, ASOS, and AWIPS authorizations follow the same format as the complete program authorizations for NEXRAD and GOES, which were in last year's authorization (Public Law 102–567), signed into law by President Bush. Therefore all the technology efforts for systems acquisition and satellites have now been authorized through completion. We expect that costs will be contained within these authorized amounts and that the programs will be completed on time.

All of these complete program authorizations require an annual certification be submitted to Congress from the Secretary of Commerce certifying that the program: First, meets the technical performance specifications in the contract, second, does not require further appropriations, and third, is not expected to incur delays. If these requirements cannot be certified, the Secretary must submit a report to Congress detailing the reasons why a certification cannot be issued; what remedial actions may be taken; what the effect is on the program; and whether the program should proceed.

Numerous critical programs are authorized in this bill, and I urge my colleagues to support passage of H.R. 2811. I thank Chairman BROWN and Chairman HALL for their flexibility in including these complete project authorizations and caps in the bill.

□ 1240

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

Mr. HALL of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California, Mr. BROWN, chairman of the full Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding, and I thank both him and the gentleman from Pennsylvania [Mr. WALKER] for their contributions to this legislation.

Mr. Speaker, I rise in support of H.R. 2811, the National Oceanic and Atmospheric Administration (NOAA) Atmospheric and Satellite Program Authorization Act of 1993.

H.R. 2811 provides the funding authorization for NOAA's atmospheric research, weather, and satellite programs. This includes the authorization for the operations of the National Weather Service, for NOAA's weather satellites, and for NOAA's global climate research activities.

Mr. Speaker, I would like to remind everyone about the critical importance of providing the funding authorizations for NOAA and the National Weather Service.

Many of our colleagues have seen firsthand the utter devastation brought on by the floods in the midwestern region of the United States. Last year we witnessed the brutality of Hurricanes Andrew and Iniki. Just last winter we saw the "storm of the century" pound the eastern half of the United States and disrupt air transportation throughout the Nation.

In spite of tremendous improvements in our ability to forecast severe weather, the technologies employed by the National Weather

Service continued to provide the most troublesome barrier to advancement.

The National Weather Service still relies on a number of vacuum tube radars installed around 1957. The communications and data processing equipment used by National Weather Service meteorologists is less capable than the current line of desk top computers. The last remaining U.S. Geostationary weather satellite is now operating beyond its 5-year designed lifetime. NOAA's Polar-Orbiting Weather Satellite Program suffered a setback this summer when the NOAA–13 satellite malfunctioned shortly after being placed in orbit.

Providing the funds necessary to modernize the National Weather Service clearly is an investment in America's future. It is an investment in life-saving equipment. It is also an economic investment.

In fact, a National Institute of Standards and Technology study conducted last year indicated that the economic benefits to the Nation are about eight times greater than the costs. The study also shows that, once the modernized weather system is in place, we will realize benefits of over $7 billion primarily through efficiency gains in key industrial sectors of the U.S. economy, such as commercial aviation, agriculture, construction, communications, electric power generation, and manufacturing.

The total funding authorization provided in this legislation is slightly less than the administration's budget request. However, it is sufficient to continue these essential life-saving services during very difficult budgetary times. I urge my colleagues to support this important legislation.

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

Mr. WALKER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS], who has made a major contribution to bringing this legislation to the floor and to the details within the legislation.

Mr. LEWIS of Florida. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in support of the National Oceanic and Atmospheric Administration authorization legislation, H.R. 2811, before the House.

The NOAA authorization that was enacted last year, Public Law 102–567, contained a provision on hurricane research. The legislation before the House today, includes funding for this and other hurricane research programs.

Several lessons were learned from hurricane Andrew that point out the need for more research.

For example, because of the lack of data on hurricane wind speeds near the surface, it was not predicted before it hit how strong Andrew's winds would be 20 or more miles inland.

This same situation could be repeated again in the future.

Prof. William Grey of Colorado State University, who has accurately predicted hurricane activity based on his research for several years, points out the lack of research funding.

He stated that hurricane research is viewed as a low priority within the agency and that more research money was available in 1957 than is available now.

The Science Committee and the House have been very supportive of increasing hurricane research at NOAA. Now, after Andrew, it is more important than ever before.

I want to thank Chairman BROWN and Ranking Member WALKER for their support of the hurricane research program contained in this legislation, as well as the chairman of the subcommittee, the gentleman from Texas [Mr. HALL], and the ranking Member, the gentleman from Wisconsin [Mr. SENSENBRENNER].

I also want to thank Curt Stanford of the majority staff and Shana Dale of the minority staff for their hard work on this bill.

Mr. WALKER. Mr. Speaker, I, too, want to add my thanks to the gentleman from Wisconsin [Mr. SENSENBRENNER], ranking Republican on the Subcommittee on Space, for his help in preparing this legislation.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. HALL] that the House suspend the rules and pass the bill, H.R. 2811, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1993

Mr. VALENTINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1994) to authorize appropriations for environmental research, development, and demonstration for fiscal years 1994, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1994

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 "Environmental Research, Development, and Demonstration Authorization Act of 1993".

SEC. 2. GENERAL AUTHORIZATION.

(a) ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency (hereafter in this Act referred to as the "Administrator") $475,400,000 for fiscal year 1994 for the Office of Research and Development for environmental research, development, and demonstration activities and program management and support.

(2) AUTHORIZATIONS OF PROGRAMS AND ACTIVITIES.—Of the amount authorized in paragraph (1) for fiscal year 1994 for such Office, there are authorized to be appropriated for such fiscal year the following:

(A) For air related research, $126,000,000.

(B) For water related research, $49,000,000.

(C) For toxic chemical related research, $76,000,000.

(D) For lab and field expenses, $49,000,000.

(E) For headquarters expenses of such Office, $5,400,000.

(F) For multimedia related research expenses, $163,000,000.

(G) For program management expenses, $7,000,000.

(3) EFFECT ON OTHER AUTHORIZATION.—

(A) SUPERFUND.—Nothing in this Act shall affect amounts authorized for fiscal year 1994 for Superfund research activities as authorized by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99–499; 100 Stat. 1613).

(B) OTHER EPA OFFICES.—Nothing in this Act shall affect research, testing, studies, or other activities of other offices within the Environmental Protection Agency.

(b) LIMITATION ON CLOSING OFFICES AND REDUCTIONS-IN-FORCE.—The Administrator shall not close any Office of Research and Development field station, regional office, laboratory, or other research center, or permit any Office of Research and Development reduction-in-force, and no closing or reduction shall be finalized, unless at least 30 days prior to the issuing of any general notice of such closing or reduction the Administrator informs the appropriate legislative and appropriations committees of the House of Representatives and the Senate in writing of the reasons for such closing or reduction, the impact of such closing or reduction on carrying out the provisions of this Act, the details of such reduction or closing, and other pertinent information.

(c) AVAILABILITY.—Appropriations made pursuant to this Act shall remain available for obligation or expenditure for such periods as may be specified in the Acts making such appropriations.

(d) LIMITATION ON APPROPRIATIONS.—Nothing in this Act authorizes appropriations for the research, development, and demonstration activities of the Office of Research and Development of the Environmental Protection Agency for any fiscal year after fiscal year 1994.

(e) REPORT ON UNAUTHORIZED APPROPRIATIONS.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall submit a report to Congress which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not specifically authorized under subsection (a), or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(2) the portion of such appropriations which are specifically authorized under this Act.

SEC. 3. FUNDAMENTAL RESEARCH PROGRAMS.

(a) ESTABLISHMENT.—In addition to providing research support for the regulatory needs of the program offices, the Administrator shall establish in the Office of Research and Development separately identified research programs consisting of fundamental research on ecology and environmental science and fundamental research on exposure to, and effects of, environmental contamination. Such research shall be undertaken for the purpose of generating fundamental knowledge necessary to support efforts to identify, assess, and mitigate serious environmental risks.

(b) AUTHORITY.—In carrying out programs under this section, the Administrator may support research on environmental processes and trends, identification and assessment of potential environmental risks, and approaches to prevent and reduce such risks. The Administrator is authorized to establish and maintain resources, expertise, and facilities necessary to the advancement of the fundamental research programs established in this section.

(c) REPORT OF THE ADMINISTRATOR.—The Administrator shall biennially prepare and submit to the Congress and the Science Advisory Board referred to in subsection (d) a report containing the Administrator's assessment of the programs established pursuant to subsection (a).

(d) SCIENCE ADVISORY BOARD.—The Science Advisory Board established under the Environmental Research, Development, and Demonstration Authorization Act of 1978 (hereafter in this Act referred to as the "Science Advisory Board"), or a designated subcommittee thereof, shall—

(1) review the activities undertaken under the programs established under subsection (a);

(2) make recommendations on the appropriate balance between the fundamental research and the programmatic research undertaken by the Environmental Protection Agency and update such recommendations at least every two years;

(3) make any recommendations with respect to the programs established under subsection (a) that the Science Advisory Board considers to be appropriate; and

(4) every two years beginning in March 1994, submit to the Administrator and the Congress a report containing—

(A) an assessment of the most recent report of the Administrator prepared pursuant to subsection (c);

(B) the results of a review undertaken pursuant to paragraph (1); and

(C) the recommendations (with any updates thereto) made pursuant to paragraphs (2) and (3).

(e) CONFORMING AMENDMENT.—Section 2 of the Environmental Research, Development, and Demonstration Authorization Act of 1981 is amended by striking subsection (f).

SEC. 4. ENVIRONMENTAL MONITORING AND ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish an Environmental Monitoring and Assessment Program to conduct environmental research and development to design a long-term environmental monitoring program to determine the current condition of, and trends in, the ecological resources of the United States.

(b) COORDINATION.—The Administrator shall coordinate the Environmental Monitoring and Assessment Program activities, including activities under the National Coastal Monitoring Act (33 U.S.C. 2801 et seq.), with the heads of other Federal agencies in order to identify, integrate, and fully utilize results of related efforts undertaken by other agencies and minimize duplication of efforts.

(c) ANNUAL REPORT.—The Administrator shall publish an annual report identifying and assessing the performance of the activities undertaken under the Environmental Monitoring and Assessment Program, the effectiveness of interagency coordination, and the contributions of multiagency research to the advancement of research goals.

(d) PUBLIC DATA.—The Administrator shall periodically submit to Congress and make publicly available a compilation of statistical data summaries and interpretive reports on ecological status and trends developed as a result of the Environmental Monitoring and Assessment Program.

SEC. 5. MODERNIZATION PROGRAM.

(a) MODERNIZATION PROGRAM.—The Administrator shall establish, from funds authorized to be appropriated in section 2, a modernization program for laboratories of the Office of Research and Development of the Environmental Protection Agency that are designed to identify, acquire, and maintain modern buildings, facilities, supplies, and equipment to conduct high quality research. In carrying out this section, the Administrator shall ensure that such buildings, facilities, supplies, and equipment meet, at a minimum, the standards generally accepted by the scientific community as appropriate for conducting research, including research instrumentation replacement standards.

(b) STUDIES.—The Administrator shall conduct studies in the Office of Research and Development—

(1) to evaluate and determine the adequacy of current buildings, facilities, supplies, and equipment and identify future building, facility, supplies, equipment and research instrumentation needs; and

(2) to identify and assess future research personnel needs and make recommendations for attracting and retaining qualified scientists, engineers and other personnel to meet such needs.

(c) DEADLINE FOR SUBMISSION.—The studies required by this section shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate within one year after the date of the enactment of this Act.

SEC. 6. REPEAL OF 5-YEAR RESEARCH REPORT REQUIREMENT.

(a) REPEAL.—Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 is repealed.

(b) AMENDMENTS TO THE ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1978.—The Environmental Research, Development, and Demonstration Authorization Act of 1978 is amended as follows:

(1) Strike section 4.

(2) Strike "including those defined in the five-year research plan" at the end of section 7(a).

(3) Strike section 8(c).

(4) Strike "The Administrator shall include" and all that follows through the end of the subsection in section 9(a).

SEC. 7. SCIENCE ADVISORY BOARD.

(a) ANNUAL REPORT.—The Science Advisory Board shall submit to Congress and to the Administrator an annual report that contains the views of the Science Advisory Board on proposed research programs as described in the President's budget for research, development, and demonstration activities at the Environmental Protection Agency. Such report shall be submitted to Congress as soon as practicable after the submission of the President's budget to Congress. The Administrator shall cooperate with the Director of the Science Advisory Board, particularly with respect to the timely provision of budget information to the Science Advisory Board, to allow the Science Advisory Board to carry out its duties under this subsection.

(b) EVALUATION.—The Science Advisory Board shall conduct periodic evaluations of selected areas of the current and planned research, development, and demonstration activities of the Environmental Protection Agency. The areas of evaluation shall be selected by the Science Advisory Board in consultation with the Administrator, the Office of Research and Development, other Agency programs, and appropriate committees of the Congress. Reports containing the Science Advisory Board's evaluations and recommendations shall be filed with such committees and the Administrator. The Administrator shall provide to such committees a written response to the Science Advisory Board's evaluation and recommendations within 60 days after the Science Advisory Board's report has been submitted.

(c) REVIEW OF CERTAIN RESEARCH ACTIVITIES.—The Science Advisory Board shall annually review the research activities of the Environmental Protection Agency under section 14(b)(2) and shall include the results of such review in the annual report required by section 7.

(d) SUBMISSION TO CONGRESS.—The Administrator shall submit to the Congress any report required by law to be submitted to the Administrator by the Science Advisory Board. The Administrator shall make any such submission not later than 60 days after the Administrator receives the report from the Science Advisory Board.

SEC. 8. MISCELLANEOUS AUTHORIZATION FOR COOPERATIVE AGREEMENTS.

In reviewing research, development and demonstration grant, contract, and cooperative agreement applications, the Administrator may enter into cooperative agreements to conduct appropriate scientific and professional reviews of such applications and may use research funds authorized by this Act for such cooperative agreements.

SEC. 9. RESEARCH ACCOMPLISHMENTS REPORT.

The Administrator shall submit an annual report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate setting out the accomplishments of the research, development, and demonstration programs for which funds are authorized by this Act for the Office of Research and Development of the Environmental Protection Agency and the significance of such accomplishments to the Environmental Protection Agency's mission.

SEC. 10. TECHNOLOGY TRANSFER AND INFORMATION EXCHANGE.

The Administrator shall carry out a program of environmental technology transfer and exchange of scientific and technical information designed to make full and effective use of the research, development, and demonstration efforts of the Office of Research and Development of the Environmental Protection Agency. The Administrator may establish and maintain resources necessary to advance such technology transfer and information exchange program in the Office of Research and Development.

SEC. 11. RESEARCH TO SUPPORT THE EVALUATION OF THE RISK OF ENVIRONMENTAL CONTAMINATION.

(a) ESTABLISHMENT.—The Administrator shall establish in the Office of Research and

Development a separately identified risk assessment research program designed to improve the capability of the Environmental Protection Agency to identify, assess, and compare risks resulting from contamination of the environment.

(b) OBJECTIVES.—Under the program authorized by subsection (a), the Administrator may conduct research to—

(1) develop and improve methodologies for the comparison of such risks that result from contamination of different environmental media;

(2) identify and develop protocols for monitoring of pollutants and contaminants discharged to the environment;

(3) identify and develop methodologies for assessing and reducing risks to natural ecosystems;

(4) develop and improve methodologies for the assessment of noncancer risks and the integrated assessment of cancer and noncancer risks; and

(5) develop improved methodologies for evaluating the benefits, both quantitatively and qualitatively, of environmental protection activities, including improved methods to account for long-term environmental effects in the Agency's economic analysis.

SEC. 12. LEAD RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to conduct research, including laboratory research in a controlled setting, on lead, in furtherance of laws regulating human exposure. The research shall also include the following:

(1) Research on state-of-the-art technologies for detecting and measuring lead levels in soil, dust, and other environmental media.

(2) Research on short-term and long-term cost-effective technologies for the removal of lead-based paint and in-place management techniques. Such research shall address the relative risk of, and the environmental protection afforded by, various options to remove or otherwise ameliorate the toxic effects of lead-based paint, including the potential adverse effects of removal, compared to other lead abatement methods.

(3) A long-term research study of environmentally compatible methods for, and costs of, permanent disposal, recycling, or recovery of lead in lead-contaminated soil, dust, or other environmental media.

(4) A long-term research study, in cooperation with other appropriate agencies, to examine the effectiveness of lead abatement activities.

(b) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Administrator shall consult with the heads of other appropriate Federal agencies with respect to the conduct of the research specified in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized to be appropriated under section 2, there are authorized to be appropriated to the Administrator $2,400,000 to carry out activities under this section.

SEC. 13. RISK ASSESSMENT RESEARCH PRIORITIES.

(a) IDENTIFICATION OF PRIORITY RISK ASSESSMENT RESEARCH ISSUES.—

(1) REPORT.—Within six months after the date of the enactment of this Act, the Administrator shall submit to the Congress a report that identifies at least 10 environmental research issues—

(A) correlating to the environmental hazards which the Administrator estimates to be in the category of highest risk;

(B) regarding which there are, as determined by the Administrator, significant scientific uncertainties with respect to the assessment of such environmental risks; and

(C) with respect to which such uncertainties could be significantly reduced through research.

(2) CONTENTS OF REPORT.—In addition to the identification required by paragraph (1), the report referred to in such paragraph shall include—

(A) an assessment of the research that has been, or is being, conducted by the Environmental Protection Agency with respect to each issue identified under such paragraph;

(B) an identification, with respect to each such issue, of the significant scientific uncertainties that exist with respect to the assessment of the environmental risks posed by the issue;

(C) an identification of the research that needs to be conducted by the Environmental Protection Agency to reduce significantly such scientific uncertainties, the time it will take to conduct such research, and the cost of such research; and

(D) a list that identifies such issues in order of the priority in which such research should be conducted and includes the reasons for that priority.

(b) RESEARCH PROGRAM.—

(1) IN GENERAL.—The Administrator shall carry out a research program within the Office of Research and Development to reduce the scientific uncertainties with respect to the assessment of the environmental risks posed by the issues identified under subsection (a). In conducting the research, the Administrator shall consider the priority list referred to in subsection (a)(2)(D).

(2) ECONOMIC IMPACT ASSESSMENT.—As part of the research program conducted under paragraph (1), the Administrator shall conduct research to improve the methodologies used to assess the economic impact of technologies developed as a result of such research program.

(3) EFFECT ON OTHER AUTHORIZATION.—Nothing in this section shall affect amounts authorized for fiscal year 1994 for other research activities of the Environmental Protection Agency as authorized by any other law.

(c) BUDGET COORDINATION.—In the first budget submitted by the President to the Congress immediately following the submission required by subsection (a), and in the next four budgets submitted immediately after such budget, the Administrator shall include a report that identifies the research conducted by the Administrator in accordance with the priority list referred to in subsection (a)(2)(D).

SEC. 14. REPORT ON OPPORTUNITIES FOR DEFENSE TECHNOLOGY TRANSFER IN DEVELOPMENT OF ENVIRONMENTALLY SENSITIVE PRODUCTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Congress a report, prepared by the Office of Research and Development, that identifies opportunities for the technology transfer of defense-related research for environmental applications. The report shall include information on the development of environmentally sensitive products and processes that have dual-use or commercial application, such as—

(1) the reduced use of toxic, hazardous, and environmentally damaging substances;

(2) the development and employment of substitutes for such substances; and

(3) the reduction of emissions and waste generation in product design, manufacture, and maintenance in relevant areas of technology.

(b) CONSULTATION.—In preparing the report required under subsection (a), the Administrator shall consult with the heads of appropriate Federal agencies to identify the production and design capabilities that are applicable to the development of products and processes described in such subsection.

(c) DEFINITION.—For purposes of this section, the term "defense-related research for environmental applications" means research funded by the Department of Defense to mitigate the environmental impact of activities carried out for military purposes.

SEC. 15. FINANCIAL ASSISTANCE FOR RESEARCH ON DRINKING WATER DISINFECTION.

(a) IN GENERAL.—Subject to subsection (b), the Administrator may enter into a cooperative agreement with a non-Government research foundation to conduct research on the disinfection of drinking water, including research on disinfection byproducts in drinking water. Of amounts authorized to be appropriated under section 2, there are authorized to be appropriated to the Administrator for fiscal year 1994 not more than $2,000,000 to carry out this section.

(b) FUNDING LIMITATION.—The research referred to in subsection (a) may not be conducted unless the Administrator receives from such foundation and provides for such research for fiscal year 1994 an amount that equals at least 50 percent of the total funding for the research.

SEC. 16. INVESTIGATION OF CONTRACT PRACTICES.

(a) IN GENERAL.—

(1) ARRANGEMENT FOR PREPARATION OF STUDY.—Not later than six months after the date of the enactment of this Act, the Administrator shall, consistent with applicable provisions of Federal procurement law, enter into an arrangement with a private entity to prepare a study on, and recommendations regarding, the acquisition and assistance management practices of the Office of Research and Development.

(2) CRITERIA FOR SELECTION OF ENTITY.—The private entity with which the Administrator enters into an arrangement under paragraph (1) is a business, legal, or environmental organization which, as determined by the Administrator—

(A) has substantial experience in Federal acquisition and assistance management procedures and regulations;

(B) has sufficient financial and labor capabilities to adequately carry out the duties of the entity under the arrangement referred to in paragraph (1); and

(C) is not subject to any conflicts of interest which would impair the ability of the entity to carry out its duties under such arrangement.

(b) CONTENTS OF STUDY.—The study prepared pursuant to subsection (a) shall include the following:

(1) A summary of the investigations and audits of the acquisition and assistance management practices of the Office of Research and Development conducted by the Office of the Inspector General of the Environmental Protection Agency since 1985.

(2) A summary of the policies and programs implemented by the Environmental Protection Agency since 1985 relating to acquisition and assistance management by the Office of Research and Development, with emphasis on any policy or program implemented in connection with, or as a result of, an investigation or audit by the Office of Inspector General of the Environmental Protection Agency or any other entity.

(3) An analysis of the acquisition and assistance management practices and procedures of the Office of Research and Development, including an analysis of the following:

(A) The adequacy of Office of Research and Development statements of work, assignments, technical directives, and similar control mechanisms, including the adequacy of the review of such statements and the amount of detail provided in such statements.

(B) The adequacy of the mechanisms for authorizing and reviewing contract charges and invoices, including mechanisms for independently verifying that such charges and invoices are reasonable and supportable.

(C) The level of actual competition in competitive bidding for contracts.

(D) The overall distribution of contracts by the Office of Research and Development and any reliance on particular contractors that may result from such distribution.

(E) The adequacy of the Office of Research and Development staffing qualifications and training with respect to acquisition and assistance management.

(F) Specific recommendations of the entity regarding management practices and internal controls to remedy problems in acquisition and assistance management practices of the Office of Research and Development exposed as a result of the study.

(G) An estimate of the cost and effectiveness of carrying out the recommendations provided in subparagraph (F).

(c) REPORTS.—

(1) REPORT TO THE ADMINISTRATOR.—Not later than one year after the date the Administrator enters into an arrangement with a private entity under subsection (a), the private entity shall submit to the Administrator the study prepared pursuant to such subsection.

(2) REPORT TO CONGRESS.—Not later than two weeks after the Administrator receives the study required to be submitted under paragraph (1), the Administrator shall submit the study to the Congress together with any comments of the Administrator with respect to the report.

(d) FUNDING.—Of amounts authorized to be appropriated under section 2, there are authorized to be appropriated to the Administrator not more than $500,000 to carry out this section.

SEC. 17. PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. VALENTINE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

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

Mr. Speaker, H.R. 1994 authorizes the Environmental Protection Agency's Office of Research and Development for fiscal year 1994 at a level of $475,400,000. Specifically, the bill authorizes funding at the levels requested by the administration for research and development in support of the various regulatory statutes for which the Agency is responsible.

Mr. Speaker, H.R. 1994 directs the Administrator to establish a fundamental research program to improve our understanding of the functioning of the basic environmental systems upon which we depend and how human activities effect those systems. Other sections authorize the Environmental Monitoring and Assessment Program, the Science Advisory Board, a risk assessment research program, and a study to examine ORD's contract management practices.

I am pleased with the way the Democratic and Republican staffs of the Science Committee were able to work together to get this bill to the end of the session. This would have been impossible without the collegiality of the ranking member of the subcommittee, Mr. LEWIS, and the ranking member of the Science Committee, Mr. WALKER.

I would also like to thank our staff, Mark Harkins, Barry Gold, Jim Turner, and Michael Rodemeyer, for all their hard work on this bill, as well as to acknowledge the dedicated support they received from Paddy Link, Jim Greene, and Dave Clement.

Mr. Speaker, since the Science Committee ordered this bill reported on June 30, staff of our committee have been in extensive negotiations with staffs of the Merchant Marine and Fisheries and the Energy and Commerce Committees to create the consensus draft upon which we are voting on today. I appreciate the support that we have received from Chairman STUDDS and Chairman DINGELL which allows us to consider this bill under suspension today.

I believe this legislation gives necessary guidance to the Agency as to where the Congress believes resources should be concentrated. In addition, this bill promotes comprehensive and high-quality scientific research. This improved research effort is required as a foundation for informed decision-making to address the constantly changing environmental challenges facing the United States.

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

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House, the Environmental Research, Development, and Demonstration Authorization Act of 1993, H.R. 1994, is very important.

In order to protect the environment in a cost-effective manner, it is absolutely necessary that the policy be based on sound scientific data. H.R. 1994 directs EPA to undertake the research necessary to accomplish this goal.

Serious questions have been raised about the quality and quantity of research at EPA. At subcommittee hearings, we heard testimony that approximately 10 percent of the EPA R&D budget is actually spent on research. This trend must be reversed so that 90 percent is spent on research.

H.R. 1994 contains provisions calling for more basic science research.

Also during the hearings we heard testimony that many of EPA's regulations are based on incomplete scientific research.

Consequently, billions of dollars are spent with no benefit to human health. For example, the $20 billion mandated asbestos removal from public buildings program, has now been determined by EPA to have been a mistake. It created more health risk from asbestos dust than was caused by leaving it in place.

H.R. 1994, calls for more risk assessments and scientific review.

The bill before us is not perfect, but it is a good start toward improving the quality and quantity of EPA's research.

I want to thank subcommittee Chairman VALENTINE for his willingness to include provisions from minority Members in H.R. 1994 and for his efforts to work out any differences.

I also want to thank Chairman BROWN and ranking Member WALKER for their leadership in working out any differences in the legislation.

I also want to thank the staff who have worked on this bill—Mike Rodemeyer and Mark Harkins of the majority staff and Jim Greene and Paddy Link of the minority staff. Finally, I want to thank our staff assistants Karen Pearce and Kirstin Polhemus.

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

Mr. VALENTINE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I will echo the remarks of appreciation to all of the people who cooperated so well in this in bringing this bill to the floor, including our colleagues in the Committee on Merchant Marine and Fisheries and the Committee on Energy and Commerce and their respective chairmen.

If I may, I would express a special appreciation to the gentleman from Pennsylvania [Mr. WALKER] for his cooperation, without endangering his role as the firebrand of his party, I would like to say that. We managed to work together with the gentleman from Pennsylvania [Mr. WALKER] over a long period of time in constructive cooperation, and I hope we will be able to continue to do that.

Mr. Speaker, I would like to thank the gentleman for yielding time and I

commend the chairman, Mr. VALENTINE, and the ranking member, Mr. LEWIS, of the Technology, Environment and Aviation Subcommittee of the Science Committee, for their hard work and cooperation in ensuring that this bill is before us for a vote today.

I particularly want to commend the ranking member of the full committee, Mr. WALKER, for his cooperation and contributions to the bill before us this morning. It is significant that the bill before us today represents a strong bipartisan consensus on the environmental research and development policies and priorities of the EPA.

In addition, I would like to echo the gentleman from North Carolina's comments concerning the work of our very able staff and the help our committee received from the Energy and Commerce and the Merchant Marine and Fisheries Committees in producing this amended text and for allowing it to be considered under suspension of the rules.

This bill, I believe, is an important step toward ensuring that EPA spend its limited research and development resources to produce a comprehensive and credible base of sound science. Sound science, with an increased emphasis on risk assessment, can help the agency to address the major environmental problems facing this country.

Passage of this legislation will confirm the House's desire to balance the applied research needed to support EPA's regulatory missions with the fundamental research needed to advance our basic scientific knowledge of the fate, transport, and effects of pollutants. Section 3 of the bill requires the administrator to support research programs consisting of fundamental research on ecology, and on exposure to, and the effects of, environmental contamination.

Section 7 of the bill specifies what the Congress expects from the Science Advisory Board, especially with regard to its review of the President's budget submissions for EPA and review of the overall management and direction for EPA's research programs. I will remind Members that we created this body, through legislation originating in the Science Committee, to do independent peer review of the science being conducted by the Agency.

Many times I have heard witnesses indicate that sound regulations can only be based on sound science. This bill demonstrates that the Congress is serious in meeting its obligation of ensuring that EPA produces credible science which in turn will lead to more precision and accuracy in EPA's regulatory programs.

While there is little of controversy in this legislation, I believe it is an important part of the House's agenda. The last time the House passed an authorization for EPA's Office of Research and Development was in the 101st Congress. I believe it is important for Congress to once again, on a regular basis, let EPA know its priorities for the investment of EPA research and development resources.

I encourage my colleagues to support the bill.

Mr. LEWIS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking member of the Committee on Science, Space, and Technology.

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

Mr. Speaker, I certainly wish to congratulate everyone for the extensive bipartisan negotiations which successfully conclude here with action on the floor today.

I agreed to bring this bill to the floor largely because of that, and I thank the gentleman from California for indicating that cooperative relationship on this and other things. I think it is nice that we are bringing H.R. 1994 to the floor as we close out the legislation session for 1993. Maybe this is a harbinger of cooperation for the upcoming year on many things.

I also wish to commend the chairman, the gentleman from California [Mr. BROWN], and the chairman, the gentleman from North Carolina [Mr. VALENTINE] for this, and my good friend, the gentleman from Florida [Mr. LEWIS]. I think the people who watch C-SPAN are going to come to the conclusion that he is the single hardest-working Member of Congress after being out here for an ag bill and two science bills and so on, and they would not be far wrong on that, by the way, but he is doing yeoman service out here, and I appreciate the work that he did on this measure.

While the funding level contained in this bill reflects the administration's budget request, it is a figure approximately $15 million to $16 million higher than the fiscal year 1994 enacted appropriations adopted by the Congress. I agreed to bring this bill to the floor with the higher figure so that EPA does have the flexibility to reprogram if necessary from funds already appropriated for other purposes.

Under no circumstances should EPA attempt to seek a future supplemental based upon the $475.4 million authorization contained in 1994, but they do gain flexibility out of this which hopefully will aid them in their administration and aid them in strengthening their programs.

During our consideration of this bill, several amendments were adopted. One offered by the gentleman from Minnesota [Mr. GRAMS] recommended a freeze level for the EPA's Office of Research and Development for fiscal year 1994. This amendment failed in committee on a 16 to 16 vote. Let me tell you why I think so many of us believe that this freeze may be a very reasonable course of action and why it would have been nice to include it in the bill.

First, the increase in H.R. 1994 represents a 14-percent increase over last year's appropriation. Few other agencies have seen such an increase in their budget. NASA's budget, for example, was increased a mere 1.9 percent over last year's figure.

Second, many increases sought by the administration in fiscal year 1994 are not for core research programs. Many of the increases requested by the administration will not remain in the Office of Research and Development but will pass through to other offices of EPA, to the Commerce Department, to the Office of Science and Technology Policy in the White House, among other agencies.

There are lots of us on both sides of the aisle, I think, who believe that if these funds are not to remain within the Office of Research and Development that then they will not be used to support the core research programs that are most in need of funding. I know that there is bipartisan concern within the committee which extends to the fact that we should exercise our oversight responsibility over the Office of Research and Development and ensure that the research mission is not hindered by passthroughs or other earmarked funds.

So as we approve this bill, I hope that we will also understand that the real desire of many members of the committee is to ensure that that core research gets done and that we do, as the gentleman from Florida [Mr. LEWIS] has described, provide the research based upon which good regulation can be built, and we do not make foolish environmental mistakes for lack of information.

I think that this particular funding and authorization can lead us in the right direction. That cannot happen if we continue to pull down that core program and pass the money through, and this bill gives EPA some flexibility and should be passed by the House of Representatives.

Mr. VALENTINE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON], a member of our subcommittee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1994, the Environmental Research, Development and Demonstration Authorization Act of 1993.

This bill represents several months of bipartisan work to create a framework to address fundamental research questions about the environment using long-term, innovative methodologies.

Authorizing over $400 million in programs, H.R. 1994 will provide for the establishment of an environmental monitoring and assessment program; expand biological diversity research, lead research and risk assessment research.

I support H.R. 1994 for another reason as well.

All too often, low-income communities are subjected to decades of toxic and hazardous waste dumping.

Even with the many advanced technologies that are available today, we do not have a very clear idea of how chronic exposure to hazardous chemicals affects residents' health.

Nor do we have much in the way of long-term solutions to abate these hazards. Traditional removal techniques which use moving soil from one low-income community to another are an unacceptable quick-fix.

H.R. 1994 takes strong steps toward developing the information necessary to clean up the many dangerous health and environmental hazards which exist today.

I would like to thank the chairman and the gentlewoman from Maryland for their leadership.

Mr. LEWIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. GRAMS], a valued member of our committee.

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

Mr. Speaker, I rise in support of H.R. 1994, the Environmental Research, Development and Demonstration Authorization Act and commend my chairman and ranking member on the Technology, Environment and Aviation Subcommittee as well as the leadership of the entire Science Committee. With their help, we were able to address a number of concerns which I had over the original bill, and bring this important piece of legislation up today before the House recesses.

The work of the EPA Office of Research and Development is extremely important to the environment, as well as to the individuals and businesses that find themselves regulated as a result of the environmental laws enacted by the Congress. This office is responsible for researching the environmental risks associated with a practice, and for developing technologies aimed at reducing those risks.

When H.R. 1994 came before the Science Committee for consideration, there was strong bipartisan support for this legislation. I was pleased that this bipartisan spirit carried over to support a number of amendments I offered to this bill.

Mr. Speaker, I would like to thank my colleagues on the Science Committee for supporting amendments to sunset the bill after the expiration of the authorization and just as importantly, by supporting an economic impact amendment to ensure that the research conducted, and the technologies developed by the EPA ORD include data on the relative impact on individuals and on businesses. I believe these provisions all represent important steps in ensuring the future health of our economy.

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Mr. LEWIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. ZIMMER], another valued member of the committee.

Mr. ZIMMER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 1994. It is a good piece of legislation. I would like to discuss one specific section, which I sponsored, which is called the worst first provision.

You may be aware that a recent independent study of the EPA disclosed that fully 80 percent of the budget of the EPA has been spent on relatively low-priority risks. We just cannot afford to misallocate the resources of the Environmental Protection Agency in this way.

That is why I am delighted that as a first step we have mandated in this piece of legislation that the Office of Research and Development identify the research issues which relate to the areas of highest risk to human health and the environment and that the money spent by the Office of Research and Development be concentrated on those areas of highest risk.

We are too often flying blind when we make environmental policy decisions, and we often have the least information about the risks which pose the greatest threat to human health and the environment. That is why I am delighted that this provision has been included in the legislation and why I am hopeful that, when the legislation to make the EPA a Cabinet department is considered, we will adopt risk assessment provisions applicable to the new department so that we will be able to better address the hazards that pose the greatest risk to human health and the environment rather than becoming transfixed and obsessed with the "pollutant of the month."

Mr. VALENTINE. Mr. Speaker, I include in the RECORD committee correspondence relating to H.R. 1994.

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC., November 16, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Science, Space, and Technology ordered reported H.R. 1994, the Environmental Research, Development, and Demonstration Authorization Act of 1993," on June 30, 1993. Subsequent to the Committee's action, the Committee on Energy and Commerce indicated substantive and jurisdictional concerns about the bill as ordered reported by the Committee. We refrained from filing the report on H.R. 1994 in order to give our staffs an opportunity to discuss those issues and determine whether they could be accommodated without the need for the Committee on Energy and Commerce to seek a sequential referral. We believe that we have reached a compromise text which addresses those concerns.

We hope to be able to bring this bill to the floor under suspension of the rules prior to the expected adjournment later this month. In return for an agreement by your Committee not to seek a sequential referral of H.R. 1994 as reported, I would agree to offer the attached compromise text as the Committee vehicle for consideration under suspension of the rules.

To expedite the bill's consideration, I agree to support your Committee's request for conferees on H.R. 1994, recognizing, of course, that the Speaker ultimately possesses the authority to make that determination. However, it should be understood that your Committee's decision not to seek a sequential referral, and our Committee's decision to support the appointment of Energy and Commerce conferees to H.R. 1994, would be without prejudice to any jurisdictional claims that either of our Committees may assert concerning H.R. 1994 or similar legislation in the future.

I appreciate the continuing efforts to work cooperatively on issues of mutual interest.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 17, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of November 16, 1993, regarding H.R. 1994, the Environmental Research, Development, and Demonstration Authorization Act of 1993. As your letter notes, the Committee on Energy and Commerce believes that a number of the provisions in the bill as ordered reported by the Committee on Science, Space, and Technology are within the jurisdiction of this Committee. In view of your Committee's willingness to offer the amendments that we have jointly agreed to, however, and in view of your desire to move the bill on suspension prior to the impending adjournment, I would agree not to seek a sequential referral of H.R. 1994 with the further understanding that this waiver would be without prejudice to our jurisdictional claims over H.R. 1994 and similar bills that may be offered in the future and that this Committee's jurisdiction will be protected through the appointment of conferees should H.R. 1994 go to conference.

With those agreements, I would not object to the consideration of H.R. 1994, as amended, under suspension of the rules.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, November 18, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Merchant Marine and Fisheries believes that a number of the provisions in H.R. 1994, the Environmental Research, Development, and Demonstration Authorization Act of 1993, as ordered reported by the Committee on Science, Space, and Technology, are within the jurisdiction of this Committee. The Committee on Merchant Marine and Fisheries

has a particular interest in provisions relating to biodiversity and ecological research, and monitoring of ecological resources.

In view of your desire to take this bill before the House of Representatives under suspension of the rules prior to adjournment of this session, I would agree not to seek a sequential referral of H.R. 1994 under the following conditions: (1) that the Committee amendment to H.R. 1994 consist of the amendments to which we have jointly agreed; (2) that the Merchant Marine and Fisheries Committee's jurisdictional claims be protected through the appointment of conferees on appropriate provisions of the bill, at the discretion of the Speaker of the House, should the bill go to conference; and (3) that this Committee's decision not to seek sequential referral of H.R. 1994 be without prejudice to any jurisdictional claims over that bill or over similar legislation in the future.

With this understanding, I would have no objection to the consideration of H.R. 1994, as amended, under suspension of the rules.

With kind regards.

Sincerely,

GERRY E. STUDDS,
Chairman.

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, November 18, 1993.

Hon. GERRY E. STUDDS,
Chairman, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Science, Space, and Technology ordered reported H.R. 1994, the "Environmental Research, Development, and Demonstration Authorization Act of 1993," on June 30, 1993. Subsequent to the Committee's action, the Committee on Merchant Marine and Fisheries indicated substantive and jurisdictional concerns about the bill as ordered reported by the Committee. We refrained from filing the report on H.R. 1994 in order to give our staffs an opportunity to discuss those issues and determine whether they could be accommodated without the need for the Committee on Merchant Marine and Fisheries to seek a sequential referral. As per your letter of November 18, 1993, we believe that we have reached an agreement.

We hope to be able to bring this bill to the floor under suspension of the rules prior to the expected adjournment later this month. In return for an agreement by your Committee not to seek a sequential referral of H.R. 1994, I would agree to offer the attached compromise text as the Committee vehicle for consideration under suspension of the rules.

I further agree that your Committee's decision not to seek a sequential referral would be without prejudice to any jurisdictional claims over H.R. 1994 or similar legislation in the future that the Committee on Merchant Marine and Fisheries could make; and that I will not oppose your Committee's request for conferees on those provisions within your Committee's jurisdiction, recognizing, of course, that the Speaker ultimately possesses the authority to make that determination.

I appreciate the continuing efforts to work cooperatively on issues of mutual interest.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

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

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from North Carolina [Mr. VALENTINE] that the House suspend the rules and pass the bill, H.R. 1994, as amended.

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

The title of the bill was amended so as to read: "A bill to authorize appropriations for environmental research, development, and demonstration for fiscal year 1994, and for other purposes.".

A motion to reconsider was laid on the table.

VIOLENCE AGAINST WOMEN ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1133) to combat violence and crimes against women, as amended.

The Clerk read as follows:

H.R. 1133

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 "Violence Against Women Act of 1993".

TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the "Safe Streets for Women Act of 1993".

Subtitle A—Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

SEC. 111. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801; and

(3) adding after part P the following new part:

"PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, and other eligible entities to develop effective law enforcement and prosecution strategies to combat violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide funds for personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women to reduce the rate of violent crime against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors that specifically target violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, protocols, orders, or services specifically devoted to the prevention of, identification of, and response to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or identifying and tracking arrests, protection orders, prosecutions, and convictions for the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

"(6) aiding Indian tribe grantees, exclusively, in financing the payments required under sections 112 and 113 of the Violence Against Women Act of 1993.

"SEC. 1702. STATE GRANTS.

"(a) GENERAL GRANTS.—The Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the 'Director') is authorized to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services programs in the States or Indian country.

"(b) APPLICATION REQUIREMENTS.—Applications shall include—

"(1) documentation from prosecution, law enforcement, and victim services programs to be assisted that demonstrates—

"(A) the need for grant funds;

"(B) the intended use of grant funds; and

"(C) the expected results;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided pursuant to section 112 of the Violence Against Women Act of 1993, except that Indian tribes are exempt from such requirement; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases pursuant to section 113 of the Violence Against Women Act of 1993.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (b), an eligible entity shall be eligible for funds provided under this part by—

"(1) certifying that funds received under this part shall be used for the purposes outlined in section 1701(b); and

"(2) certifying that grantees shall develop a plan, implement such plan, and otherwise consult and coordinate with nonprofit nongovernmental domestic violence and sexual assault victim services programs, law enforcement officials, victim advocates, prosecutors, and defense attorneys;

"(3) providing documentation from the individuals and groups listed under paragraph (2) regarding their participation in development of a plan and involvement in the application process, as well as how such individuals and groups will be involved in implementation of the plan;

"(4) providing assurances that the plan developed under paragraph (2) shall meet the needs of racial, cultural, ethnic, and language minority populations;

"(5) providing assurances that prosecution, law enforcement, and nonprofit nongovernmental victim services programs in the community to be served by such plan each receive an equitable percentage of any funds allocated under this part; and

"(6) providing assurances that any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(d) DISBURSEMENT OF FUNDS.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Director shall either disburse the appropriate sums provided for under this part or shall inform the applicant regarding why the application does not conform to the requirements of this section.

"(2) RESPONSIBILITY OF DIRECTOR.—In disbursing funds under this part, the Director shall issue regulations—

"(A) to distribute funds equitably on a geographic basis, including nonurban and rural areas of varying geographic size; and

"(B) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas.

"(e) GRANTEE REPORTING.—(1) Not later than March 31 of each year during which funds are received under this part, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this part.

"(2) The grantee shall arrange for assessments of the grantee's program from all organizations and government entities that were involved in the design of the grant plan.

"(3) Such assessments must be sent directly to the Director by the assessing entity.

"(f) SUSPENSION OF FUNDING.—The Director shall suspend funding for an approved application if—

"(1) an applicant fails to submit an annual performance report;

"(2) funds provided under this part are expended for purposes other than those set forth under this part; or

"(3) grant reports or accompanying assessments demonstrate to the Director that the program is ineffective or financially unsound.

"SEC. 1703. GENERAL DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means crimes of violence committed against a victim by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who is cohabiting with or has cohabited with the victim as a spouse, an individual similarly situated to a spouse, or any other individual who is protected under domestic or family violence laws of the jurisdiction that receives a grant under this part;

"(2) the term 'eligible entity' means a State, unit of local government, Indian tribe, and a nonprofit, nongovernmental victims services program;

"(3) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians;

"(4) the term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code;

"(5) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(6) the term 'victim services program' means a nongovernmental nonprofit program that assists domestic violence or sexual assault victims, including nongovernmental nonprofit organizations such as rape crisis centers, battered women's shelters, and other sexual assault and domestic violence programs, including nonprofit nongovernmental organizations assisting domestic violence and sexual assault victims through the legal process.

"SEC. 1704. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under section 1702, the Attorney General may request any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to support State, tribal, and local assistance efforts under this part.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Congress a report that includes, for each State and Indian tribe—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated for each of the fiscal years 1994 and 1995, $200,000,000 to carry out the purposes of part Q, with not less than 8 percent of such appropriation allotted specifically for Indian tribes.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and O" and inserting "O, and Q"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "or O" and inserting "O, or Q".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part Q and inserting the following:

"PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec.1701. Purpose of the program and grants.

"Sec.1702. State grants.

"Sec.1703. General definitions.

"Sec.1704. General terms and conditions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec.1801. Continuation of rules, authorities, and proceedings".

SEC. 112. RAPE EXAM PAYMENTS.

(a) RESTRICTION OF FUNDS.—No State is entitled to funds under this title unless the State incurs the full out of pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(b) MEDICAL COSTS.—A State shall be deemed to incur the full out of pocket cost of forensic medical exams for victims of sexual assault if such State—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams, if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the State permits victims to apply to the State for reimbursement for not less than one year from the date of the exam;

(C) the State provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 113. FILING COSTS FOR CRIMINAL CHARGES.

No State is entitled to funds under this title unless the State certifies that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 114. EQUITABLE TREATMENT OF RAPE CASES.

No State is entitled to funds under this title unless the State can certify that its laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

Subtitle B—Rape Prevention Programs

CHAPTER 1—RAPE PREVENTION GRANTS

SEC. 121. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 111, is further amended by—

(1) redesignating part R as part S;

(2) redesignating section 1801 as section 1901;

and

(3) adding after part Q the following new part:

"PART R—RAPE PREVENTION PROGRAMS

"SEC. 1801. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') is authorized to make grants—

"(1) to provide educational seminars, particularly developed with emphasis on seminars for elementary and secondary school age children, designed to develop an awareness of what acts meet the legal definition of rape;

"(2) to provide programs for elementary and secondary school age children that teach nonviolent conflict resolution, self defense, or other relevant skills;

"(3) to operate telephone hotlines for callers with questions regarding sexual assault and rape;

"(4) to design and disseminate training programs for professionals, including the development and dissemination of protocols for the routine identification, treatment, and appropriate referral of victims of sexual assault by hospital emergency personnel and other professionals;

"(5) to develop treatment programs for convicted sex offenders and make such programs available to the local community and to Federal and State prisons;

"(6) to prepare and disseminate informational materials designed to educate the community regarding sexual assault and prevention; and

"(7) to develop other projects to increase awareness and prevention of sexual assault, including efforts to increase awareness of sexual assault prevention among racial, ethnic, cultural and language minorities.

"SEC. 1802. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this part, a duly authorized representative of an eligible entity shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) ASSURANCES.—Each application must contain an assurance that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) REQUIRED PLAN.—Each application shall include a plan that contains—

"(1) a description of the projects to be developed;

"(2) a description of how funds would be spent;

"(3) a statement of staff qualifications and demonstrated expertise in the field of rape prevention and education; and

"(4) a statement regarding the ability to serve community needs and language minority populations in providing ethnically and culturally and linguistically appropriate programs where necessary.

"SEC. 1803. REPORTS.

"(a) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, each grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subpart, the Director shall submit to the Congress a report that includes, for each grantee—

"(1) the amount of grants made under this subpart;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.

"SEC. 1804. DEFINITIONS.

"For purposes of this part—

"(1) the term 'eligible entity' means a nonprofit, nongovernmental organization that directly serves or provides advocacy on behalf of victims of rape or sexual assault; and

"(2) the term 'sexual assault prevention and education' means education and prevention efforts directed at reducing the number of sexual assaults.".

(b) AUTHORIZATION OF APPROPRIATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (11), as added by section 111 of this Act, the following:

"(12) There are authorized to be appropriated to carry out the purposes of part R, $60,000,000 for fiscal year 1994, $75,000,000 for fiscal year 1995, and $100,000,000 for fiscal year 1996.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 111 of this Act, is amended by striking "O, and Q" and inserting "O, Q, and R"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 111 of this Act, is amended by striking "O, or Q" and inserting "O, Q, or R".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 111, is amended by striking the matter relating to part R and inserting the following:

"PART R—RAPE PREVENTION PROGRAMS

"Sec. 1801. Grant authorization.
"Sec. 1802. Applications.
"Sec. 1803. Reports.
"Sec. 1804. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

CHAPTER 2—OFFENDER TRAINING AND INFORMATION PROGRAMS

SEC. 126. NATIONAL INSTITUTE OF JUSTICE TRAINING PROGRAMS.

(a) IN GENERAL.—The National Institute of Justice, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officer and other personnel who work with released sex offenders in the areas of—

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) TRAINING PROGRAMS.—The Director of the National Institute of Justice shall attempt, to the extent practicable, to make training programs developed under subsection (a) available in geographically diverse locations throughout the country.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1994 and 1995 to carry out the provisions of this section.

SEC. 127. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 of the United States Code or for the commission of a similar offense, including halfway houses and psychiatric institutions.

Subtitle C—Victim Compensation

SEC. 131. VICTIM COMPENSATION.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2246. Mandatory restitution for sex offenses

"(a) IN GENERAL.—Notwithstanding section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITIONS.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or delegate) shall advise the victim that the victim may file a separate affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1) of this section, the United States Attorney (or delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"2246. Mandatory restitution for sex offenses.".

Subtitle D—Safe Campuses for Women

SEC. 141. CAMPUS SEXUAL ASSAULT STUDY.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of noncampus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits;

(6) an assessment of the policies and practices of educational institutions that are most effective in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Committees on Education and Labor and the Judiciary of the House of Representatives and the Committees on Labor and Human Resources and the Judiciary of the Senate not later than September 1, 1995.

(d) DEFINITION.—For purposes of this subtitle, "campus sexual assaults" means sexual assaults committed against or by students or employees of institutions of postsecondary education and occurring at such institutions or during activities connected with such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

TITLE II—SAFE HOMES FOR WOMEN

SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act".

Subtitle A—Interstate Enforcement

SEC. 211. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.
"Sec. 2262. Violation of protection order.
"Sec. 2263. Pretrial release of defendant.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions for chapter.

"§ 2261. Interstate domestic violence

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to contact that person's spouse or intimate partner, and in the course of that contact intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§ 2262. Violation of protection order

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(1)(A) violates a protection order, any portion of which involves protection against credible threats of violence, repeated harassment, or bodily injury, to the person or persons for whom the protection order was issued, and—

"(B) violates that portion of such protection order; or

"(2) would violate paragraph (1) of this subsection if the conduct occurred in the jurisdiction in which such order was issued;

and does engage in such conduct shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§ 2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§ 2264. Restitution

"(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITION.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be setoff against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of that affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION OR TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days before sentencing as provided in paragraph (1) of this subsection, the United States Attorney (or such Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victims's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

"§ 2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

"§ 2266. Definitions for chapter

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser as a spouse, and any other person similarly situated to a spouse; and

"(B) any other person, other than a minor child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse, former spouse, or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States;

"(4) the term 'travel across State lines' does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member;

"(5) the term 'bodily harm' means any act, except one done in self-defense, that results in physical injury or sexual abuse; and

"(6) the term 'Indian country' has the meaning given to such term by section 1151 of this title.".

(b) TABLE OF CHAPTERS.—The table of chapters at the beginning part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Violence against spouses ..... 2261.".

Subtitle B—Arrest in Domestic Violence Cases

SEC. 221. ENCOURAGING ARREST POLICIES.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 121, is further amended by—

(1) redesignating part S as part T;

(2) redesignating section 1901 as section 2001; and

(3) adding after part R the following new part:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"SEC. 1901. ARREST POLICIES.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to encourage States, Indian tribes, and units of local government to treat domestic violence as a serious violation of criminal law. The Director of the Bureau of Justice Assistance may make grants to eligible States, Indian tribes, or units of local government for the following:

"(1) To implement mandatory arrest or proarrest programs, including mandatory arrest programs for protective order violations.

"(2) To develop policies, and training in police departments to improve tracking of cases involving domestic violence.

"(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

"(4) To strengthen legal advocacy service programs for victims of domestic violence.

"(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—Eligible grantees are States, Indian tribes, or units of local government that—

"(1) certify that their laws or official policies—

"(A)(i) encourage or mandate arrest of domestic violence offenders based on probable cause that violence has been committed; or

"(ii) certify that all their law enforcement personnel have received domestic violence training conducted by a State Domestic Violence Coalition as defined in section 10410(b) of title 42, United States Code; and

"(B) mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

"(2) demonstrate that their laws, policies, or practices, and training programs discourage dual arrests of offender and victim;

"(3) certify that their laws, policies, and practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; and

"(5) certify that their laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, or social companions of or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

"SEC. 1902. APPLICATIONS.

"(a) APPLICATION.—An eligible grantee shall submit an application to the Director that shall—

"(1) describe plans to implement policies described in subsection (b);

"(2) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(3) include documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

"(b) PRIORITY.—In awarding grants under this part, the Director shall give priority to an applicant that—

"(1) does not currently provide for centralized handling of cases involving domestic violence by policy, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

"SEC. 1903. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Director evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Director may prescribe.

"SEC. 1904. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means a crime of violence against a victim committed by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who cohabits with or has cohabited with the victim as a spouse, or any other individual similarly situated to a spouse, or any other person who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity.

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence including temporary and final orders issued by civil and criminal courts (other than support or child custody provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (12), as added by section 121 of this Act, the following:

"(13) There are authorized to be appropriated $25,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the purposes of part S.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 121 of this Act, is amended by striking "O, Q, and R" and inserting "O, Q, R, and S"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 121 of this Act, is amended by striking "O, Q, or R" and inserting "O, Q, R, or S".

(d) EFFECTIVE DATE.—The eligibility requirements provided in this section shall take effect 1 year after the date of enactment of this subtitle.

(e) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 121, is further amended by striking the matter relating to part S and inserting the following:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 1901. Arrest policies.
"Sec. 1902. Applications.
"Sec. 1903. Reports.
"Sec. 1904. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2001. Continuation of rules, authorities, and proceedings.".

Subtitle C—Domestic Violence

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Domestic Violence Firearm Prevention Act".

SEC. 232. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 233. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) INTIMATE PARTNER DEFINED.—Section 921(a) of title 18, United States Code, is amended by inserting at the end the following:

"(29) The term 'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.".

(b) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following:

"(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, except that this paragraph shall only apply to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate, and (B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner.".

(c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following:

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual or constructive notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury; and

"(C) includes a finding that such person represents a credible threat to the physical safety of such intimate partner,".

(d) STORAGE OF FIREARMS.—Section 926(a) of such title is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922.".

(e) RETURN OF FIREARMS.—Section 924(d)(1) of such title is amended by striking "the seized" and inserting "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished".

Subtitle D—Protection for Immigrant Women

SEC. 241. ALIEN SPOUSE PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

(B) by redesignating the second sentence as clause (ii), and

(C) by adding at the end the following new clause:

"(iii) An alien who is the spouse of a citizen of the United States, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse, or

"(II) the alien is residing in the United States with the alien's spouse, the alien has been married to and residing with the spouse for a period of not less than 3 years, and the alien's spouse has failed to file a petition under clause (i) on behalf of the alien."; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)", and

(B) by adding at the end the following new clause:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that the conditions described in subclause (I) or (II) of subparagraph (A)(iii) are met with respect to the alien.".

(b) CONFORMING AMENDMENTS.—(1) Section 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A), by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,", and

(B) in subparagraph (B), by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) SURVIVAL RIGHTS TO PETITION.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii)(I) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1994.

SEC. 242. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence submitted in support of the application (whether or not the evidence is supported by an evaluation of a licensed mental health professional). The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 243. SUSPENSION OF DEPORTATION.

Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

(1) at the end of paragraph (1) by striking "or";

(2) at the end of paragraph (2) by striking the period and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); is physically present in the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident; and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child.".

TITLE III—MISCELLANEOUS PROVISIONS

Subtitle A—Reports

SEC. 301. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 302. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

Subtitle B—Justice Department Task Force on Violence Against Women

SEC. 311. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the Attorney General's Task Force on Violence Against Women (referred to in this subtitle as the "Task Force").

SEC. 312. GENERAL PURPOSES OF TASK FORCE.

(a) GENERAL PURPOSE OF THE TASK FORCE.—The Task Force shall review Federal, State, and local strategies for preventing and punishing violent crimes against women, including the enhancement and protection of the rights of the victims of such crimes, and make recommendations to improve the response to such crimes.

(b) FUNCTIONS.—The Task Force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the Task Force, including—

(1) evaluating the adequacy of, and making recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluating the adequacy of, and making recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of State and Federal rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and postconviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending an effective Federal response to the problem;

(10) evaluating the adequacy of, and making recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(11) evaluating the treatment of women as victims of violent crime in the State and Federal criminal justice system, and making recommendations to improve such treatment; and

(12) assessing the problem of sexual exploitation of women and youths through prostitution and in the production of pornography, and recommending effective means of response to the problem.

SEC. 313. MEMBERSHIP.

(a) CHAIR; NUMBER AND APPOINTMENT.—The Task Force shall be chaired by the Attorney General (or designee). Not later than 60 days after the date of the enactment of this Act, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Housing and Urban Development, the Attorney General shall select up to 14 other members to serve on the Task Force.

(b) PARTICIPATION.—The Attorney General (or designee) shall select, without regard to political affiliation, members who are specially qualified to serve on the Task Force based on their involvement in efforts to combat violence against women, assistance or service to victims of such violence, or other pertinent experience or expertise. The Attorney General shall ensure that the Task Force includes a broad base of participation by including members with backgrounds in such areas as law enforcement, victim services and advocacy, legal defense and prosecution, judicial administration, medical services, and counseling.

(c) VACANCIES.—The Attorney General may fill any vacancy that occurs on the Task Force.

SEC. 314. TASK FORCE OPERATIONS.

(a) MEETINGS.—The Task Force shall hold its first meeting on a date specified by the Attorney General (or designee), but shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Task Force shall meet at the call of the Attorney General (or designee), but shall meet at least 6 times.

(b) PAY.—Members of the Task Force who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Task Force.

(c) PER DIEM.—Except as provided in subsection (b), members of the Task Force shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 315. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Task Force is fully constituted under section 313, the Task Force shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Task Force and of the findings and conclusions of the Task Force, including such recommendations for legislation and administrative action as the Task Force considers appropriate.

SEC. 316. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Task Force shall have an Executive Director who shall be appointed by the Attorney General (or designee), with the approval of the Task Force.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS–15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Task Force appointed under subsection (b) 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.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Task Force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 317. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purposes of carrying out this subtitle, the Task Force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate. The Task Force may administer oaths for testimony before the Task Force.

(b) DELEGATION.—Any member or employee of the Task Force may, if authorized by the Task Force, take any action that the Task Force is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Task Force may request directly from any executive department or agency such information as may be necessary to enable the Task Force to carry out this subtitle, on the request of the Attorney General (or designee).

(d) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1994.

SEC. 319. TERMINATION.

The Task Force shall cease to exist 30 days after the date on which its final report is submitted under section 315.

Subtitle C—STD Testing

SEC. 321. PAYMENT OF COST OF STD TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for sexually transmitted diseases, including, but not limited to gonorrhea, herpes, chlamydia, syphilis, and HIV, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault.".

Subtitle D—Grant Programs

SEC. 331. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) FINDINGS.—Congress finds that—

(1) 4,000,000 women are battered by their partners each year, of which 4,000 die as a result of such abuse;

(2) victims of domestic violence need access to resources which will refer such victims and their children to safe homes and shelters; and

(3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which handled more than 65,000 crisis calls annually no longer exists.

(b) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, shall provide a grant to a nonprofit private organization to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. A grant provided under this subsection may extend over a period of not more than 3 fiscal years and the provision of payments under such grant shall be subject to annual approval by the Attorney General and subject to the availability of appropriations for the fiscal year involved to make the payments.

(c) APPLICATION.—

(1) IN GENERAL.—The Attorney General may not provide a grant under subsection (b) unless an application that meets the requirements of paragraph (2) has been approved by the Attorney General.

(2) REQUIREMENTS.—An application meets the requirements of this paragraph if the application—

(A) contains such agreements, assurances, and information, and is in such form and submitted in such manner as the Attorney General shall prescribe through notice in the Federal Register;

(B) demonstrates that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including support from advocacy groups, particularly State coalitions and recognized national domestic violence groups;

(C) demonstrates that the applicant has a commitment to diversity, including the hiring of and provision of services to ethnic, racial, cultural, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

(D) demonstrates that the applicant has the ability to integrate the hotline into existing services provided by the applicant to victims of domestic violence;

(E) includes a complete description of the applicant's plan for the establishment and operation of the hotline, including a description of—

(i) the hiring criteria and training program for hotline personnel;

(ii) the methods for the creation, maintenance, and updating of a resource database for the hotline;

(iii) a plan for providing service on a 24-hour-a-day basis to non-English speaking callers, including hotline personnel who speak Spanish;

(iv) a plan for access to the hotline by individuals with hearing impairments; and

(v) a plan for publicizing the availability of the hotline; and

(F) contains such other information as the Attorney General may require.

(d) SELECTION.—The Attorney General shall select a nonprofit private organization to receive a grant under subsection (b) which has been in existence for at least 5 years from the date of submission of the application by the organization.

(e) USES.—A grant made under subsection (b) shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a nonprofit private organization shall—

(1) contract with a carrier for the use of a toll-free telephone line;

(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

(3) establish, maintain, and update a database of information relating to services for victims of domestic violence, including information on the availability of shelters that serve battered women; and

(4) publicize the hotline to potential users throughout the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 1994 through 1996.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

SEC. 332. GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 221 of this Act, is amended by—

(1) redesignating part T as part U;

(2) redesignating section 2001 as section 2101; and

(3) adding after part S the following new part:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

"SEC. 2001. GRANT AUTHORITY.

"The Director shall provide grants to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"SEC. 2002. APPLICATIONS.

"(a) IN GENERAL.—An organization that desires to receive a grant under this section shall submit to the Director an application, in such form and in such manner as the Director may reasonably require that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Director may require.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, such application shall include—

"(1) an assurance that the applicant is a nonprofit private organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) an assurance that such nonprofit organization includes representation from pertinent sectors of the local community, including—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions; and

"(G) business and civic leaders.

"SEC. 2003. AWARD OF GRANTS.

"(a) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(b) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Director; and

"(2) availability of appropriations.

"(c) GEOGRAPHICAL DISPERSION.—The Director shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"SEC. 2004. USES OF FUNDS.

"(a) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(b) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(1) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(2) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(3) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after paragraph (13), as added by section 221 of this Act, the following:

"(14) There are authorized to be appropriated to carry out part T $20,000,000 for fiscal year 1994 and such sums as are necessary for each of the fiscal years 1995, 1996, and 1997, to remain available until expended.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 221 of this Act, is amended by striking "O, Q, R, and S" and inserting "O, Q, R, S, and T"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 221 of this Act, is amended by striking "O, Q, R, or S" and inserting "O, Q, R, S, or T".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 221 of this Act, is amended by striking the matter relating to part T and inserting the following:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

"Sec. 2001. Grant authority.
"Sec. 2002. Applications.
"Sec. 2003. Award of grants.
"Sec. 2004. Uses of funds.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

TITLE IV—EQUAL JUSTICE FOR WOMEN IN THE COURTS

Subtitle A—Education and Training for Judge and Court Personnel in State Courts

SEC. 401. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by gender.

SEC. 402. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims or rape, sexual assault, domestic violence, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the negative implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant and should not be held in contempt;

(18) the need for orders of protection, and the negative implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

SEC. 403. COOPERATION IN DEVELOPING PROGRAMS.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1994, $600,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

SEC. 411. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation, parole, and supervised release;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 402 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial Branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $600,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 411(a), to be available until expended through fiscal year 1996;

(2) $100,000 to the Federal Judicial Center to carry out section 411(c) and any activities designated by the Judicial Conference under section 411(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 411(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $100,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

Subtitle C—Evidentiary Rules

SEC. 421. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.

(a) FINDINGS.—The Congress finds that—

(1) State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) the average juror often has little understanding of the nature and effect of domestic violence on such a defendant's behavior, beliefs, or perceptions, and the lack of understanding can result in the juror blaming the woman for her victimization;

(3) the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after they terminate or attempt to terminate domestic relationships with their abuser;

(4) myths, misconceptions, and victim-blaming attitudes are often held not only by the average lay person but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

(5) specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance which is required for the admissibility of expert testimony;

(6) although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

(7) a woman is more likely to be assaulted and injured, raped, or killed by her current or former male partner than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the executive branch, working through the State Justice Institute, should examine programs which would allow the States to consider—

(1) that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) that a witness be qualified to testify as an expert witness based upon her or his

knowledge, skill, experience, training, or education, and be permitted to testify in the form of an opinion or otherwise; and

(3) that expert testimony about a domestic relationship be admissible to include testimony of relationships between spouses, former spouses, cohabitants, former cohabitants, partners or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. Speaker, the Violence Against Women Act represents landmark legislation on the rights of women. It is clearly one of the most consequential pieces of legislation aiding women to come to this floor since the adoption of what became the 19th amendment to the Constitution—providing women the right to vote.

This bill is a comprehensive, multifaceted, and long-overdue response to crimes of violence and abuse suffered by women across the country. It authorizes innovative programs to target violence against women in our streets, our campuses and our homes. It addresses the full range of the criminal justice system—education, prevention, treatment, enforcement, and punishment.

I want to commend the chairman of the Crime Subcommittee, Mr. SCHUMER, for his leadership on this issue, as well as the other subcommittee chairman and ranking members who contributed to the legislative product before us today.

I also want to congratulate the gentlewoman from Colorado [Mrs. SCHROEDER] for her unfailing devotion to the core principles underlying this legislation. She has worked diligently for many years to bring it forward.

I urge approval of the Violence Against Women Act.

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

Mr. BROOKS. I yield to my distinguished friend, the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, I understand that there have been some modifications made to this bill between the time it was reported from committee and today, and I am wondering if the chairman would explain those modifications that have been made to the legislation.

Mr. BROOKS. The managers' amendment is at the desk. And may I give the gentleman the details in just a moment?

Mr. SENSENBRENNER. Of course.

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the legislation and yield myself 2 minutes.

Mr. Speaker, this is important legislation, and I am glad the chairman has finally decided to bring this legislation up this afternoon.

Mr. Speaker, three of our women will be victims of at least one violent crime during their lifetime, according to Justice Department statistics. Every hour, 10 women are raped, 240 women are beaten by their husbands or boyfriends.

During the last 10 years, the rape rate has risen far more than 4 times as fast as the total crime rate.

The Surgeon General reports that domestic battery has become the single largest cause of bodily injury to American women. Yet violence against women is grossly underreported, whether on the campus or in the home. Some studies conclude that only 34 percent of stranger rapes and 13 percent of acquaintance rapes are reported to authorities. No more than half of the domestic battery victims go to the police. More than half of the women homicide victims are killed by their husbands, ex-husbands, or boyfriends. More than half of the rape victims experience physical injuries other than the rape itself. The injury is contagious: Rape survivors are also 9 times more likely than other women to attempt suicide.

This legislation establishes the Federal program to attempt to deal with this issue. I am saddened to say, however, that this is another unfunded authorization bill. The Congress has not appropriated any money to back up the promises that are contained in this legislation. But I am hopeful if it passes, this legislation will jump-start the Appropriations Committee in doing the right thing to fund the programs that are authorized under this bill.

Let me also say that I am a bit disappointed that this legislation is short of enforcement, but perhaps we can revisit that issue another day, since amendments are not permitted under the procedure by which we are dealing with this legislation today.

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

□ 1310

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my friend, the gentleman from Texas [Mr. BROOKS], the chairman of the committee, for allowing me to speak on this matter.

Mr. Speaker, I rise today in strong support for the Violence Against Women Act. The legislation would provide incentives for States to toughen penalties against offenders of crimes against women, and increase the protection for victims of domestic violence.

Women are increasingly becoming the victims of violent crime like assault and rape. They are losing their freedom to live their lives fully because of fear of being attacked. A recent study found that due to the fear of rape, women are eight times less likely than men to walk alone in their neighborhood. Most women won't use public transportation after dark out of fear of being assaulted. Their fears are well-substantiated. In 1990, there were more than 680,000 rapes. The number of sexual assaults increased four times as fast as the total crime rate. All too often, women are restricted from leading normal lives because of fear of violence.

The Violence Against Women Act is a bold new act that will make the streets safer for women. It creates programs to combat violent street crimes, develops education and rape awareness programs, and establishes training programs for individuals working with sexual offenders. Women feel unsafe in their own community, and up until this point we have failed to address these problems. The Violence Against Women Act will allay some of these fears.

While many women live in fear of walking alone after dark, even more women are victims of domestic violence. More than twice as many women are killed by their husbands or their boyfriends than by strangers. The majority of all rapes are committed by friends, family, or acquaintances. The number of domestic violence crimes is increasing in epidemic proportions. A recent report by the American Medical Association found that 3 to 4 million women are battered by their husbands or boyfriends each year, and 25 percent of all women are likely to be victims of domestic violence at some point in their lives.

Domestic violence crosses all cultural and socioeconomic levels. It occurs just as often in upper class families as it does among poor. Most of us don't like to believe that people we know are abused, but very often the victims are our families, our friends, and our neighbors. Last March, a 21-year-old neighbor of mine from south Boston was fatally stabbed, and her apartment was set afire by her estranged husband. Despite the fact that she had contacted the authorities and obtained a restraining order, the law was unable to protect her. She is survived by her parents and infant. The young woman, a college senior, was 1 of 24 women who have been killed by domestic violence in Massachusetts so far this year.

These statistics are particularly disturbing to me. The simple fact of the matter is violent crimes against women are increasing, and immediate action needs to be taken to reverse this

trend. Women need to be able to turn to counselors, policemen, and judges who are trained to recognize domestic violence and deal with it appropriately. Domestic violence is no longer an issue that we, in society, can ignore or simply dismiss as a lover's quarrel. Domestic violence is a serious matter. One that needs a real solution.

I strongly support the Violence Against Women Act. Our streets should be safe enough for a women to walk home alone, and our homes should be equally safe so women do not live in fear of going home.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to thank the ranking member of the Judiciary Committee for yielding this time to me. I want to thank the chairman of the Judiciary Committee and the members of the committee for having this bill out on the floor of the House. It certainly has incredible support, and justifiably so.

Mr. Speaker, whether walking alone down city streets late at night, driving to work in quiet suburban neighborhoods, or even home alone with their loved ones, for women and girls in America, violence is an everyday fact of life.

In this country, every 5 minutes a woman is raped, every 15 seconds a woman is beaten by her husband or companion, and every year 4,000 women are killed by their abusers.

Street and domestic violence costs our Nation 5.3 billion health care dollars annually. More than 30 percent of women in emergency rooms are there because of domestic violence, and more than 60 percent of the women in mental health wards are there because of ongoing abuse.

Mr. Speaker, today, the House will consider the Violence Against Women Act (H.R. 1133), a bill that I have sponsored that is very important to me and to so many others who have worked long and hard to see this day finally come.

H.R. 1133 will:

Require all States to enforce orders of protection regardless of State of origin and to encourage mandatory arrest policies;

Provide grants for more effective law enforcement and prosecution strategies and for rape prevention programs and antiviolence curriculums for school-aged children;

Grant permission for battered immigrant women, the spouses of U.S. citizens or legal residents, to self-petition for legal status for themselves and their children; and

Provide training for judges and other court personnel about rape, sexual assault, and domestic violence.

I am pleased that the Judiciary Committee has added two of my domestic violence bills to H.R. 1133.

The National Domestic Violence Hotline Act (H.R. 522) will provide funding to reconnect the nationwide, toll-free, multilingual hotline for battered women and their families. This hotline will provide a lifeline to thousands of battered women helping them find emergency services, housing, counseling, and legal assistance. The domestic violence hotline is frontline prevention.

I am also pleased that H.R. 1133 also includes my resolution, House Concurrent Resolution 20, urging State courts to allow battered women to present evidence of past abuse in criminal trials and to allow expert testimony about the battered women's syndrome.

H.R. 1133 will have a real and immediate impact on the lives of every woman and girl in this country, regardless of their race, economic circumstances, education, or occupation.

For too long we have tolerated increasing levels of violence against women and girls. For too long we have tolerated the twin evils of violence and sexism in our society. Now, we say we have had enough.

It is time, Mr. Speaker, to pass the Violence Against Women Act.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the chairman for yielding this time to me. I certainly want to thank the chairman of the committee and the gentlewoman from Colorado [Mrs. SCHROEDER] for their very strong leadership on this issue.

Mr. Speaker, I rise today in strong support of the Violence Against Women Act of 1993. The passage of this legislation is long overdue. I would like to share with you a letter that was sent to me by a very courageous woman in western Massachusetts.

This is a disturbing and heart-rending account of 5 years of physical and psychological abuse that she has suffered at the hand of her husband. Among many other things, her husband shot a gun at her, shot arrows at her, set her hair on fire, and hit her with many objects including a hammer. When she had a job he called her at work and harassed her. He would not allow her to get an education because he believed she would cheat on him or run away when she went to classes. She says he caused her to have three miscarriages.

This woman has received 13 restraining orders and moved out of the State several times. But he always found her. She came close to prosecuting once. But between going to court and the time for his trial, he came to her house, forced her into his car and repeatedly hit her in the head until she was unconscious. This was one of several times she tried to send him to jail but was scared into backing off.

She continued to live in what only can be described as a nightmare because she was afraid of the harm her husband might bring to her daughter if she were to reach out for help. She finally prosecuted in May of this year when he took her daughter without her permission. When the police tried to stop his car, he took the police on a high-speed chase. This was the first time he actually endangered her daughter and she says she finally snapped and took him to court.

Without the help and support of the victim witness advocate the court provided her, she never would have made it through the judicial system. Her husband is finally in jail but could be out in 2 years on good behavior.

She is one of millions of women suffering abuse and pushed to inhuman limits before crying out for help. Some women never cry out. The Violence Against Women Act will not solve all of the unthinkable problems these women face, but it is an admirable beginning.

Mr. Speaker, I insert the following letter:

TURNERS FALLS, MA,
July 29, 1993.

Governor WILLIAM WELD,
Boston, MA.

In conjunction with my previous two letters I am writing in an effort to prove to you that your existing laws concerning battered women are looked upon as a joke and severely insufficient.

I, as an individual, feel the strong need to communicate with you my five year struggle as a battered woman and to plea for your support. I realize recently you have made an important step to freeing woman from an abusive situation, but this letter will hopefully suggest realization to the fact that we are not free and something more needs to be done.

For the past five years I can prove that my husband has physically, emotionally, mentally and financially abused me and stripped me of everything including my self confidence, my home, my friends, my family and the right to lead a normal life.

Five years ago until the current time he has:

1. Played Russian Roulette with bullets with my name on it.
2. Shot arrows at me.
3. Told me I was dressed like a whore and said "the devil likes whores" and shot at me.
4. He locked me outside the house in the middle of the winter with no clothes on.
5. On Main Street in Greenfield, MA., he jumped on my car and smashed all the windows.
6. In front of 15–20 people and in front of the Greenfield Court House, he jumped on my car.
7. He has set my hair on fire.
8. He has forced me to put my hand on a stove burner that was on high.
9. He has hit my head so hard he knocked me out for hours.
10. He broke glass over parts of my body.
11. Many, many times he has threatened to kill me and my family.
12. In or out of jail, he calls me repeatedly—20–30 times a day. I'll pick up the telephone and it is him and I then would hang up. With speed dialing he'd call back immediately, again and again. Most of the time I had to keep the phone off the hook for long periods of time.
13. Two days before my wedding day I was held at knife point until I said "I would marry him."
14. I can not hold a job for he harasses me at work. Therefore I am forced to stay on welfare.
15. I can not get an education for he feels that I would cheat on him or run away, therefore I can not complete any schooling I start.

16. I was not allowed to go places. For example, I could not go grocery shopping alone, because there were male baggers. Never mind having fun with family or friends. It's this obsession that is going to get me killed.

17. My daughter (which is not his) is staying back in kindergarten, because she missed so much school. If Peter did not want me to take her to school, I could not.

18. He has killed three children that I was pregnant with.

19. He has forced me to eat when I did not want to, saying "no one will look at you if you are fat." I am heavy now.

20. He has hit me with hammers, pans, glass and other objects. He has threatened me with guns, knives, and other instruments.

These first twenty explanations are only to name a few in a years time. These were witnessed incidents, never mind all those that went on behind closed doors.

His abuse does not stop with me:

1. He brags how many times he has hit police officers.

2. He brags how it took 6 court officers to put handcuffs on him in the courtroom.

3. He has been jailed six times with out any testimony on my part.

4. He has broken probation so many times, but yet they will not revoke his probation.

5. He has set a person's house on fire.

6. He tells my mother that he is going to blow her house up.

7. He has thrown Molotov cocktails at peoples' cars.

8. He has stolen money from people.

9. He threatens other people into not pressing charges. Those who do, get beaten up or tires slashed etc.

10. He has stolen from the state lottery.

He mocks the whole justice system by getting a slap on the wrist or 30 days in jail, which he says "I can do standing on my head." He runs peoples lives by telling someone what to do, or buys them off and/or just plain making them suffer.

I freely admit that I have not always pressed charges or not testified, but I had no choice. For instance:

Mr. Moon hit me with a glass bottle after I told him I went to the doctors after he told me not to. I laid in bed with glass in my arm, a fractured wrist and blood dripping all over. I could not sleep because I was afraid of him killing me and I also tried to figure out how I could get away. So, the next day while he took a shower, I grabbed my daughter and ran to a shelter. I had no money, no clothes, no nothing. There, I got cleaned up, went to a hospital and then to court. Well, from the time I left until the time of his trial he found me. He came by and forced me into the car and repeatedly hit me in the head, telling me "I am knocking sense into you." He did this until he knocked me out. Then when I awoke he had packed and told me we were leaving again. So off we went against my will to New Hampshire, where we slept in the car until I could get an apartment. When his trial date came, they asked me to testify to a charge that he would only get thirty days for. As the Judge asked me if I was freely refusing to testify, I was thinking, is this man going to help me get away before he gets out or will he wait until after Peter gets out to put me as a number in a morgue and say to my family, "I'm sorry." What was I to do? Was I to testify and become a statistic of being killed due to an abusive situation or was it just better to refuse to testify and stay alive. This was the beginning of five years to come of the same thing again and again.

All this time I stayed to protect my family, friends and other people because, you see, he is a good little boy when I do as he wants me to and I quietly take his constant abuse.

Through these years I have gotten 13 restraining orders, I have changed my name and I have moved out of state several times. I have tried to give my daughter the best life possible, but with him always finding us it is hard. We have had to leave friends, family, stability behind so many times. I have no future of education, a job, or a decent life. Even when he is put into jail for 30 days. I live looking behind me in fear and then he finds us and it starts again, worse than before. Making friends or keeping family is so difficult. It is embarrassing to tell the doctor you didn't forget the appointment, that you were locked in a room, so you lie and say you forgot. The courts begin not to take you serious, because you don't testify because just before you go in, he has a family member threaten you. You have to lie constantly to your family, so they don't know what is happening, because your abuser tells you that he will hurt them if they know. It is so hard for my daughter, when other children say "My mom said that your Dad was in court again." (Peter Moon is not my daughter's father or her Daddy)

I have tried to stay within the limits of the law and help myself, but he gets to me one way or the other. It's not fair, he is treated with more respect and more rights than I have.

He gets to walk free for 5 years, while I was in prison. He goes to appointments or his job without delay, while I have to do what he says and when he says to do it. He gets a fair hearing at his trial, while he threatens me right in the court room and gets off while I go home and get beat up. I even thought of buying a gun and if he broke into my home and hit me I could shoot him in self defense. Most people would think that I had done them a favor, but do you realize the law would put me in prison for attempted murder. Are you aware that sometimes this is the only way out? But yet for 5 years Peter Moon has slowly and painfully killed me. I don't even live anymore, I only exist. There is no doubt in my mind or any one else, that soon he will do that one last act of murder and I will be dead, and perhaps finally free. My daughter is the only thing that I have left. I try to live for her and only for her.

Peter feels he will always get away with it and he laughs and up until now he has been let off time and time again. Even when he goes to jail, they let him out, because he is so good. They never ever revoke his probation. Perhaps you will realize that the laws need to be changed more. I know that the big problem is space in the jails, but is this a valid reason?

This brings me to the present time. On April 8, 1993 Peter Moon hit me with a hammer. With no faith in the law, I called the police. With the new laws, they came and arrested him, which they have never done before, (in the past they just escorted him away and then he would just come back). He went to jail and got bailed. As usual I got a restraining order and he came back. Well, I put up with it as usual, because he threatened to take my daughter. On Mother's Day, May 9, 1993 he took my daughter over to my father's, against my consent. On the way, he got stopped by the police. He would not stop. He took the police on a high speed chase with her in the car. He got arrested when he did stop and went back to jail. That was it! Something snapped, as it was the first time that he had directly endangered my daughter. No one and I mean no one will ever do that to her. So, I went to court and there I found my saving angel. She was a victim witness advocate, she did not just half listen as all the others had, she really listened and heard me. I told her every thing from start to finish. No matter what I said or how many phone calls I made to her or how many tears I shed and had to stop talking, she wanted to know it all. This lady went way beyond her job, giving me courage and making me believe in myself as well as the court system. She sat and explained to me what I could do, how to do it and if I did not want to because I was scared, she still would stand by me. With that and the police taking action I did every thing that I could do to help them.

The first thing I did was violate his restraining order, and agree to do what ever was humanly possible to help the courts. Then there was a detention hearing to keep him in jail without bail, because of his threats to me and others. It was at this hearing that for the first time in five years, I got to say what I wanted. It felt so good. I had 23 minutes of happiness, because they made me feel that I mattered to them.

Thankfully, the judge held him on no bail. From this time until the day of his trial, he was in jail, but this did not matter, for the harassment continued (calls from jail—threats from his friends, etc.). When the trial came he pleaded guilty or submitted to: Assault and battery; assault and battery with a dangerous weapon; failure to stop for police; driving without a license; speeding; reckless driving; and possession of a firearm (2 guns were in the car and he does not have a F.I.D. card).

Not to mention, which he was never charged with: Kidnapping; running people off the road; all sorts of traffic violations—like not stopping for stop signs; failure to use directional; assault and battery on a police officer; and resisting arrest.

Also, from 4-93 to 6-93 he has not been charged with over 200 counts of violating a restraining order. He calls from jail 15-20 times a day. And after all of this he has not been charged with stalking, which I think applies.

The day of his trial they did not make me see him, and someone was always with me. He even threatened the District Attorney's Assistant in public. Then his three lawyers were kind enough to ask me to move, because they were bringing him out to go to the restroom and he had made it very clear that he would go for me, if given the chance.

To all these things he got 9 years concurrent to only serve 4 years, which with good behavior he could be out in 2 years. Everyone knows that he would be good in jail, so that he could get out and claim his property—me.

After the police, Victim Witness Advocate and the D.A. did all they could I went home. I need to mention that through these 5 years he has been ordered to attend a batterers' group and also to go to counseling. This has not helped one bit. He only goes when he first gets let out of jail to impress his Probation Officer, but he never goes long.

I went home with a feeling that is/was indescribable. After 5 years of abuse this man does a 2 year sentence at a campground type jail. After pouring my heart out, weeks of worry and fear and putting everything on the line, he only gets 2 years. I am happy that people are taking notice and finally realizing and understanding. The police, the judge, the witnesses, the Victim Witness Advocate and the Asst. District Attorney and others did their best—all for what? Two years—Peter

Moon is now appealing the decision, after he pleaded guilty. The end of my abuse—No, only the beginning again.

All this to find out his detention without bail only lasts 60 days, which means he can bail himself after 8-30-93 until his hearing 9-22-93.

Does anyone realize what this man can do in 30 days, walking free? He is coming after me to kill me. It's been a long time and I finally have courage to stand up for myself. Now that I know people have done something, I will do everything that I can to help. I have proven myself as such, the laws are behind me for once, but what's going to happen on 8-30-93 if they let him out on bail. In the past I have had thoughts (but not acted on them) in which I welcomed death for peace finally, but now I do not want to die. I want one chance. I want to start a new life. I now realize that I matter and that I am not his possession. I know now, that I am not just a case number, but a victim, with rights. I hope people come to realize that I am not a story on paper, but a person that needs a chance to live and not only exist. I know that this will follow me, because it happened to me, but it needs to be put to rest. The past is just that, "the past," putting it there is the hardest obstacle I have to face.

I want to do all I can and that is the reason for this letter. We abused women need governmental support. I am going to put an article in the paper, I hope to go on National T.V. to tell my story and use the media to help us all. Hopefully this will gain support from all sectors and give other women hope and courage to get away. I hope that the government and its laws will be for us and do their part to get stiffer laws enacted to take care of these situations of abuse, fear, and unjustice.

I hope you or someone can keep Peter Moon in jail long enough for me to relocate again, get my daughter in school, change my name again and get a normal life going. This is not going to happen if he gets bailed 8-30-93. To go to a shelter would keep my daughter out of school again. I long for a normal life for her and thought I could do it when I knew/or thought I knew that Peter would be in jail for 2 years. Now he has appealed and will be out. This alone is what I want and need. He has come close to physically and emotionally destroying me. Financially, will never be replaced. He has sold my furniture to buy himself things. My perfect credit will never be restored. He wrote bad checks from my account. All the money I had I used to go from place to place.

My family and friends have given me everything they possibly could that I will never be able to pay back. I have lost my furniture, clothes that he has burned, knick-knacks that meant so much to me smashed. No one can replace my pride, my dignity, my self worth. Please help me be able to have a brighter future for me and my precious daughter.

On 8-30-93 perhaps this letter will mean the difference between more abuse, death, or keep him in jail where he cannot get to me. I want the chance to get an education and a job, so that I can stand on my own two feet. Can you help me/will you help me? The children of these abusive situations need to know a better life, so that the cycle will stop.

I hope to be forming a day—12-31-93, that all people I reach with my efforts will take a stand and make a statement, in support of the laws being changed even more than they are now. These statements can be sent to "The New England Learning for Woman in Transition" along with one penny. These people will throw these pennies in a well, as a wish for a new beginning 31st, to recognize a new life in a New Year.

As you can see I need your help. All these facts can be backed with proof. I hope that you see how important it is to me and my daughter that I get support from the government. I appreciate the time and attention you have given this letter and hope that you can communicate with me about the issues. Anything that you can do to help me gain peace will be greatly appreciated by me, my family and especially to a five-year-old little girl who has no chance unless you can help. She does not deserve this, as she has done nothing wrong, but be born and even that was not her voice.

This case is pending in the Greenfield Court System—Greenfield, MA.

MARQUIS A. LOUD.

Mr. BROOKS. Mr. Speaker, I yield myself 1 minute to reply to my distinguished friend, the gentleman from Wisconsin, about the changes that have been made in the bill.

The only substantive change was to straighten out the new Federal offense created by the violation of the protection order in title 2 of the bill. The change reflects the discussion during the committee hearings and the markup session. The sponsors of the legislation, including its prime sponsor, the gentlewoman from Colorado [Mrs. SCHROEDER] are agreeable to it, as I understand it and to the technical changes made in title 221 of the bill dealing with the eligibility of grants to encourage arrest policies.

Mr. Speaker, I thank the gentleman for bringing that to my attention. I am glad we could make it a part of the RECORD.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, what the gentleman from Texas has said shows one of the things that is wrong with this Congress. The way the Judiciary Committee reported this bill out is that there was a mandatory minimum sentence of 3 months for someone who violated a protective order, crossing State lines.

Somewhere between the time this legislation was reported from the Judiciary Committee and this moment, that mandatory minimum has disappeared and now someone who is convicted of this crime will not have to serve any jail time at all.

Now, this denigrates the committee system, and because the gentleman from Texas who is the committee chairman is bringing this bill up under a procedure that does not allow any amendment, we have to swallow his demand of getting rid of the mandatory minimum penalty for violation of a protection order, or this whole bill goes down.

□ 1320

Now, whatever happened to majority rule in committees where we discussed this matter and we decided that a mandatory minimum penalty was in order for this type of an offense? That has gone out the window here, and it has gone out the window because somebody does not like mandatory minimums and will not bring the bill up that contains a mandatory minimum even though his own committee voted for a mandatory minimum.

Now I think that where there is a protective order issued there has already been violence. The person who has received the protective order knows what he or she cannot do, and, if they cross a State line to do it, I think 3 months in the slammer is certainly in order, and I am shocked that the gentleman from Texas would weaken the protections of this bill by taking the mandatory minimums out.

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

Mr. BROOKS. Mr. Speaker, I yield myself another 30 seconds.

To my distinguished friend from Wisconsin:

Mandatory sentences are often not appropriate, not appropriate at all. Sometimes people should have a week. Sometimes people should have a month. Sometimes people should have 10 years, not just 3 months. The changes that were made strengthen the opportunities of women to be protected because on page 33 we pick up all of the normal punishments for violation of section 2262, which is the activating paragraph—we make them eligible for regular title 18 prosecution, which is for life or any terms of years if the offender murders the victim, or not more than 20 years if the offender causes serious bodily injury.

Mr. Speaker, this gives women considerably more rights than they did have, and it is an equitable and better way to operate. I had thought this had been cleared with the Republicans, that the agreement had been made, or I would not have made the change. I also probably would not have helped pass out the bill if we had not made some adjustments that gives women real rights instead of some 3 months for killing them. I ask, Is that all you want to give them?

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], the chief sponsor of this bill who has worked long and hard for it.

Mrs. SCHROEDER. Mr. Speaker, I thank our chairman, the gentleman from Texas [Mr. BROOKS], for yielding this time to me, and I want to thank him, and the gentleman from New York [Mr. SCHUMER], and I want to thank the gentleman from Minnesota [Mr. RAMSTAD], the gentlewoman from New York [Ms. MOLINARI] and everyone who worked so hard on this, the gentlewoman from Maryland [Mrs. MORELLA], everybody.

Mr. Speaker, what we did was we took different bills that had come out

that were really very similar about violence against women and put them all together in what we hoped would be noncontroversial so we could finally get this body acting on violence against women.

Mr. Speaker, this whole area, it has been called domestic violence. Somehow our society has pretended it is a much lesser violence. We are really eager to come to the floor to fight violence in the streets. We are really eager to fight violence in the schools, as well we should. But violence in the home we tiptoe around, and we find many creating that violence in the street.

So, Mr. Speaker, this does everything we know how to try and say to localities, You must start taking these crimes much more seriously.

It also deals with the rising toll of rape.

My colleagues have heard what has happened in this country. While violent crimes against men, once they get out of the younger age, is going down, violence against women is going up so that we now know three out of four women will probably be the target of a violent act before they die. That is absolutely unconscionable.

Mr. Speaker, this bill does everything it can to tighten things. It does say that there should be a much more tightened enforcing of protective orders across State lines. The way the bill was originally written, or at least one of them, it was either a fine or 3 months. They have now attempted to tighten that even tighter, but I think that is where we want to go. Basically we want this bill to come out.

Mr. Speaker, I am going to insert in the RECORD along with my statement statistics on violence against women and an article dealing with why we really should have made this a civil rights case. It is not in here because it was too controversial for some people. But I hope people will read the RECORD and understand why we think gender-based crime and those kinds of hate crimes are really targeting women more and more in this country, and we need to deal with that other twin pillar that the gentlewoman from Maryland [Mrs. MORELLA] talked about, and that is sexism that is driving some of this violence, and that is how we could do it. But it is not here yet. We were not ready as a body yet.

But I think this is as comprehensive, and as bipartisan and as agreeable as we can probably get, and I certainly hope we would pass this out so that we could get on to meeting with the Senate and finally doing something at the Federal level is long, long overdue.

Today we have the opportunity to vote on a comprehensive bill that makes the criminal justice system responsive to women—The Violence Against Women Act.

I salute all of your efforts to make this day happen.

When we pass this bill today, we will be sending an important signal to American women, that Congress understands the toll violence in the home and on the streets has had on our families.

Unless we take a serious stand against domestic violence, and sexual assault these crimes will continue to erode the stability of our nation and our families.

Domestic violence and sexual assault are not personal problems anymore. They are crimes. These are crime issues everyday Americans want us to deal with because these are the crimes that they face.

There are two remarkable things about the bills we are taking up today. First, this bill is the result of grassroots activists on the front lines speaking out. The people in our communities have been the primary lobbyists on this bill—not Washington lawyers.

We have 223 cosponsors on this bill. Why? Because members heard from the women in the battered shelters and the rape crisis centers. They met with women who had been stalked and emergency room nurses who had seen first-hand the effects of violence in the home.

Second, this bill has bi-partisan support. I salute Congresswomen SUSAN MOLINARI and CONNIE MORELLA, together with Congressman JIM RAMSTAD, Congressman SCHUMER, and others have all put their hearts and souls into reaching fair compromises. In fact, I would say that this bill is more nonpartisan than bipartisan.

I want to thank you for taking women and their fears about crime seriously and for moving this bill today.

DOMESTIC VIOLENCE AND GUNS

Violence is ripping up the fabric of who we are and women are leading the way of saying "Enough is Enough."

They are not only concerned about the safety of their homes and children, but also of their own personal safety. Violence determines many aspects of women's lives—where they work, where they live, and how they live. Some women won't work in downtown areas at night for fear of their safety. Some women won't go to suburban malls or grocery stores at night for fear of their safety.

It's the extent to which families, especially our children are experiencing violence in their everyday lives, however, which is prompting women's activism against violent crime and gun violence.

There are too many guns out there with so few limitations on who can own them. And it is hampering on our efforts to crack down on crime. Everywhere you turn in the debate on violence you run right smack into guns. The two go hand-in-hand. I see this connection with the issue of domestic violence. Individuals convicted of a crime can't purchase guns. But individuals with outstanding protection orders against them can obtain guns. This bill contains language that would limit access to guns for those convicted of domestic violence, or those that have outstanding protection orders against them. The Senate has this language. It's important and I urge my colleagues to keep this provision.

STATISTICS ON DOMESTIC VIOLENCE

Three out of four women will be victims of a violent crime during their lifetime.

Over the past decade the rape rate has risen four times as fast as the total crime rate.

A woman is 20 times more likely to be raped in the United States than in Japan; and the United States rape rate is 13 times higher than Great Britain's and four times higher than Germany's.

Violence will occur at least once in two-thirds of all marriages.

In the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than any other assailant.

Between 22 to 35 percent of women who visit the emergency rooms are there because of symptoms related to on-going abuse.

54 percent of domestic violence victims sustain injury, compared to 27 percent injured in cases of assault by non-intimates.

Less than 40 percent of reported rapes result in arrest.

The conviction rate for rape is only 3 percent; the conviction rate for robbery is 18 percent.

There are three times as many animal shelters in the United States as there are battered women shelters.

An estimated 2,000 to 4,000 women are beaten to death every year.

STATEMENT OF NOW LEGAL DEFENSE AND EDUCATION FUND ON THE VIOLENCE AGAINST WOMEN ACT, H.R. 1133 BEFORE THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS; COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES

(By Sally Goldfarb, Senior Staff Attorney)

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you to discuss the Violence Against Women Act, H.R. 1133. I am Sally Goldfarb, Senior Staff Attorney of the NOW Legal Defense and Education Fund (NOW LDEF). NOW LDEF is an independent, nonprofit public interest legal organization dedicated to eliminating sex discrimination and securing equality for women and girls. Violence against women is one of NOW LDEF's chief concerns, and we have been working for several years to support the enactment of the Violence Against Women Act.

On behalf of NOW LDEF, I chair a national task force of almost one thousand organizations and individuals concerned about the epidemic of violence currently facing American women. The task force includes groups from the religious, labor, medical, mental health, aging, civil rights, women's, children's and victims' rights communities, all of which are united by a concern about the impact of violence on the ability of women and girls to participate as equals in our society. I am here today, however, to present the views of the NOW Legal Defense and Education Fund on this important legislation. NOW LDEF strongly endorses the Violence Against Women Act and urges you to support it. I will focus my remarks today on title III of the Act, which we view as a major step forward for women's equality.

THE EPIDEMIC OF VIOLENT CRIME AGAINST WOMEN

In America today, a woman faces a startlingly high likelihood of being the victim of a violent crime. Grim statistics reveal the thread of violence that runs through the lives of American women.

Every 15 seconds, a woman is beaten by her husband or boyfriend.[1]

Every 6 minutes, a woman is forcibly raped.[2]

[1] Footnotes at end of article.

One fifth to one half of American women were sexually abused as children, most of them by an older male relative.[3]

One out of every eight adult women, or at least 12.1 million American women, has been the victim of forcible rape sometime in her lifetime.[4]

Women in all walks of life are are risk.

One out of every four female college students will be sexually attacked before graduating; one in seven will be raped.[5]

The murder rate for women aged 65 and older has climbed by 30 percent since 1974, while the murder rate for men in the same age group has dropped by 6 percent.[6]

African-American women are almost twice as likely to be raped as white women. Yet rapes of African-American women are less likely than rapes of white women to result in prosecution, conviction, and stern sentences.[7]

Domestic violence cuts across all racial, religious, ethnic and socioeconomic lines.[8]

GENDER-MOTIVATED VIOLENCE: AN ASSAULT ON WOMEN'S RIGHT TO EQUALITY

Women and girls are targets for many types of violence because of their sex. It is certainly true that many men are victims of crime, and this is a source of concern as well. However, women must fear not only the crimes that confront all members of our society, but also those that are inflicted exclusively or overwhelmingly on the female half of our population.

During the past decade, rape rates have risen nearly 4 times as fast as the total crime rate.[9]

Since 1974, the rates for assault and many other violent crimes against women have increased dramatically, while the rates for the same crimes against men have actually declined.[10]

Girls are estimated to be two to ten times more likely to suffer childhood sexual abuse than boys.[11]

When half the members of our society are at greater risk of terror, brutality, serious injury and even death even just because they are female, that is a form of discrimination. Moreover, violent attacks reinforce and maintain the disadvantaged status of women as a group.

Empirical studies of convicted rapists demonstrate that they hold extreme attitudes about men's right to dominate women and women's inherent inferiority.[12]

In December 1989, a man murdered fourteen female engineering students in Montreal after proclaiming his vicious hatred of all women and especially of "feminists."[13]

Much like racial attacks, attacks on individual women create a climate of terror that makes all women afraid to step "out of line." Pervasive fear of sexual assault and other crimes forces women to take elaborate precautions that limit their options for education, employment, travel, and other activities.

In recent years, we have made dramatic progress toward legal equality for women. But existing laws against discrimination are worth little if women must jeopardize their physical safety to seek out the opportunities that have been opened to them at home, work, school, and in the community.

THE VIOLENCE AGAINST WOMEN ACT'S CIVIL RIGHTS PROVISION

The versions of the Violence Against Women Act that are under consideration in the House (H.R. 1133) and the Senate (S. 11) both contain a civil rights provision in Title III. Both would declare that crimes of violence motivated by gender are discriminatory and violate the victim's civil rights under federal law. Both provide a civil cause of action for deprivation of this right. A person who proves that a crime of violence was motivated by gender is eligible to receive compensatory damages, punitive damages, injunctive relief and declaratory relief.

However, there are differences between the two bills. In May of this year, the Senate bill was narrowed in several significant ways in an effort to clarify and limit the cause of action provided. These changes were adopted after extensive discussions with federal judges, civil liberties groups, and others concerned about the scope of the proposed civil rights remedy. As a result, Title III of the Senate bill now provides that only crimes against a person, and crimes against property that pose a risk of physical injury to a person, are covered; deletes a presumption that rape and sexual assault are motivated by gender; and adds a requirement that, in order to meet the definition of "crime of violence motivated by gender," the plaintiff must prove that the crime was due, at least in part, to an animus based on gender.

The NOW Legal Defense and Education Fund strongly supports Title III of H.R. 1133 in its present form. We feel that the definition of "crime of violence motivated by gender" furnished in the bill is clear, workable, and sound public policy. However, we have also endorsed the Senate bill, S. 11. Therefore, if it is necessary to modify the House bill along the lines already adopted in the Senate, NOW LDEF will continue to support the legislation. If the term "animus" is adopted, it would be helpful to clarify that the term means simply intent or purpose, as it was originally used in the case Griffin v. Breckenridge, 403 U.S. 88 (1971).

Several important limitations already appear in both H.R. 1133 and S. 11. Both bills contain an explicit statement that the Violence Against Women Act does not confer jurisdiction on federal courts to decide divorce or domestic relations cases. In addition, the civil rights remedy extends only to acts that would rise to the level of a felony under state or federal law. It does not cover random acts of violence unrelated to gender. Thus, it is amply clear that not every crime against a women would qualify. Indeed, the civil rights remedy is gender-neutral and is available to male or female victims of serious gender-motivated crimes.

The burden rests on the plaintiff to prove by a preponderance of the evidence that the crime was motivated by gender. Proving that a crime was gender-motivated under the new law will presumably be analogous to proving that a crime was racially motivated under existing laws. Evidence typically presented in civil rights cases alleging racial violence include: racially derogatory epithets used by the assailant, membership of the victim in a different racial group than the assailant, a history of similar attacks by the assailant against other members of the victim's racial group, a pattern of attacks against victims of a certain race in a certain neighborhood and time period, lack of provocation, use of force that is excessive in light of the absence of other motivations, etc.[14] By substituting "gender" for "race" in the foregoing list, it becomes apparent that many—but not all—crimes against women will qualify as crimes of violence motivated by gender.

Recognizing the gender-discriminatory element in some violent crimes is not radical or unprecedented. Not only does federal law already contain civil remedies for racially-discriminatory violence, but the Hate Crimes Sentencing Enhancement Act of 1993 (H.R. 1152), which passed this House in September and is under consideration as part of the Senate crime bill, provides increased sentences for defendants convicted in federal court of having selected a victim because of gender. The Violence Against Women Act simply takes this principle and applies it to a civil, rather than criminal, remedy. Moreover, unlike the Hate Crimes Sentencing Enhancement Act, application of the Violence Against Women Act is not limited to crimes occurring on federal lands.

To the extent that questions remain about how this cause of action will work in practice, this is to be expected with any cutting-edge legislation. As Judge Stanley Marcus, chair of the U.S. Judicial Conference Ad Hoc Committee on Gender-Based Violence, has helpfully pointed out, it is inevitable that there are some questions about legislation that cannot be answered until cases are litigated and judges have the opportunity to apply the law to specific facts.[15]

WHAT TITLE III WILL ACCOMPLISH

Because of gender-based violence, American women and girls are relegated to a form of second-class citizenship. Just as a democratic society cannot tolerate violence motivated by the victim's membership in a minority racial group, and must pass special laws to combat such oppression, so too we need effective federal laws to combat violent crimes motivate by the victim's gender.

The enactment of civil rights legislation would convey a powerful message: that violence motivated by gender is not merely an individual crime or a personal injury, but is a form of discrimination, and assault on a publicly-shared ideal of equality. When half of our citizens are not safe at home or on the streets because of their sex, our entire society is diminished.

The impact of the legislation would not be purely symbolic, however. Federal recognition that gender-based violence is a form of discrimination is likely to alter the way both men and women regard sexual assault and domestic violence. The impact of this attitudinal change will be felt in homes, streets, and workplaces. It will also be felt in courtrooms. Currently, jury studies and research on gender bias in the judiciary have shown that the "boys will be boys"/"she must have asked for it" mentality that prevails in most sectors of our society has a direct, measurable effect on the outcome of cases involving sexual assault, domestic violence, and a host of other issues where men's violence toward women is directly or tangentially involved.[16] Thus, the educational power of the VAW Act is of immense practical importance to the development of American law.

In addition, many victims who are currently unable to succeed in state criminal and civil proceedings would, for the first time, have access to legal redress.

It is not true that all men who beat or rape women lack the resources to pay damages. In fact, violence against women is found at every socioeconomic level in America. For some victims, even a damages judgment that cannot be collected (or a judgment granting only declaratory or injunctive relief) will be seen as an immensely valuable vindication of their rights.

Enactment of the Violence Against Women Act will not eliminate rape, domestic violence, and other sex-based attacks on women, any more than passage of the civil rights legislation of the 19th century and the mid-20th century has eliminated racism. Nevertheless, the power of this proposed federal civil rights law to improve the prospects

for social justice and equality are substantial.

STATE CRIMINAL AND CIVIL LAWS ARE NOT ADEQUATE TO PROTECT VICTIMS OF GENDER-MOTIVATED CRIME

The existence of state criminal and tort laws covering rape and domestic violence does not do away with the need for a federal civil rights remedy. First, a federal civil rights law would redress a different injury that the injuries that are at issue in state criminal and tort proceedings.[17]

In addition, gender-motivated crimes are currently not being adequately addressed in the state courts.

A woman is forcibly raped by her husband. In over half the states, he is immune from prosecution under many or most circumstances—for example, if the couple is living together and no divorce or separation papers have been filed.[18]

A young woman is sexually assaulted by her boyfriend. Several states have statutes exempting cohabitants and dating companions from sexual assault laws.[19]

A man brutally beats his wife, causing her severe injuries. Interspousal immunity doctrines in at least seven states prevent her from suing him to recover damages for her medical expenses and pain and suffering.[20]

A teenage girl is subjected to incestuous sexual abuse by her father. In some states, strict statutes of limitations require her to bring suit within a few years—which is virtually impossible for an emotionally and economically dependent young person—or else lose forever the chance to pursue a civil legal remedy.[21]

It was recently revealed that the Oakland, California, Police Department closed over 200 rape cases with little or no investigation in 1989 and 1990. The complaints involved rapes of prostitutes and drug users, as well as allegations of acquaintance rape.[22]

A recent Senate Judiciary Committee study showed that only one in 100 forcible rapes results in a sentence of more than one year in prison.[23]

State rape shield laws do not apply in civil cases. Thus women bringing tort actions for sexual assault are routinely subjected to intrusive questions about consensual sexual activity unrelated to the attack.[24]

The laws on the books are only part of the problem. In states throughout the country, prosecutors, juries, and judges routinely subject female victims of rape and domestic violence to a wide range of unfair and degrading treatment that contributes to the low rates of reporting and conviction that characterize these crimes.[25] Although federal courts are not immune from these problems, the fact that federal judges are not elected, are subjected to a more rigorous selection process, and typically exercise greater control over courtroom procedures such as jury voir dire help to minimize these problems.

Federal civil rights laws passed since the mid-19th century typically have prohibited acts that were already illegal under state law. The reason for this is that federal remedies are needed to reinforce state remedies and to provide a "back-up" when the state justice system is unable to protect victims' rights adequately. In an eloquent testimony to the need for federal intervention, 41 state attorneys general have signed a letter to members of this House urging passage of the Violence Against Women Act.

THE VIOLENCE AGAINST WOMEN ACT BUILDS ON AND COMPLEMENTS EXISTING FEDERAL CIVIL RIGHTS LAWS

Currently, American women are being attacked and killed because they are women. Over 100 years ago, following the Civil War, Congress responded to an epidemic of race-based violence by passing a series of federal laws to provide remedies against private individuals who deprive citizens of their civil rights. Similar legislation is needed today to protect citizens from an epidemic of gender-based violence.

Title III of the Violence Against Women Act is modeled on well-established federal civil rights laws. For example, the key phrase "because of * * * gender or on the basis of gender," which describes crimes of violence that are covered, is modeled on language found in Title VII of the Civil Rights Act of 1964, which is the leading federal statute prohibiting discrimination in employment.

Similarly, the basic concept of Title III resembles that of the Reconstruction-era civil rights laws. Like those earlier laws (42 U.S.C. §§1981, 1982, 1983, and 1985(3)), the Violence Against Women Act provides a federal civil remedy for deprivation of certain rights. The "animus" requirement, which has been added to S. 11, is derived from caselaw decided under 42 U.S.C. §1985(3).

Title III is not identical to its predecessors, however. Each law has different technical legal requirements. For example, unlike §1983, Title III does not require that the challenged actions were taken "under color of state law," and unlike §1985(3), it does not require more than one wrongdoer. While Title III is thus broader in some respects than other civil rights laws, it is far narrower in other respects: it protects only against gender-motivated crimes of violence that rise to the level of a felony, whereas 42 U.S.C. §§1983 and 1985(3) protect disadvantaged groups from virtually any deprivations of rights, privileges and immunities.

The differences between Title III of the Violence Against Women Act and the nineteenth-century federal civil rights laws are necessary because gender-based violence typically differs from the types of racial violence directed against men. For instance, §1985(3) was drafted to combat the Ku Klux Klan and similar conspiracies. The dangers confronting women of all races are often quite different. Conspiratorial group attacks on women are not the primary cause of gender violence. In fact, women are six times more likely than men to suffer a crime at the hands of someone they know.[26]

The Reconstruction-era civil rights laws were not designed with women in mind. For 120 years since they were passed, women of all races have lacked a meaningful civil rights remedy to protect them from pervasive anti-female violence. While §§1983 and 1985(3) fall short of providing ideal protection against discrimination based on race, religion, or national origin, they at least provide a meaningful remedy for a significant percentage of such cases. The fact that these two statutes require the plaintiff to prove conspiracy or color of state law virtually eliminates the possibility that women of any race can redress what is arguably the most common and most demanding form of gender discrimination: acts of gender-motivated violence committed by private individuals.

This defect in existing civil rights laws has meant, among other things, that rape by individual white men acting in a private capacity, which has historically been a widespread form of oppression of African-American women, has never been actionable under the civil rights laws ostensibly designed to protect all African-Americans from racial terrorism. In short, most of the victimization that women experience because of their gender alone, or because of their gender in combination with their race, remains ignored by the federal civil rights laws currently on the books.

It should be noted that NOW LDEF would support broadening Title III of the Violence Against Women Act to provide the same civil remedy for victims of violent crime motivated by race, color, religion, national origin, ethnicity, and sexual orientation. However, if this is not feasible, we view the current focus on gender-motivated violence as appropriate. It would be a tragedy to delay this long-overdue response to a significant social problem because of concerns that it does not adequately address a host of other social problems that are beyond its scope.

A question has been raised as to whether the Violence Against Women Act will have a negative effect on enforcement of existing civil rights laws. This always has been a primary consideration for the NOW Legal Defense and Education Fund. We have sought input from eminent scholars and civil rights experts throughout the country to ensure that this bill is drafted to create new rights without curtailing existing ones. No one has identified any way in which Title III of the Violence Against Women Act would have a damaging effect on the development of law under current civil rights statutes.

THE IMPACT OF TITLE III ON THE COURTS

Some observers have suggested that lawsuits brought under the Violence Against Women Act will overwhelm the federal courts. In fact, the legislation will provide a significant new remedy without generating a large number of new cases.

For example, sexual assault is a tort in every state, but a study by Jury Verdict Research, Inc. found only 255 civil jury trials in sex assault cases over a ten-year period.[27] The inhospitability of state courts to such claims (see above) is doubtless one reason why this figure is so low, but there are other reasons that would be equally applicable to cases brought under federal law. One fact that is not going to change is that rape and domestic violence are vastly underreported. The causes of this phenomenon are numerous and complex and include the severe stigma that still attaches to victims of these crimes. Women do not now, and will not in the future, rush to proclaim themselves as victims of sex crimes or of violence inflicted by family members.

Sexual harassment provides a useful analogy. A major study by the U.S. Merit Systems Protection Board found that 42% of women employed by the federal government had experienced sexual harassment, but despite the availability of legal remedies, only 5% of those who had been sexually harassed made any kind of formal complaint (including complaints in the workplace); an even smaller number actually filed a legal action.[28]

Moreover, a certain number of potential VAW Act defendants (though by no means all) are indigent, and many women and their attorneys may be unwilling to bring suit if there is no hope of collecting damages. And of course, a large number of violent gender-motivated crimes are committed by assailants who are never caught. As Prof. Cass Sunstein has pointed out, the fact that few cases will probably be filed under Title III of the VAW Act does not detract from its importance as an addition to the civil rights legal arsenal.[29]

The fact that a bill to enhance the rights of women is met with a concern for overloading the federal courts adds a disturbing note of sexism to the debate. In recent decades,

when Congress was considering the Americans With Disabilities Act and other civil rights legislation that created private rights of action, this concern was heard only from staunch opponents of civil rights. In any event, the fact that violence against women is widespread would seem to argue in favor of, not against, passing legislation to remedy it.

The true burdens on the federal courts are a heavy criminal caseload, particularly drug-related cases, together with a large number of vacant judgeships. Keeping civil rights cases out of federal court will not solve these problems.

It should be noted that in March 1993, the U.S. Judicial Conference revoked its previous opposition to the Violence Against Women Act and specifically adopted a position of neutrality on this bill, with the exception that the organization now actively supports the portions of the bill regarding task forces on gender bias in the courts.[30] The National Association of Women Judges also supports the principles of Title III.[31] A recent Congressional Budget Office report estimates the cost of Title III to be far lower than previously projected.[32]

Finally, it has been suggested that money saved by not having federal courts hear civil rights cases could be redirected to battered women's shelters, local police departments, or other programs that serve victims of violence. There is no realistic likelihood that funds not spent by the federal courts would wind up in the budgets of such unrelated entitles. In any case, the Violence Against Women Act already contains grant programs designed to fund direct services. Furnishing civil rights redress for discrimination is a fundamentally different issue and should not be seen as a tradeoff against direct services to victims of violent crime.

CONGRESS HAS CONSTITUTIONAL AUTHORITY TO ENACT THIS LEGISLATION

Federal legislation to remedy gender-based crime is amply justified by Congress's obligation to advance principles of equal rights under section 5 of the Fourteenth Amendment. Constitutional authority to enact this legislation is also conferred by the Commerce Clause, due to the damaging impact of gender-based crime on the national economy.

On a national level, domestic violence costs employers 3 to 5 billion dollars annually due to worker absenteeism.[33]

30 percent of all women seeking treatment in hospital emergency rooms are victims of battering by a husband or boyfriend. Medical costs related to domestic abuse are estimated at $100 million a year.[34]

High rates of rape and other crimes deter women from taking many types of jobs, including high-paying night jobs that would require travel on unsafe streets and public transportation. For instance, one rape survivor reported in testimony to the U.S. Senate Judiciary Committee that she had to give up plans for a career in real estate sales because she was afraid to be alone in an empty house with a stranger.[35]

Homicide is the leading cause of death on the job for women. (For men, the leading cause is accidents.)[36]

More than half of all homeless women have lost their housing because they are fleeing domestic violence.[37]

Leading scholars of constitutional law have testified in support of Congressional power to enact the Violence Against Women Act.[38]

CONCLUSION

The Congress has a historic opportunity to play a crucial role in the effort to reduce crime and combat discrimination against women. This long overdue legislation will recognize that violence motivated by gender is a deprivation of civil rights. We urge you to support the Violence Against Women Act. Thank you.

FOOTNOTES

[1] "NCADV Statistics May 1988," National Coalition Against Domestic Violence Newsletter 1 (Feb. 1990), citing Bureau of Justice Statistics, Preventing Domestic Violence Against Women, Special Report (Aug. 1986).

[2] Federal Bureau of Investigation, Crime in the United States 66 (Aug. 5, 1990).

[3] Paula Hawkins, Children at Risk 58 (1986) (former Senator Hawkins summarizing testimony on child sexual abuse received by U.S. Senate Subcommittee on Children, Family, Drugs and Alcoholism); Diana Russell, Sexual Exploitation: Rape, Child Sexual Abuse, and Workplace Harassment 180-194 (1984); Roland Summit, "Recognition and Treatment of Child Sexual Abuse" at p. 117-18, in Coping With Pediatric Illness (C. Hollingsworth ed. 1983).

[4] National Victim Center and Crime Victims Research and Treatment Center, Rape in America: A Report to the Nation 3 (Apr. 23, 1992).

[5] Testimony of Mary P. Koss, Ph.D., on behalf of the American Psychological Association, before the U.S. Senate Judiciary Committee (Aug. 29, 1990).

[6] U.S. Senate Judiciary Committee, Ten Facts About Violence Against Women (June 18, 1990) (attachment).

[7] See, e.g., LaFree, Reskin and Visher, "Jurors' Response to Victims; Behavior and Legal Issues in Sexual Assault Trials," 32 Social Problems 389 (1985).

[8] See generally U.S. Commission on Civil Rights, Battered Women: Issues of Public Policy (1978).

[9] U.S. Senate Judiciary Committee, Ten Facts About Violence Against Women (June 18, 1990).

[10] Id.

[11] K. Swink and A. Leveille, "From Victim to Survivor: A New Look at the Issues and Recovery Process for Adult Incest Survivors," in The Dynamics of Feminist Therapy p. 119 (D. Howard ed. 1986).

[12] See, e.g., Timothy Beneke, Men on Rape (1982).

[13] Pitt, "Montreal Gunman Had Suicide Note," N.Y. Times, Dec. 8, 1989, at p. A9; "Gunman Kills 14 Women at Montreal University," N.Y. Times, Dec. 7, 1989, at p. A23.

[14] See generally Center for Women Policy Studies, Violence Against Women as Bias Motivated Hate Crime: Defining the Issues (1991).

[15] endnote to be added

[16] endnote to be added

[17] Only eight states (California, Connecticut, Iowa, Massachusetts, Michigan, New Jersey, Vermont and Washington) and the District of Columbia provide civil remedies for the discrimination inflicted by gender-based violence.

[18] National Center on Women and Family Law, Marital Rape Exemption (1988).

[19] See, e.g., Del. Code Ann. tit. 11, Sections 774, 775 (Supp. 1992).

[20] Leonard Karp and Cheryl Karp, Domestic Torts (1989; 1993 Supp.).

[21] See generally NOW Legal Defense and Education Fund, Legal Resource Kit On Incest and Child Sexual Abuse (1993).

[22] endnote to be added

[23] footnote to be added

[24] endnote to be added

[25] See generally Schafran, Overwhelming Evidence: Reports on Gender Bias in the Courts, Trial 28 (Feb. 1990).

[26] Lewin, In Crime, Too, Some Gender-Related Inequities, N.Y. Times, Jan. 20, 1991 (citing Bureau of Justice Statistics study).

[27] Senate Judiciary Committee Report, "The Violence Against Women Act of 1991," at 44 n. 43 (Oct. 22, 1991).

[28] U.S. Merit Systems Protection Board, "Sexual Harassment in the Federal Government: An Update" (June 1988).

[29] endnote to be added

[30] See Summary of the Report of the Judicial Conference Ad Hoc Committee on Gender-Based Violence (March 1993).

[31] See Judith Billings, "Violence Against Women Act," NAWJ Counterbalance at 2 (Summer 1993).

[32] Congressional Budget Office, Cost Estimate [for S.11] (June 30, 1993).

[33] Porter, "Help Is Available for Battered Women," Washington Star, Nov. 1, 1979.

[34] Id.

[35] Statement of Nancy Ziegenmeyer before the U.S. Senate Judiciary Committee (June 20, 1990).

[36] "High Murder Rate for Women on the Job," N.Y. Times, Oct. 3, 1993, p. 29, col. 1.

[37] U.S. Senate Judiciary Committee, Ten Facts About Domestic Violence Against Women, Dec. 11, 1990.

[38] Statements of Prof. Burt Neuborne and Prof. Cass Sunstein before the U.S. Senate Judiciary Committee (April 9, 1991).

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking member, for yielding this time to me.

We have heard the statistics. We have marveled at how little has been done. What we fail to concentrate on, however, as a country, are the names, and the faces, and the bodies, and the souls that are destroyed every 15 seconds in America, up until this point. Today we take a very important first step in acknowledging that domestic violence and sexual assault is, in fact, a crime in these United States.

The Violence Against Women Act, as passed by the Committee on the Judiciary, is the result of bipartisan effort. It combines provisions of the original Violence Against Women Act of the gentlewoman from Colorado [Mrs. SCHROEDER] with key portions of the Sexual Assault Prevention Act which was introduced 2 years ago by Senator DOLE and myself. The resulting package will help address violent crimes against women.

Several of the elements of the Sexual Assault Prevention Act included in this bill provide for free testing for sexually transmitted diseases including HIV testing for all victims of sexual assault. It provides for recognition and enforcement of protective orders issued in one State by the courts of all States. It directs the Justice Department to study and suggest strategies for combating and finding solutions for combating campus sexual assaults and for keeping confidential the addresses of victims of domestic violence who have fled their abusers and for helping States maintain better records of domestic violence. The bill also extends and strengthens restitution for victims of sexual assault.

I would like to join with my colleagues in thanking the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from New York [Mr. SCHUMER], the chairman, the gentleman from Texas [Mr. BROOKS], and of course the gentlewoman from Colorado [Mrs. SCHROEDER]. Together we must work every day in this body to raise the consciousness of crimes against all members of our society, but, when one particular group of our society has been neglected, it should be a higher calling.

Since I first introduced the provisions of the Sexual Assault Prevention Act in 1991, Mr. Speaker, over 300,000

forceable rapes have been reported, and missions of women have been abused by their spouses and partners. Today we do not find the ultimate solution to those crimes; we just join with our friends in America by saying, We care, and we will continue to work as a legislative body to find those solutions so that one day all women will be able to walk in the United States of America with a little less fear.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York [Mr. SCHUMER], the distinguished chairman of the subcommittee.

□ 1330

Mr. SCHUMER. Mr. Speaker, I could stand here and recite appalling fact after appalling fact. A woman is raped in America every 5 minutes. More than a third of the women in emergency rooms are put there by domestic violence. But these numbers do not begin to tell the whole story. That is because here is a dirty little secret hidden here, and that secret is that our legal system is all too indifferent to this violence.

Our legal system looks the other way, tolerating the daily battering and abuse of women. To really understand this, we have to listen to the stories of the victims themselves. The hearings on this bill which my subcommittee has conducted over the past several years have built an appalling record, and I wish that every Member in the Chamber could hear the stories firsthand.

A woman is raped; she goes to the police and is told, "You aren't really hurt. Just try and forget about it."

Another victim is told by the prosecutor, "I won't bring this case because you were wearing a short skirt."

A woman has her nose broken by her husband. When the police finally come, they say, "You two work out your problems together."

A woman goes before a judge asking a protection order from a husband she has tried to leave, and the judge says, "Why are you two wasting our time with marital squabbles?"

These are not apocryphal stories. they are real, and these attitudes are the residue of actual legal doctrines that for centuries treated woman as second-class citizens in the courts. These were doctrines like the English common law rule of thumb that said that a man was allowed to beat his wife with a stick so long as the stick was no thicker than his thumb, or like the rule in rape trials that said the victim's testimony could not be considered credible unless it was corroborated by another witness. Imagine, there would have to be another witness to watch the rape to corroborate it.

There were rules of evidence that allowed rape defendants to turn the trial into a question of whether the victim was loose.

Thankfully, these doctrines are gone for the most part, but the attitudes they engendered are still with us.

As a lead cosponsor of the bill, working with the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from New York [Ms. SLAUGHTER], and my friends on the other side of the aisle, the gentlewoman from New York [Ms. MOLINARI] and the gentleman from Minnesota [Mr. RAMSTAD], let me state simply and clearly what this bill says. The bill says that the day is gone when violence against women is beneath the dignity of the legal system. Violence against women is not a private matter. It is not a behind-closed-doors issue. Rape and spouse abuse are violent crimes. They must be treated that way.

For many women, the fear of violence dictates decisions like where to walk or what time to go out or how to travel. Even employment decisions can be affected. Women in surveys say that they avoid jobs that require them to travel alone at night or to work in deserted buildings. Domestic violence robs women of security in the one place they are most entitled to it, in their own homes.

The bill will target resources to State and local law enforcement. The money will be used for policies that have proven effective like mandatory arrest of domestic violence offenders, and the bill will also make interstate domestic violence and interstate stalking Federal crimes. Local law enforcement has been particularly ineffective in cases where a woman leaves her husband or boy friend and moves to another State, but the batterer follows her.

Mr. Speaker, I want to thank the chairman of the committee and all those who worked so hard. This is truly an historic day. I look forward to moving this bill in conference with the Senate so we can gain final passage.

Mr. SENSENBRENNER. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. GOODLING].

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

Mr. Speaker, I come here again today just pleading with these committees to find some way to coordinate our efforts. There just has to be a better way to do it.

In this piece of legislation, under subtitle E, section 151, Campus Sexual Assault Study, you will discover that it is practically the same as appears in a law that was enacted in 1990 and was also updated in 1992. In other words, we are going to spend $200,000 to do a study that we are already doing. We are already collecting all this information, and I would hope that we could find some way to coordinate that, because that $200,000 could really go to doing something positively after we have those statistics which at the present time have to be reported.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I think the gentleman makes a good point. My understanding as to why this was put in here is this: We are very pleased that that happened, and what the gentleman is talking about is that schools are to be out keeping statistics on this and looking at how they are doing. This is asking Justice to try to coordinate an overview of how our schools are dealing with the enforcement and how widespread the problem is, and my hope is that it is more coordinated than the gentleman thinks. That is why we put it in.

Mr. GOODLING. But we have to coordinate it with the present legislation, because, as I said, in the legislation that is presently on the books they must not only give all those statistics to the students, to the parents, and all the employees, they must also tell what are the ideal ways of dealing with this problem. They also must report what it is they are doing on campus at the present time to prevent this.

This all happened when a beautiful girl was raped and murdered in her own dormitory more than 5 years ago, and her mother, instead of spending the rest of her time pining away, went to every State legislature to push this legislation and came to the Congress, and in 1990 we introduced this and enacted it, and in 1992 we updated it.

So what I am saying basically is, please let us coordinate this because otherwise we are wasting $200,000 that could be better used.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, that is what we are trying to do.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, as an original cosponsor of the Violence Against Women Act, I rise in strong support of the bill.

The time to pass this important legislation is now. The statistics, as we have heard this morning, are truly mind-boggling. If we look at the unreported rapes as well as the reported rapes, Justice estimates that as many as 12,000 women in America are raped every week. Every 15 seconds a woman is battered. No other civilized society in world history has ever tolerated this level of violence against women. That is why we are here today to pass the Violence Against Women Act before Congress adjourns.

We can no longer ignore the fact that violence against women has reached epidemic proportions, nor can we continue to ignore its devastating effect

on women's lives and families and the civil rights of women. This much-needed legislation would attack this problem in a comprehensive way.

Mr. Speaker, I want to applaud the gentlewoman from Colorado [Mrs. SCHROEDER] for her leadership on this bill, reaching out to the ranking member, to the gentlewoman from New York [Ms. MOLINARI] and to me in a bipartisan way to craft this important legislation.

Congress should pass this bill without further delay, Mr. Speaker, because the women of America deserve nothing less.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 1133, The Violence Against Women Act of 1993, and I would like to commend the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from Maryland [Mrs. MORELLA], the gentlewoman from New York [Ms. MOLINARI], and the gentleman from New York [Mr. SCHUMER], for their dedicated work on behalf of our Nation's women. I also command the distinguished chairman of the Judiciary Committee, the gentleman from Texas, [Mr. BROOKS] and the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking minority member of the Judiciary Committee for bringing this measure to the floor before we adjourn.

Mr. Speaker, every year hundreds of thousands of wives are abused by their husbands, and more than 1 million children suffer from physical, sexual, and emotional maltreatment. One in 12 women are beaten while they are pregnant, and approximately one-third of women killed are murdered by their boyfriends or spouses.

The crimes committed behind closed doors and beneath the shroud of family privacy are perhaps the most despicable in our society. There is a constant outcry from the American public for the Government to help make the streets safe—what we also desperately need are safe homes—for our women and for our children.

I firmly believe that, as a Nation, we must combat the violent crime that is aimed at women. Accordingly, I am proud to have cosponsored the Violence Against Women Act.

H.R. 1133, institutes Federal criminal penalties for offenders who travel across State lines to cause bodily harm to their spouse or intimate partner, or who violate protection orders. This legislation also provides mandatory restitution to the victim of such offense and allows the victim to testify in court regarding the danger posed by the defendant for the purpose of determining whether the defendant should be released pending trial. In addition, this measure requires States to enforce protection orders issued by the courts of other States.

While I believe the House must address a comprehensive crime package, including an intensive look at what is happening to our Nation's war on drugs, this legislation represents a vitally important step in the process of strengthening the protections for women. Accordingly, I urge my colleagues to fully support this important measure.

□ 1340

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, we have all heard the statistics regarding sexual and domestic violence and yet each time we hear them they are no less shocking. Violence is one of the most critical issues facing women in this country. During the 6 minutes it takes to deliver this statement, two women will be raped in the United States.

In my home State of Arizona, four women will be raped today. And, tomorrow there will be four more. In Phoenix alone last year, there were 476 rapes reported. The National Victim Center reports that one in eight women will be raped in her lifetime.

In 1992, Phoenix police responded to almost 33,000 domestic violence calls. Between 10 and 20 percent of all homicides in Phoenix are the result of domestic violence.

The bill under consideration today represents a first step toward educating the public about the horrific toll that sexual assault against women and children is taking on America. The bill under consideration takes the Sexual Assault Prevention Act [SAPA] and the Violence Against Women Act and merges noncontroversial sections of both bills.

Ten years ago, I helped found the Crime Victim Foundation, a nonprofit, victim assistance organization in Phoenix. The foundation is one of a handful of support groups that provide critical help to crime victims and their families. My work with this organization and my desire to making a real difference in this area has made passage of the Sexual Assault Prevention Act a high priority for me.

I am pleased that the compromise reached this week will include several of its provisions, including: Mandating financial restitution be paid to victims of Federal sex offenses, payment to victims of sexual assault for the cost of testing for sexually transmitted diseases, federal criminal penalties for interstate travel to commit spouse abuse or to violate a protective order, creation of a new offense for interstate stalking, a task force on violence against women, a study on sexual assault on college campuses, full faith and credit in protective orders, and a report on victim confidentiality.

To Representatives SUSAN MOLINARI, PAT SCHROEDER, and JIM RAMSTAD I would like to extend my appreciation for making it possible to bring these sexual assault initiatives to the House floor for a vote. And, I know that each of these members is committed to bringing other meaningful measures to protect and empower victims of sexual violence to the floor as quickly as possible when Congress reconvenes in January.

Although this legislation will provide a good base, a good beginning for reform of our sexual violence laws, there are critical omissions in this bill. I want to mention provisions of the Sexual Assault Prevention Act that were not included in the compromise today. These provisions would level the playing field in court and help to ameliorate the psychological damage a rape victim often experiences going through the judicial process.

The rules of evidence provisions of SAPA, for example, would broaden the admissibility of evidence in court that the accused sex offender had committed offenses of the same type on other occasions and would make it more difficult to admit evidence of past conduct of the victim if it has nothing to do with the issue of consent to act that is the subject of the prosecution.

In rape and child molestation cases, allowing the admission of evidence is critical to the integrity of the judicial process. In most rape cases, it is the word of the defendant against the word of the victim. If the defendant has committed similar acts in the past, the claims of the victim are more likely to be considered truthful if there is substantiation of other assaults.

It is also common in rape and child molestation cases that the victim is too traumatized, intimidated, or humiliated to file a complaint and go through the full course of proceedings of a criminal prosecution. Nevertheless, the victims in such cases are often willing to bear the burden of testifying when the find out that the person who marred their lives has also victimized others.

What we have here is an opportunity not only to change the Federal Rules of Evidence but to provide States with a model on which to base reforms of their rules of evidence.

Amendments allowing evidence of similar crimes of the accused and the inadmissibility of evidence to show provocation or invitation by victims in sex offense cases, as well as a number of other provisions from the Sexual Assault Prevention Act introduced by Senator DOLE, have been incorporated into the Senate crime bill.

Earlier in the year, I chaired a hearing on sexual violence and H.R. 688 as cochairman of the Republican Study Committee Women's Task Force. At that hearing, witnesses testified that the most important thing we can do to

protect and empower our citizens from sexual and domestic violence is through a restructuring of our criminal justice system.

Some of the changes witnesses indicated strong support for included increasing authorized penalties for repeat sex offenders and child abusers, protecting the victim's right to an impartial jury by equalizing the number of peremptory challenges accorded to the defense and to the prosecution in felony cases, sentencing guideline increases for sex offenses, pretrial detention in serious sex offense and stalking cases, and increasing penalties for sex offenses against victims below the age of 16—all except pretrial detention passed as similar amendments to H.R. 3371, the Omnibus Crime Control Act of 1991.

Paul McNulty, former director of policy at the Department of Justice and witness at the task force hearing, said at the hearing, "Given what we know about the recidivist nature of sex offenders, you might think that the criminal justice system does all that it can to keep them in prison. Unfortunately, nothing could be further from the truth. The majority of those who are arrested for rape are not sentenced to prison. Only 33 percent of all such arrestees go to prison. For those who are sent to prison, only a fraction of their sentences are actually served. * * * It is, therefore, quite clear that the most effective way to prevent sexual assault is to punish violent criminals by removing them from the streets. * * * That is why we strongly endorse H.R. 688. * * * As Attorney General William Barr stated last year when discussing this bill, "It brings criminals to justice and justice to victims."

I rise in support of the legislation before us today. But, for the 6-year-old boy assaulted in Paradise Valley, AZ, the 32-year-old Hispanic woman beaten and raped by her husband in south Phoenix, AZ, the 67-year-old Phoenix woman terrorized in her own home by a stranger who simply knocked on the door, and for all the other victims, it is our responsibility to pass legislation to remove violent sex offenders from our streets and our communities and to increase the rights of the victim. It is time to pass the Sexual Assault Prevention Act in its entirety. I look forward to working next year toward passage of this important legislation, and in the meantime urge approval of the bill before us.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise today in support of the Violence Against Women Act of 1993. Each year, 3 to 4 million women are battered by their husbands or partners. This frightening statistic compels us to support this legislation. It is time to protect and empower the victims of sexual and domestic violence, prosecute their aggressors, and put an end to the pain and suffering caused by criminals who too often get away with murder.

This legislation provides badly needed funding to combat sexual violence and treat released offenders. In addition, the bill funds treatment programs for sex offenders, and community education and awareness programs.

In Florida's fourth congressional district, the Hubbard House provides an alternative for battered women. It is a full service domestic violence center which provides a safe, nonviolent place for women to plan their futures.

Our country needs more Hubbard Houses. The services this refuge provides are critical to empowering victims of domestic violence and rehabilitating their partners. Your support for the Violence Against Women Act of 1993 will give battered women the chance they deserve.

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

Mr. Speaker, in response to the charges that the Committee on the Judiciary has not acted on major legislation, I want to respond.

In a bipartisan manner, this House passed a crime bill and passed a conference report in the last Congress. They went to the other body, and the other body sat around over there and let the other party, the Republicans in that other body, stymie and kill and delay and stop that bill. That is what happened to the last big crime bill that we, the Democrats and Republicans in this body, tried to get through the House of Representatives.

This year already, this committee and this Congress has passed, generally with strong bipartisan support I might add, the DNA testing bill, the juvenile antigang and antidrug bill, the certainty of punishment, for Youthful Offenders Act, drug treatment for Federal prisoners, drug-free program for State prisons, cops on the beat, the Jacob Wetterling bill, to register convicted child abusers, the national child protection bill, the youth handgun safety bill, the international parental kidnapping bill, one which everybody understands, violence against women, which we are taking up now. We've passed bills to help States prosecute drunk drivers, to protect reproductive health services, and to allow FBI access to certain telephone subscriber information. The Brady bill, we passed in this House. It is over in the other body. We passed a good clean bill that I thought they would have adopted.

Mr. Speaker, I would say that the Committee on the Judiciary has tried in every way possible to meet the most emergent criminal problems that we have in this country. I will tell you right now that the Senate has passed a bill that has spent more money than they ever conceived of, $22 billion. I wonder where they are going to get it? They had a big smoke and mirrors act over there. But we do not have that kind of smoke and mirrors. The gentleman from Wisconsin [Mr. SENSENBRENNER] does not use those kinds of mirrors and smoke. I do not.

Mr. Speaker, we do not understand that. Where are you going to get another $6 billion for regional prisons and another $11 billion for the total? I think it is very difficult, and I do not see the point in passing a bunch of legislation if you are not ultimately going to have some promise of getting the appropriations to do that.

We just pass authorizations in this committee, I understand that, but I have the hope that we will get the funding on these bills that we have passed.

Mr. Speaker, I would say that I hope Members will appreciate that fact and will solidly support this Violence Against Women Act. It is long overdue. It certainly ought to be passed. I anticipate a solid vote for it on both sides, and I am delighted to be a part of it.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support for H.R. 1133.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, earlier in this debate the gentleman from Texas [Mr. BROOKS], in explaining the change in language relative to protective orders, gave the impression that if his language were not passed, there would be no Federal tools to prosecute those for murder or bodily injury committed in pursuance of violation of a protective order.

That is not the case. There are State and Federal laws on the books all over this country that allow for the prosecution of murder or bodily injury under whatever circumstances those crimes are committed.

What has happened here is that the Committee on the Judiciary, after a discussion, voted to continue the mandatory minimum imprisonment of not less than 3 months for interstate violation of a protective order. That mandatory minimum time in prison disappeared between the time the committee voted on this bill and the time it was brought up here under suspension of the rules, and that is a significant weakening of the tools that law enforcement have for those who cross State lines in violation of a protective order.

I think a 3-month mandatory minimum for someone who violates a protective order that was issued upon

showing of a cause and where the person who would be charged with such a violation knew exactly what was in the protective order is reasonable.

When the Committee on the Judiciary debated the bill, an amendment striking the mandatory minimum was defeated and withdrawn when it did not have support in committee. After having been rejected in committee, something similar arises from the ashes, like a phoenix, and finds its way into this bill.

That is what is wrong with the procedure in Congress. We are going to have to bite our lips and accept that, whether we like it or not, because the consequences of taking this out would be defeat of the whole bill, which would be a tragedy.

Mr. Speaker, I support the bill, even though it got weakened unilaterally.

Ms. SNOWE. Mr. Speaker, I rise in support of the Violence Against Women Act of 1993. Every 15 seconds, a woman in the United States is battered, and every 6 minutes, a woman is raped. Nearly one-third of all women murdered in the United States in 1991 were murdered by boyfriends or husbands.

What does this mean? We know that battering and rape are under-reported crimes because of the heavy toll they take upon women's self-esteem in addition to the physical damage they cause women. Society still asks, "What did she do to deserve this?"

People need to think about violence against women in different terms. They need to view crimes against women as part of a gender gap, and to think of these acts of violence in terms of equality. They need to realize that these crimes are ones that women suffer and men do not.

What crimes are we talking about? A 1992 report of the Senate Judiciary Committee described 200 incidents from police blotters and battered-women's shelters for the first week in September. These crimes include scalding, burning with cigarettes, beating with fists, slamming against walls, hitting with hammers, pushing out of moving cars, sexual assault, strangling, stabbing, and shooting. Words cannot adequately describe the horror of these heinous crimes committed against women.

That is why I ask my colleagues to support the Violence Against Women Act. This bill addresses the severity of the problems with which States throughout the Nation have had to grapple. There is evidence that States have had their own enforcement revolution. In the last 2 years, 48 States have passed anti-stalking laws. In 15 states, arrest is mandatory for crimes of domestic violence, and in 19 States, it is mandatory for violating a protection order. Other States and local jurisdictions have stringent enforcement policies. However, many criminal justice experts say that police often hesitate to act because they do not want to interfere in domestic disputes.

The Violence Against Women Act addresses a broad range of problems, including making the streets safer, making homes more secure and providing equal justice for women in the courts. It provides for grants to States, local governments and nongovernmental victim service programs to develop effective strategies to combat violent crimes against women. It authorizes grants for rape awareness and prevention education and conflict resolution for school-aged children. It creates a training program for personnel working with sex offenders and requires compensation for certain expenses of victims of sex offenses. It authorizes the Attorney General to study the problem of sexual assault on college campuses and creates Federal penalties for anyone who travels across State lines to contact their spouse or intimate partner and harms them. It also authorizes funds for a private, nonprofit organization to establish and operate a national 1–800 hotline to provide information and assistance to victims of domestic abuse.

Continued violence against women can rapidly strike down any gains women make in the workplace, in health care reform and in Congress. The numbers do not lie. Violence occurs at least once in two-thirds of all marriages. Ninety-five percent of victims of domestic violence are women. It is estimated that 2,000 to 4,000 women are beaten to death each year. The Surgeon General says that battering "is the single largest cause of injury to women in the United States." Clearly, action is needed.

The Senate passed its own version of the Violence Against Women Act as part of the crime bill. This body can do no less. I urge my colleagues to vote for the Violence Against Women Act, and thereby end an era of inequity and begin a new national consensus that gender-based crimes will not be tolerated.

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the Violence Against Women Act, a landmark measure to protect women from domestic abuse, rape, and other violent crimes.

Every 15 seconds a woman is beaten; every 46 seconds, a woman is forcibly raped in this country. It is imperative that we act to curb this spread of violence against women.

H.R. 1133 is the strong action we need. It provides funding for rape prevention efforts, and for expanded law enforcement and prosecution. It calls for a study of campus sexual assaults, and establishment of a National Board on Violent Crime to review and evaluate Federal programs and policies. The bill also provides training for law enforcement officials, including judges, to deal more effectively and compassionately with domestic violence cases. Each of these measures is long overdue, and I am pleased and proud that we have the opportunity to enact them here today.

I am also pleased that the Violence Against Women Act includes a provision entitled "Safe Homes for Immigrant Women."

For too long, immigrant women have been forced to remain in destructive marriages with husbands who beat and abuse them—because they are entirely dependent on that abusive spouse for their legal status.

This legislation will give abused immigrant wives the right to self-petition for legal status. In addition, it will also cover immigrant women whose children are being abused by the father.

I am proud to be a cosponsor of this landmark legislation, and I urge my colleagues to lend their strong support to ending violence against women in this country.

Ms. FURSE. Mr. Speaker, I rise today in support of the Violence Against Women Act, H.R. 1133. The Violence Against Women Act is a landmark bill which will truly help many women feel safer in their homes and on the streets. This legislation addresses gender inequities in the law, requires all States to enforce interstate restraining orders, encourages mandatory arrest policies, authorizes assistance to victims of rape, and provides education and training to law enforcement and judges on the issues of violent crimes against women.

I want to thank my colleagues, Mrs. SCHROEDER, Mr. RAMSTAD, and Crime Subcommittee Chair SCHUMER for making it possible for me to include in this bill legislation that I introduced in the House earlier this year. The Domestic Violence Community Initiatives Act, H.R. 3335, which I coauthored with Senator MARK HATFIELD, encourages police, victims' advocates, the courts, physicians and hospitals, churches, and other community organizations to work together to prevent and break this cycle of abuse.

In my district in Portland, OR, the police reports indicate that—just since January—18 women have died from injuries inflicted by their husbands or boyfriends. These tragic deaths outnumbered gang-related murders—or turf wars over drugs. This problem is deadly serious.

Because the problem of domestic violence is pervasive, only a coordinated approach which integrates the unique perspectives and assets of these interrelated sectors of society can produce truly effective solutions. Local domestic violence organizations often lack coordination with similar groups in their community, and H.R. 3335 contains a measure to improve and expand existing intervention and prevention strategies through increased communication. The Domestic Violence Community Initiatives Act, H.R. 3335, will promote a coordinated approach to this problem which I believe is the only way to solve it. I am pleased that the committee included a version of H.R. 3335 in the Violence Against Women Act.

This legislation is gravely needed in America. The Violence Against Women Act will allow us to address gender inequities in the law. It will help our communities prevent violence against women. It's time we take this issue seriously and ensure that the law protects women from violence in the house and on the streets.

Ms. ESHOO. Mr. Speaker, as a cosponsor of the Violence Against Women Act, I'm proud to vote for its passage today.

Violence against women is increasing at an alarming rate and affects women in all walks of life.

Every 15 seconds a woman is beaten by her husband or boyfriend and every 6 minutes a women is forcibly raped.

Since 1974, the rate of assaults against women aged 20–24 has increased almost 50 percent.

One out of every four female college students will be sexually attacked before graduating and one in seven will be raped.

African-American women are almost twice as likely to be raped as white women, yet these crimes are less likely to result in prosecution, conviction, and stern sentences.

The murder rate for women aged 65 and older has climbed by 30 percent since 1974,

while the murder rate for men in the same age group has dropped by 6 percent.

Women who have not been victims are plagued by the constant fear of becoming one.

Mr. Speaker, is it fair that half of this country is terrorized by the fact that they are much more likely to be victims of brutality, serious injury and death?

Obviously not. And I believe that much of the violence aimed against women enforces and maintains the disadvantaged status of women as a group.

Mr. Speaker, the Violence Against Women Act is long overdue and I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1133, as amended.

The question was taken.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1350

VACATING DEMAND FOR YEAS AND NAYS ON H.R. 324, JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to vacate the demand for the yeas and nays on the bill (H.R. 324) to require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision, as amended.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 324, as amended.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title: (S. 1507) "An Act to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes."

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

S. 473. An act to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes.

S. 486. An act to reorganize the Federal administrative law judiciary, and for other purposes.

CONFERENCE REPORT ON H.R. 2330, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. GLICKMAN. Mr. Speaker, pursuant to the order of the House of Thursday, November 18, 1993, I call up the conference report on the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, November 18, 1993, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, November 18, 1993, at page 30070.)

The SPEAKER pro tempore. The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 30 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

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

Mr. Speaker, first of all, I want to offer special thanks to my ranking member, the gentleman from Texas [Mr. COMBEST]. We have been talking about bipartisanship here, and I must tell my colleagues, in all my years in the House I have never had the privilege to work in such an open, bipartisan spirit as I have with him, and with the other Republican and Democratic members of the committee.

It has been a joy to engage in genuine bipartisanship, not perfect unity on every issue, but for the most part in perfect harmony.

I also want to thank our staffs. We have extraordinary staffs on the Democratic and Republican side. Some of the best I have ever seen here, and they have done a splendid job in getting this bill to the floor on time.

I rise in support of the conference report on H.R. 2330, the fiscal year 1994 intelligence authorization bill. As is customary, the conference report contains both classified and unclassified elements. The funding levels agreed to by the conferees are set forth in a classified schedule of authorizations which is incorporated by reference in the conference report. A classified annex to the joint explanatory statement of the committee of conference provides a detailed description of the schedule of authorizations. I urge Members to take the time to review these classified documents in the offices of the Intelligence Committee.

This conference report is an installment in the committee's ongoing effort to properly size the intelligence community for its post-cold-war mission. Members of the committee are acutely aware of the important role played by intelligence in areas such as supporting military commanders when American forces are in conflict, and furthering U.S. policies designed to halt the proliferation of weapons of mass destruction and counter the efforts of terrorists to influence government policies by violence. They are also aware, however, that an intelligence community of the dimensions of the one which was maintained to counter the threat posed by the Soviet Union is simply not necessary in the post-cold-war world. In August, the committee brought to the floor a bill which made significant reductions in the President's budget request for national intelligence programs. In conference, we reduced the National Foreign Intelligence Budget by approximately $150 million.

Budget cuts can be a blunt instrument with which to affect change. In my view, however, the reductions in the conference report represent a measured approach which will encourage efforts to eliminate activities which are no longer needed, while promoting the development of new technologies and methods of operation which are better suited to the intelligence challenges of the future. In my judgment, the budget reductions contained in the conference report can be absorbed without damaging essential intelligence capabilities. They clearly reflect the committees' intention to continue to prod the community to reduce its size and reorient its activities.

To conduct effective oversight, particularly from a budgetary standpoint, it is important that Congress have a clear understanding of how the intelligence agencies intend to address their priority activities. Two of the legislative provisions in the conference report will particularly contribute to that result. One requires the submission to Congress by the Director of Central Intelligence of an annual unclassified report describing the significant successes and failures of the intelligence community during the preceding year,

and the areas in which emphasis will need to be placed in the year to come. The second provision requires the Director of Central Intelligence and the Secretary of Defense to identify gaps between intelligence needs and intelligence collection capabilities. These reports will provide useful guidance to both the intelligence community and the Congress on how to better align available resources with essential tasks.

Two significant provisions in the Senate bill were not included in the conference report, and I want to make it clear that their omission was without prejudice to their substance. One of these provisions would have required Senate confirmation of the CIA's general counsel.

This provision was pushed very strongly by the Senator from Ohio [Mr. GLENN]. Currently, only the Director of Central Intelligence, the deputy director, and the CIA's inspector general are confirmed. No hearings have been held in the House Intelligence Committee on extending the confirmation requirement to other positions at CIA. At my request, the Senate receded on this item to give us a chance to examine it in detail next year. It may well be that the committee will conclude that additional positions throughout the intelligence community should be subject to confirmation, but that is a judgment that simply cannot be made without a full understanding of the arguments on both sides of the issue.

The second provision concerned the public disclosure of the aggregate intelligence budget figure.

This was an issue that was debated in the House in the amendment offered by the gentleman from Massachusetts [Mr. FRANK]. The Senate bill contained a provision expressing the sense of Congress that the aggregate amount should be disclosed. During the consideration of the authorization measure in the House, an amendment was offered to require disclosure. That amendment was defeated by a substantial margin. In light of the House vote, the House conferees did not believe that even a nonbinding sense-of-Congress resolution on this issue should be a part of the conference report.

I understand that there are strong feelings on both sides of this matter. I personally support disclosure of the budget totals. I do not believe that such disclosure in any way jeopardizes national security or that it would inevitably require the disclosure of the details of the intelligence budget. The committee will hold hearings on this issue early in the next session, and I intend for the judgments we make as a result of those hearings to be reflected in the intelligence authorization bill for fiscal year 1995.

Let me just finally mention something which I think is important. I recognize that when it comes to monitoring intelligence agencies like the CIA, the National Security Agency, and the Defense Intelligence Agency that the Permanent Select Committee on Intelligence is the agent or the trustee for the rest of the Members of the House and the public.

In years past, in the 1970's and, to some extent, in the 1980's the intelligence agencies of this Government often did not operate under the rule of law. That has changed, and it is partly because of the Committees on Intelligence in the other body and the House that it has changed. It will continue to change.

We recognize that notwithstanding efforts to open up the process so that more Members of Congress know what is going on and so that the public knows what is going on in intelligence, we need continued, effective committee oversight and review. In the past year, we have given special attention to the budget issues, how much we spend, special attention to proliferation of weapons, who has got what and who is selling what kind of weapons to whom in the world, special attention to terrorism, where it exists and who is funding it, and special attention to counternarcotics.

The committee intends to continue this oversight.

I would have to say, from a personal perspective, that all of these issues demand continued oversight to make sure the intelligence community is doing its job correctly, spending taxpayer dollars appropriately, and is not creating problems for us that we do not need in terms of trying to make sure that the world is safer and more peaceful.

Mr. Speaker, the conference report embodies difficult choices about the best ways to achieve a balance between the legitimate intelligence needs of policymakers and military commanders and fiscal realities. It deserves the support of the House and I urge that it be adopted.

I want to put the intelligence community on notice that the same kind of oversight which was conducted last year will continue next year. This committee and this Congress will do everything it can to make sure that the dollars being spent on intelligence are being spent correctly, in accordance with law and in accordance with the foreign policy objectives of the United States.

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

□ 1400

Mr. COMBEST. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would first like to note that our committee chairman, Mr. GLICKMAN, has continued to lead our committee in a collegial manner, encouraging the honest sharing of views. Despite a wide variety of opinion on some matters on which our Members have felt strongly, he has successfully strived to keep the process open. I should also state that we found the conferees from the other body approached conference with a willingness to make reasonable compromises on several outstanding issues. I enjoy working with him very much.

I do rise in support of this conference report and urge Members to support its passage. Having said that, I and my colleagues from the minority are deeply disturbed by the cuts over and above those which were taken by the committee earlier in the authorization process. I fear these cuts compound the damage which has been done to our intelligence capabilities. Last year our committee made severe cuts totaling 5 percent to the intelligence budget. Even then-Chairman DAVID MCCURDY said the cuts were at "the outer limit," going beyond which would "risk severe damage to the ability of the community to provide intelligence necessary to the policymakers." His words were not heeded and the appropriations process essentially doubled those cuts. I and a great majority on our committee were appalled, yet here again we are making a cut of almost the same proportion.

In my statement supporting the authorization bill on the 3rd of August of this year, I outlined four of the major demands we make of our intelligence community: Preventing or, at the least, slowing the proliferation of weapons of mass destruction, countering terrorism, protecting American economic competitiveness, and supporting our military. I will not again discuss these in detail. I will tell you, however, that the last 3½ months have convinced me even more of the importance of intelligence in helping the President navigate the waters of foreign, diplomatic, economic, and military problems. I will simply say that from the vantage point of my position on the Intelligence Committee I have seen the wreckage that results when policy is made without good intelligence or with little attention paid to it, and I have on more than one occasion seen intelligence help the policymaker change course in the nick of time.

Let no one misunderstand my words. I do not believe that we can avoid some cuts to the intelligence budget. In an ideal world I would like to see the intelligence budget increased, because I know a dollar spent on good intelligence can save thousands spent in other ways—for example, on ill-advised or poorly prepared military actions; on unemployment and other benefits for American citizens whose jobs were literally stolen away by the illegal or unethical dealings of foreign companies or because of poorly negotiated or unenforced trade agreements; or on the

defenses required to protect us because radical, aggressive regimes illegally procure the technologies for weapons of mass destruction. I also think of the lives saved by intelligence—of our soldiers and of our vulnerable overseas travelers, not to mention ordinary U.S. citizens going about their daily lives, commuting and working in structures vulnerable to terrorist attacks.

As I said, in an ideal world I could see increasing the money spent for intelligence to protect us. Yet, realistically, I know we must expect the intelligence community to share in reducing the Federal budget. For that reason, I support the 17½ percent cut of the intelligence work force over 5 years which has already been mandated. I also believe the President's election call for a $7 billion cut in the 1993–97 intelligence budgets was manageable. What we are actually legislating here, though, entails much more serious cuts which will put critical capabilities at far greater risk, and that inevitably involves greater risks to the important national interests these intelligence capabilities protect. I will leave this point by simply observing that I think those of us who have been selected to protect the interests of the American people by providing oversight of the intelligence community may sooner, rather than later, regret the stampede to pick some arbitrary bottom-line amount by which to cut the intelligence budget and then go shopping for specific areas to fill out that cut.

On a more positive note, I am pleased with the progress we have made in conference on refining the concept of the National Security Education Act of 1991. We reduced the trust fund supporting the act from $150 million to $120 million and have directed that it is to operate solely from the interest accrued on the fund's principal. This will help fund more focused programs and selected students in advanced language and area studies at universities. The specific areas of study will be based on an annual assessment of critically important regions and languages. The program is to help ensure our universities' steady production of a pool of young, internationally knowledgeable, and linguistically adept individuals from which the U.S. foreign affairs and security communities will be able to recruit needed new talent. Of course, we intend to continue to closely monitor this program's implementation.

In closing, I reiterate that, although I am concerned at the cuts which have been made to our intelligence programs, I stand in support of this conference report. While it will drastically reduce some intelligence capabilities, it manages to maintain some others, although scaled down. Those who would argue that it is still too much are simply in ignorance of the fact that what the intelligence budget buys our country's leadership is not cheap: Some peace of mind from a bewildering and growing variety of political, economic, and military problems.

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

Mr. GLICKMAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from El Paso, TX [Mr. COLEMAN] chairman of the Subcommittee on Legislation.

Mr. COLEMAN. Mr. Speaker, I thank the chairman of the committee for yielding the time.

Mr. Speaker, I rise in support of the conference report on the Intelligence Authorization Act for fiscal year 1994. On balance, we reached a good compromise on the many issues facing the intelligence committees and I urge my colleagues to vote in favor of the agreement.

First, I want to stress that we did not include certain provisions found in the Senate bill for which the House of Representatives, and its interested committees, have not had an adequate opportunity for hearings and consideration. Among these was the provision that would established a statutory General Counsel at the Central Intelligence Agency, nominated by the President and confirmed by the Senate. I, for one, am not all convinced that a Senate-confirmed General Counsel would prevent politicization of the Office of the General Counsel at CIA, or improve the quality of its management, and I firmly believe the current Director of Central Intelligence should have the opportunity to express his views on the issue. The Committee on Intelligence will hold hearings next year, and the matter will be part of the consideration of the intelligence authorization bill for fiscal year 1995.

In addition, the agreement does not include the Senate provision that would have amended the Fair Credit Reporting Act to grant the Federal Bureau of Investigation access to consumer credit records in counterintelligence investigations on the basis of a "national security letter." Expansion of this extraordinary authority raised serious concerns in a number of House committees, on both substantive and procedural grounds, and the Senate receded to provide further time for House consideration of the matter.

On the National Security Education Act, the conferees agreed to reduce the unappropriated balance in the program's trust fund to $120 million and limited authorizations in fiscal year 1995 and 1996 to the amount of interest generated by the trust fund during the previous year. The conferees also required an annual assessment of foreign language and area studies hiring needs from agencies such as Department of Defense, State, and CIA, which will form the basis for the award of scholarships and fellowships under the program.

Finally, the conference report includes the House provision that authorizes retirement annuities, survivors annuities, and access to health insurance benefits for certain ex-spouses of participants in the Central Intelligence Agency Retirement and Disability System. Congresswomen KENNELLY and several groups comprising the spouses and ex-spouses of foreign service and CIA employees have worked hard over several years to get this provision enacted, and they should be congratulated for their efforts.

The measure of a good compromise is that no one is completely satisfied with the end result—and this agreement is no exception. Nevertheless, I urge its passage. It represents months of vigorous oversight by the intelligence committees to ensure funding is well spent and programs are productive. Enactment will set congressional priorities in place for the coming year, and thus I urge a "yes" vote.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER]. He and I joined the committee at the same time. I will say that there has been in my awareness a more studious Member, one who has attended more of the hearings, one who has dedicated more of his time, one who has brought more expertise and interest to this committee, and one that I wish his constituents in Nebraska would have had some awareness of the contribution the gentleman from Nebraska has made to this committee and to the protection of this country.

□ 1410

Mr. BEREUTER. Mr. Speaker, I rise in support of the conference report. I want to thank the gentleman from Texas, the distinguished ranking member of the Intelligence authorization committee, for yielding me this time, and to thank him for his very generous comments.

I believe the gentleman from Texas, the ranking member, and the gentleman from Kansas, the chairman, deserve extraordinary expressions of appreciation, compliments, and congratulations for the leadership that they have brought to the Intelligence Committee during the past year, and I do very sincerely extend those compliments to them.

I think they have expanded on the tradition of ensuring bipartisan sharing of information and effort as we conducted oversight and authorization activities for the intelligence community. It has been an outstanding effort on their part.

Mr. Speaker, this Member shares and would like to echo the budgetary comments by the gentleman from Texas [Mr. COMBEST]. At the beginning of the year, the Member request time formally registered serious concerns regarding the proposed reductions in the Intelligence budget. While I compliment the distinguished gentleman

from Kansas [Mr. GLICKMAN] for his fair- and even-handed management of the committee, particularly with regard to program and budget issues, I feel that we cut the Intelligence Community budget authorizations too deeply. Only time will tell whether this Member's concerns are well-taken, but clearly the world in which we live is one where American's and, therefore, Congress, can ill afford to take chances with our national security. Our intelligence agencies are our first line of defense, the eyes and ears that find those smoldering issues and circumstances abroad that can quickly ignite into a major conflagration. In the coming year we will carefully watch how the intelligence community fares in the severely reduced budgetary environment in which it now must exist.

I must compliment the chairman, however, for his willingness to review and his supportive leadership on some budgetary issues late in this legislative season. In particular, one where enormous intelligence and foreign policy equities were at risk. At this point I must speak in generalities to protect classified material, but I can say and wish to note that the chairman, Mr. COMBEST and our colleagues joined me in the conference in insisting on our position, and as a result we have been able to save an opportunity to continue two small but very significant intelligence programs which also have very crucial foreign policy implications? On some other interrelated but distinct programs of tremendous intelligence potential, we—the House authorization conferees—have done what we can to limit the disruption, which will result from a hasty and probably ill-considered program consolidation suggested in classified portions of the appropriations act. Our action would encourage the intelligence community to determine carefully the optimal management structure for those programs as well as reaffirm the authorizing committees' legislative responsibilities. This Member still has great concerns about the direction of the Defense Appropriations Act on this classified subject, but I was not able to reverse their apparent direction.

Finally, I would like to offer a few comments on the recently authorized National Security Education Act, NSEA. At the time of passage 2 years ago, this and many other Members had grave doubts about the program. During our recent conference, I noted that if we were going to proceed with the program, which the previous Congress had authorized—if we are going to proceed with the program, we ought to impose necessary fiscal and programmatic restraints on NSEA in order to give us the very best product possible. One of those restrictions imposed limits expenditures solely to the interest earned on the principal of the trust fund. I am pleased to report that the conferees agreed to this limitation.

The conferees also agreed that the NSEA program shall only provide scholarships and fellowships in areas where there is a shortage of personnel with more esoteric language and area studies skills. The shortages will be determined based on an annual language assessment of future needs to be prepared by the Department of Defense from inputs from Federal agencies including the CIA that will employ the NSEA fellows. This annual language area studies assessment will be critical to determining new educational assistance for NSEA.

Our actions have tightened up this program significantly, and it will provide a direct benefit to the intelligence and foreign affairs community. As such, I believe that we have at least modified and directed a fledgling program in a manner that will better meet the needs of the Federal agencies which will be hiring these individuals. At the same time, providing educational opportunities to American students that are more likely to meet the actual needs of our intelligence and national security agencies.

Mr. Speaker, I would like now to engage in a brief colloquy with the ranking member of the committee related to the NSEA. I have a few brief points for him to consider, and I would ask his comments at the completion of this statement.

First, the Republican Members, it is my understanding, will continue to exercise full oversight over NSEA to ensure it is executed in accordance with the changes mandated by the conferees and hope to have the cooperation of our majority counterparts in that effort. Second, the chairman, Mr. GLICKMAN, at the conference stated a view, which you and I share, that the committee understands that future annual authorization actions are an essential element in effective oversight. And, third, over the next year, we the Republican minority would work to ensure that the HPSCI will hold hearings on NSEA to determine how the program is proceeding, in particular since this year will mark the award of the first scholarships and fellowships.

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

Mr. BEREUTER. I am happy to yield to the gentleman from Texas for any comment he may want to make.

Mr. COMBEST. Mr. Speaker, I say to the gentleman from Nebraska that I totally concur with his comments, and strongly support them, and as the gentleman will recall, our committee had basically ended the program, but in conference, as one does in many instances in an ability to reach a position in which we could move forward with the bill, which was important to the community, did make some agreement with the Senate that the program would continue but, as the gentleman has indicated, at a significantly changed and scaled-down version, and certainly limiting only the expenditure for the program to the amount of the interest on the trust fund which was established in last year's moneys out of intelligence. Because of that, I have always felt very strongly that the Intelligence Committee should be the oversight committee of that program as long as those funds actually came from the intelligence community, which they did, and, in fact, the intelligence community should benefit from them which we have established under this, but I would strongly concur with the statement of the gentleman from Nebraska and will do everything I possibly can to make certain those concerns he has are carried out in our committee as long as I am the ranking member.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Texas for that assurance, which I would have expected since he has been so active in this area. I thought it might be helpful to have it on the record.

I made a characterization of the chairman's view, and if it is inaccurate, please, correct me.

Mr. Speaker, I want to add a positive note on the NSEA. It would be worthwhile to highlight the very effective management that is being exercised by the new office director, Charlene King. NSEA was going nowhere until she was appointed in April, and now it appears to be tightly run and very responsive to meeting intelligence community personnel and area study requirements.

Mr. Speaker, in conclusion, I want to reiterate my thanks to the Chairman and the ranking Member for all of their support and courtesy throughout the Conference and earlier during committee markup on matters of interest to me. Without that assistance and attitude we could not have made the significant modifications to the House-passed bill and during the Conference. For that, I am grateful.

Mr. Speaker, moving to another point, if the gentleman from El Paso is in the room. Nevertheless, it might be good to put some comments on the RECORD since he brought up the discussion about the FBI and the possible amendments to the Fair Credit Reporting Act.

Yesterday, this gentleman, a member of the Consumer Affairs Subcommittee of the Committee on Banking, Finance and Urban Affairs, during a markup of a bill amending the Fair Credit Reporting Act authorization legislation, noted to members of that subcommittee that the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], and the chairman of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], had asked that the Intelligence Committee, in a letter to Chairman GLICKMAN, not proceed with amendments to the FCRA

or accept Senate language to amend the FCRA, since it was in the Banking Committee jurisdiction. And appropriately, of course, the HPSCI responded in acknowledging it was in the Banking Committee jurisdiction. We also received shortly thereafter a letter from the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], indicating that he would look to hearings and actions of the Committee on Banking, Finance and Urban Affairs on the issue of possible FBI-related amendments to the FCRA.

I referenced the Senate Intelligence Committee bill's relevant provisions on the FCRA yesterday for members of the House Banking Subcommittee to consider. I would say to my colleagues since there have been contacts from the FBI on several occasions with the House minority and majority staff of the Committee on Banking, Finance and Urban Affairs, we may yet have an opportunity to weigh in, in support of FBI-related amendments to the FCRA either during the FCRA markup of the full Committee on Banking, Finance and Urban Affairs or on the House floor on such legislation.

This member wanted to alert members there is a possibility yet for action in the next session of the 103d Congress on this front. So I would particularly invite future comments from the chairman of the Legislative Subcommittee, the gentleman from Texas [Mr. COLEMAN] on this subject.

As a final note, I want to mention that I think that the committee is extraordinarily well served by continuing to have what I consider to be the best staff to assist us that exists in the House of Representatives.

□ 1420

The majority and minority of HPSCI is, without exception, as outstanding a staff that has been assembled in the House. It continues the tradition of being the best staff effort in the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. David Kalbaugh, one of his secretaries.

CONFERENCE REPORT ON H.R. 2330 INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. GLICKMAN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding this time to me.

As the House is well aware, this committee undertakes some extremely serious responsibilities in its work; in particular it acts as a surrogate for the general membership of the House in overseeing the intelligence community of the United States and the very sensitive work that it carries out.

I have been extremely impressed as a new member of the committee with the degree of professionalism and excellence that I think both the membership brings to this task and, as the gentleman from Nebraska [Mr. BEREUTER] just expressed, I wanted to express my great respect for the quality of the work that our staff does. I have not experienced anything in my time in this body that really matches the quality of work and professionalism of our staff.

This committee, more than any other in this body, deals with matters in secret. As we have responsibility because of that to keep those things secret which ought to be kept secret, I think we also carry a responsibility to examine the process and practices of the community so that matters which need not and ought not be kept secret are not.

So I want to express my thanks to my colleagues on the committee for undertaking in this bill to direct the intelligence community to begin a very thoroughgoing review of both the costs in monetary terms and in practical terms of the classification procedures of the U.S. Government. This will serve to push forward, I hope at a good and considered pace, the efforts that the administration has already started to review and reform the classification procedures of the Government.

It is important for a democracy that as much information as we possibly can have in the public domain about the operations of Government be there, and we are making an important step in that direction with this bill.

Mr. Speaker, memos on the movement of U.S. troops in Europe from 1917; 23,500 pages of documents dating from before World War II; documents concerning POW/MIA's in the Korean war—do these sound like secret documents that need to be kept under lock and key? They don't to me or to most sensible people, but these are among the millions of Government papers that are needlessly withheld from the public domain because of an outdated and burdensome system of classifying Government information.

Today, with the approval of the intelligence authorization bill, we begin to turn the tide on this sea of top secret paper. As a member of both the Permanent Select Committee on Intelligence and the Appropriations Committee, I've initiated a Government-wide cost accounting and expenditure-reduction effort involving all agencies that make up the intelligence community or are affected by classification rules and procedures.

Provisions I authored for the intelligence bill and all relevant fiscal year 1994 appropriations laws—Commerce, Justice, State and the Judiciary; Energy and Water; Treasury-Postal—require reports by next March detailing the cost and number of personnel involved in classifying and maintaining Government secrets. It also requires the agencies to come up with suggestions about how to cut spending on classification and secrecy for 1995. I decided to take this approach after finding out the agencies that deal with classified material couldn't even tell me roughly how much they are spending on document classification.

The problem is that despite sweeping changes in the international arena, the classification bureaucracy is stuck on autopilot, stamping top secret on nearly 7 million new documents each year. Ninety-five percent of these papers will be marked for indefinite restriction.

Over the years, this has led to the buildup of tens of millions of secret documents, some truly sensitive, some not. Remaining under wraps, for instance, is the radar equation, a standard law of physics that has been in textbooks since the 1940's as well as some 6,000 U.S. inventions, some dating from the 1940's, whose authors are forbidden to publish, patent, or even discuss their work.

The tremendous cost—borne by the U.S. taxpayer—for the personnel, processing and storage needed to handle all these classified documents is daunting enough. But we also need to consider that private American companies spend at least $14 billion a year to meet increasingly complex, overlapping, and sometimes contradictory controls on classified information.

While the dollar cost of overclassification is staggering, an even heavier price is levied on a Democratic, free society. The excessive classification under the current system diminishes open Government, individual liberty, and access to Government information that's essential to an informal electorate.

The great irony is that overclassification has not necessarily bought us better security. Excessive—often arbitrary—classification has led to an ossified secrecy system that is often unable to cope with the rapidly changing circumstances of the post cold-war world. Overdoing classification ultimately does a poor job of protecting legitimate national security information. When classified information becomes commonplace, it devalues the currency of the more important secrets; carelessness sets in and accountability declines.

The cost-accounting and expenditure reduction effort I've initiated is the first step in addressing these problems. Requiring reports detailing the cost and number of personnel involved in classifying information, and keeping information classified, will ensure that over classification is no longer simply built in to agency budgets. Agencies will have to address this problem explicitly and set cost-cutting goals for handling classified information in 1995.

The reports, due on March 31, 1994, will knock the system off autopilot. I'm hoping that by this time next year I'll be able to tell you about historic changes in the way information is handled by the national security community and about the savings the agencies plan to achieve.

The post-cold-war era presents both new threats and new opportunities. The intelligence and national security community, traditionally somewhat resistant to change in procedures, needs to adapt to the new international environment. Reforming classification policies and practices is a key place to prove that it can.

The Government doesn't often have the chance to cut costs and improve operations.

By reining in unnecessary classification, we can do both, all the while enhancing, not shorting, our real security objectives.

Mr. GLICKMAN. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I too, as the gentleman from Colorado [Mr. SKAGGS], am a new member of this committee. I would also like to compliment both sides, Republicans and Democrats, on the committee because we certainly worked in a bipartisan way to find a solution to the budgetary problems facing the Government and, in particular, the intelligence communities.

I think that Members who are watching in their offices or here on the floor should remember that from the President's request we cut over 5 percent before we brought it to the floor. On top of that, as the chairman and ranking minority member have stated, the conference has again cut it over $150 million. We have cut programs that are desirable, but we had to make choices to protect the intelligence-gathering ability of our security agencies at the same time that we had to make sure we came within the budgetary restraints as we felt were necessary in today's economy.

I feel this conference did a good job. We worked together.

One thing we were impressed with is the fact that the members were there. I serve on a number of committees. Many of us know that sometimes those committees sit with two or three Members. We had a vast amount of Members at every single meeting, and of course at every markup. That says a lot to the fact that maybe in full committee we should not have proxy voting. We do not have it in the Intelligence Committee, and it has worked very effectively.

Mr. GLICKMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the chairman for yielding this time to me, and I commend him, the gentleman from Kansas [Mr. GLICKMAN], and the ranking member, the gentleman from Texas [Mr. COMBEST], for their leadership in forging this bipartisan legislation and guiding us through the conference with the Senate.

Mr. Speaker, I support the legislation, but I do want to say that as one who went to the committee to advocate more openness and streamlining of the budget as well as the declassification of documents, I see progress on the committee.

I am, however, disappointed that we are not able to go along with the Senate sense of the Congress that the total budget figure be made public. I am confident that the chairman of our committee, the gentleman from Kansas [Mr. GLICKMAN], will hold hearings next year about requiring the release of that figure. I commend him for that effort.

I think in the long run we will end up with a better product, with more openness in the intelligence process, and more confidence from the American people.

Mr. GLICKMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY], who was a distinguished member of this committee for 6 years, I believe.

Mrs. KENNELLY. Mr. Speaker, I rise in support of H.R. 2330, the intelligence authorization conference report.

I particularly want to again thank Mr. GLICKMAN and Mr. COMBEST, the chairman and ranking minority member of the full Intelligence Committee, and Mr. COLEMAN and Mr. GEKAS, the chairman and ranking minority member of the Subcommittee on Legislation for their assistance on providing survivor annuities, retirement annuities, and access to health insurance for certain ex-spouses of the Central Intelligence Agency retirement and disability system [CIARDS].

Throughout the 1980's Congress enacted legislation to provide greater retirement equity for the spouses of Federal Government employees. The CIA Spouses' Retirement Equity Act of 1982 provided that qualified former spouses of CIA officers would presumptively receive upon divorce a pro rata share of the officer's retirement benefits, up to 50 percent, based on the length of the marriage during the period of agency services prior to divorce. The qualified former spouses would also be awarded a similar share of the officer's survivorship benefits. These presumptive amounts could be adjusted by court order or spousal agreement.

This right, which is substantially the same as that provided to similarly situated former spouses of Foreign Service officers, has been extremely important for the financial security of older women facing divorce from clandestine officers of the CIA. We are all now well aware of how difficult it has been for women to secure an equitable divorce, and the financial deprivation that usually results. These difficulties were compounded for CIA spouses who were unable to reveal in open court basic details about their personal circumstances.

Under the 1982 law, unfortunately, in order to qualify as a CIA former spouse, and individual not only had to have been married to a CIA employee during at least 10 years of creditable service, but 5 years had to have been spent outside the United States by both marriage partners.

The Subcommittee on Legislation of the Permanent Select Committee on Intelligence, which I chaired in the last Congress, became aware that the 5-year overseas rule for the spouse disqualified from retirement and survivorship benefits many former spouses whose sacrifices for family and country had been as great as those of the former spouses who met the requirements of the rule. These women also provided great support to their husbands and to the Agency by maintaining cover, accepting frequent transfers, and participating in service-related activities. They bore all family responsibilities stateside alone while the officer served overseas, and agreed to the extra demands on family income of maintaining two households. Like other CIA spouses, they found employment opportunities, when not precluded by the nature of the officer's work, to be very limited, and they too experienced the stress of living with secrecy and the fear for the physical safety of their partners. The subcommittee found that these women were in some cases prevented from meeting the 5-year overseas rule by days because they were not allowed by the Agency to accompany the officers to war zone assignments or because they needed to bring a sick child back to the United States for medical care.

Congress in 1991 repealed the 5-year overseas qualifying rule for former spouses divorced after December 4, 1991. Section 203 addresses the plight of a relatively small number of individuals divorced before the repeal. It enables them to receive on a prospective basis retirement and survivor benefits equivalent to the amount they would have been presumptively awarded, provided they meet the other former spouse requirements. In addition, these individuals and those ex-spouses now receiving Federal insurance benefits will be allowed to receive Federal health insurance benefits in the future on the same terms available to other CIA former spouses.

Mr. Speaker, the tales of some of the women who will benefit from this legislation have been shared with the Subcommittee on Legislation, and they are heartrending. We are talking about people who were—and are—every bit as dedicated to the highest ideals of the Central Intelligence Agency as anyone employed there, but who have paid great costs financially and emotionally for their service.

Again, on behalf of the individuals who will benefit from this legislation, I thank the committee for its efforts.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

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

Mr. Speaker, I rise in support of the conference report. As we near the end of the first year of the 103d Congress, I believe the American people can feel secure that the work and duty of their Intelligence Committee and the intelligence community at large has served the American public well. We have made some painful steps, and we have taken some gainful steps as well.

The painful steps, of course, are in the realm of retraction of resources

and funding where we, many of us, feel might in the long run hurt our general capacity for intelligence. But we will work together to try to make sure that each dollar is spent wisely and prudently.

The gainful steps, of course, were made in the allusions already presented by the chairman of the committee and the ranking member. I join in the applause for those gainful steps.

To the gentleman from Texas [Mr. COLEMAN], I say I am eager to work with him even further in consolidation of some of the issues that have arisen during this first year and to do what we can to enhance the capacity of the intelligence community.

So, in closing, I endorse everything that has been said, commend the staff, commend our colleagues on the committee, and say to our people, "Sleep well, America; we are on top of things in the intelligence community."

Mr. GLICKMAN. Mr. Speaker, I yield 2½ minutes to my distinguished colleague, the gentleman from Washington State [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I thank the chairman for yielding this time to me, and I commend him, Congressman DAN GLICKMAN of Kansas, and the ranking member, the gentleman from Texas [Mr. COMBEST]. I am very pleased the committee operated this year on a very solid bipartisan basis. I also commend the staff of the committee.

Mr. Speaker, I have served in this Congress for 9 terms, I think the staff of this Intelligence Committee is one of our very best. I have enjoyed this year particularly, being one of four members from the Defense Appropriations Subcommittee, to work with the Intelligence Committee, as a member of the Intelligence Committee, to try to coordinate issues that in the past have caused us some difficulty.

□ 1430

The one issue that sounds very, very trite is that sometimes we would appropriate money that was not authorized.

I know the chairman was very concerned about that. Last year it totaled nearly half-a-billion dollars. This year we were able to reduce that dramatically. It was one of the priorities of the gentleman from Kansas [Mr. GLICKMAN] that we do that, and the gentleman from Pennsylvania [Mr. MURTHA], the chairman of the Defense Subcommittee wanted it done. We were able by coordinating the staff members to make real progress in that area.

I also want to say that the new Director of the Central Intelligence Agency, Mr. Woolsey, has worked effectively with our committee. He had some very strong views on a number of issues, but he was willing to work with the committee.

I think overall we have developed a new architecture for our intelligence gathering capabilities that will serve the country well into the future.

We still have some issues that are going to have to be resolved in the years ahead, but I want to commend the chairman and the members of the committee for the good work that has been done.

I also want to make sure that everybody realizes that we cannot get into numbers here, but we have cut this budget again for the second year in a row very, very dramatically, much more than I think most Members recognize.

I know there were a number of amendments on the floor about cutting back on Intelligence, but I want everyone here to know, we are bringing down the Intelligence budget, and I think we are doing it in a way that is thoughtful, constructive and that will still allow us to have good human intelligence and the ability to modernize our satellite capability. So we listened to the House. We listened to the American people. I think we are moving ahead and I look forward again to working in the second session with the chairman and the ranking member and the members of the staff to see if we cannot even do better than we did this year.

Mr. Speaker, I certainly urge the House to support this bill.

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

Mr. LAUGHLIN. Mr. Speaker, I want to express my support for the conference report and compliment the committee for its work.

Mr. COMBEST. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, there are a lot of congratulations going back and forth about the fine work done by this committee, and I would like to add my voice to that.

But there is something that strikes me as very important and that we may be overlooking here today, and that has to do with the oath of secrecy requirement that was left out of the conference report.

Mr. Speaker, every right carries with it responsibilities. Members of Congress, by virtue of their offices, are often privy to the Nation's most sensitive information if they want it—information that, if leaked, could have far-reaching implications. When bona fide classified information is compromised, national security is jeopardized; our ability to gather timely and accurate intelligence is crippled as a result, and the members of our intelligence services, who put themselves at risk to ensure that decisionmakers in the executive branch have the information they need, are further endangered. I call attention to this aspect of the intelligence authorization because it could easily be overlooked in the closing rush of legislation that is so common at the end of a session.

As my colleagues know, the intelligence authorization has emerged out of conference and onto the floor for consideration today. We have been debating it, but as I said, it comes back to the House without this oath of secrecy agreement. That amendment addresses the recurrent problem of willful and irresponsible disclosure of classified information by Members of Congress.

Now let us review the facts. On August 4, 341 Members of this body voted to add an amendment to the authorization to require that members who received classified information from the executive branch sign an oath of secrecy. If they are uncomfortable, they do not have to have the information.

Subsequently, a substitute passed with the strong support of the majority, and that is the measure that went forward in the conference.

I am going to withhold any objection to the conference report, because this is too important for our Nation. I agree there are questions about cutting too much. I agree with the questions about the proper classifications. I think work does need to be done there.

But I want to say that damaging leaks still happen. There is a need for this oath of security.

Witness the stories about Haiti. Sadly enough, it is another embarrassing, possibly dangerous and damaging revelation to our Intelligence gathering effort in a country that has been in the headlines. It is a very sad thing.

The amendment that we sent forth to the Senate included Senators. The Senate has their own rules, as everybody knows. I believe it is Senate rule 28.

People in the executive branch have the National Security Act. Only Members of Congress who are not on the Intelligence Committee in the House have no accountability when it comes to receiving classified information. It is a strange loophole we have, and that is what we are trying to close up. It is not a big deal to do. The majority has said we should do it, and the fact it has been dropped from conference, it seems to me that it will not necessarily go away.

I say that because I am now quoting from the New York Times from the 1st of November of this year. It says, and I will not name the specific Member, although he is named in the article, that a specific Member of the House Intelligence Committee and another committee, who confirmed that payments were made. This is speaking about CIA payments to specific people in a specific country where there are national security interests, and men and women in uniform potentially in the area of getting shot.

Now, that is just a circumstance where frankly we avoided a tragedy more by good luck than anything else,

I suspect, than by policy; but the fact is that this is not the type of thing that a Member, whether he or she is on the Intelligence Committee or not, should be confirming to a newspaper. This is not business if it is classified, and this was classified. That is what I am trying to get at.

As I said, I do not think anybody likes to see the types of political cartoons that we saw in the Christian Science Monitor today that add ridicule to the efforts of the executive branch Agency that is responsible for gathering and analyzing out intelligence. It does not help. It does not help the credibility of Government, and frankly, most of this came from leaks, and we all know it.

I am sorry to say that the leaks may have come from Members of this body and Members of the other body, and if that is the case, we need to do something about it. The oath of secrecy is not particularly a harsh remedy. I just think it is a common sense one, because it gives us a chance to be accountable for our actions.

Could there be anything wrong with that?

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

Mr. GOSS. Surely, I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I want to say to the gentleman that I appreciate very much the fact that he has been such a strong supporter of this. No one can take a seat in front of the gentleman in an effort to move this legislation.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from Florida has expired.

Mr. COMBEST. Mr. Speaker, I yield 1 additional minute to the gentleman from Florida [Mr. GOSS].

Mr. Speaker, will the gentleman yield further?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, they worked closely in the past on this regard. There is no one also who is more concerned about the potential and about the leaks that have occurred than I am.

I do not want the gentleman to think at all from the fact that the provision did not remain in the bill that this Member feels any less strongly about it. In fact, I think that part of it is as strongly needed as many parts of the bill.

In an effort to be able to get a bill and get it to the committee where we can get adequate funding for it this year, there was a strong objection by the conferees.

But I would say to the gentleman that I will be glad to work with him in any way that I can to try to make certain that this is something that moves forward, because as the gentleman has indicated, this House spoke very strongly in support of an oath of secrecy in a vote which we have during the authorization of this bill originally.

Mr. Speaker, I commend the gentleman, and I want him to know that I will do everything possible to work with him to try to make this something in the future which in fact does become a requirement that every Member who handles classified information in the House of Representatives has to take in advance.

Mr. GOSS. Mr. Speaker, I am grateful for those assurances.

Mr. GLICKMAN. Mr. Speaker, I yield myself 1 minute.

First of all, Mr. Speaker, I want to note for the gentleman from Florida that I take very seriously the safeguarding of classified information. I periodically remind committee members, as does the gentleman from Texas [Mr. COMBEST], of the requirements of the House and the committee rules which prohibit the unauthorized disclosure of classified information.

The record of the committee on not disclosing secrets has been excellent, far superior to the executive branch.

I would also point out for the gentleman's benefit that I made an inquiry about the article the gentleman talked about in the New York Times. The committee member in question has assured me that he did not disclose any classified information.

I accept the gentleman's concern about this particular issue and I will continue to remind Members of their serious obligations to keep classified information secret.

What I want to avoid is the adoption of any procedure which would single out Members of the House for special treatment when the question of secrecy arises.

The gentleman is not totally correct.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. GLICKMAN. Mr. Speaker, I yield myself 1 additional minute.

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The executive branch is really not subject to any other set of rules than we are. We are both subject to the espionage statutes, which, of course, we take seriously, so they are not subject to any other particular rules, the general executive branch that are not subject to us, except people in the intelligence agencies of course. But any restrictions on access to classified information which go beyond those applicable to the Permanent Select Committee on Intelligence should play equally to the Senate, House and executive branch. That was the purpose of my amendment to the gentleman's amendment. Unfortunately, the Senate conferees would not accept that amendment.

But I do think that we need to make sure that we honor the secrecy of the information, and our committee does, in fact, do that, and I want to assure the gentleman that we will continue to monitor the situation.

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

Mr. GLICKMAN. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Kansas [Mr. GLICKMAN] for yielding.

I think there are two points I would like to make. First of all, every member of the Permanent Select Committee on Intelligence in the executive branch does have to sign a secrecy oath. One cannot get employment in that area. That does not mean that all members. I agree with the gentleman that that may be an area where the gentleman's committee ought to look, and I would be very happy to support that.

The second thing that I think is worth noting is I do not believe that we would have been reading the flap about the CIA and Haiti had it not been for that briefing and the fact there was a leak from that briefing. I am drawing no conclusion, but that was a briefing of Members of Congress on either side, and the flap started shortly thereafter. I think a reasonable person would make the conclusion that there was a leak.

Mr. GLICKMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, as a new member of the committee I rise in strong support of this conference report. It is a bipartisan report. I congratulate the leadership on both sides of this committee.

Mr. COMBEST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I rise in reluctant support today of the intelligence authorization bill, and I say "reluctantly" only for one reason, not because of what it accomplishes; I agree with that, but what it does not accomplish.

Originally, as the chairman and the ranking member know, I have offered an amendment to this bill which would establish a national task force on terrorism which would force this Government to prioritize and coordinate matters relating to counterterrorism in intelligence gathering, dissemination, and operations. This does not occur today, at least not in any effective form. I do want to thank the chairman and the ranking member for their support in this effort that I made, however, but what we get today, rather than that type of structured legislative product that I had hoped we would get, is a version of a committee report and a little bit of the bill that does state that the relevant agencies must give us the status report in about 6 months on

the nature of our counterterrorism activities. But there is no mandated followup.

What concerns me and many other Members is a growing perception that, while lipservice is paid to fighting terrorism by the administration, no serious effort has been taken to fully assess and define the threat and develop the policies and resources to fight that threat. Staff of the Task Force on Terrorism that I head has spent many hours briefing local law enforcement agencies in New York and California on the nature and threat of terrorist organizations. Time after time they are told that they receive no such help from the Federal Government.

We need a comprehensive policy on counterterrorism. We do not get a start with that with this bill. What we do get, at least, is an urging of a report, and that is the extent of it.

Putting bureaucratic prerogatives before the lives of people who have suffered in the World Trade Center bombing or Pan Am 103 is incomprehensible to me. The Iranian Hezbollah is in Somalia and was involved in the death of Rangers of our United States Armed Forces. When is enough enough, and how many have to die before we get those policies we really need? Why must we legislate this? And frankly the simple answer to that is: because the administration so far has not addressed this problem adequately.

Mr Speaker, at this point I insert in the RECORD a copy of the speech of Dr. Yigal Carmon, the former counterterrorism adviser to Israel Prime Minister Shamir. This speech might alert a few people to why we really do need to address the seriousness of this problem:

CURRENT MIDEAST TERRORISM: THREATS AND RESPONSES

(By Dr. Yigal Carmon)

The current wave of MidEast terrorism differs from those of the 70s and 80s in that at its core lies militant Islam. This new characteristic does not belittle the role of state sponsorship, which has dominated MidEast terrorism for decades and still does. But militant Islam, now supported by states in the region, has given terrorism a new potency.

Militant Islam has four principal characteristics.

A. Unlike in the past, when Middle Eastern terrorists struck from their home bases, Militant Islamic movements today maintain expanding infrastructures in the growing Muslim immigrant communities in the West.

B. Militant Islam targets Western civilization in its entirety, as a concept and a system.

C. Religious fanaticism, guided as it is by the Deity, brings terrorist activity to new dimensions, allowing even for mass killing. Had the World Trade Center collapsed, it probably would have been the worst disaster in the last 50 years.

D. Religious terrorism cannot be placated or accommodated.

These elements made militant Islam increasingly the most alarming threat to the West today. Confrontation, therefore, sooner or later, may be unavoidable.

On February 26 of this year, at a meeting with my colleagues at SOLIC (DOD), I asserted that militant Islam poses an imminent threat to the United States. It was only a few hours later that the World Trade Center bombing took place.

The West is not prepared to meet this threat. Modern democracies are unwilling to engage in the type of religious conflict that characterized previous ages. Nor should they.

Observing militant Islam in faraway Afghanistan or in the Middle East, citizens of democracies do recognize the role of religion in the conflict. But when they view the same phenomenon within their own society—bound by western-democratic values and morals, as well as by their legal principles—they fail to understand the crux of the problem: Any religion, when abused by fundamentalists, may serve not only as a source but also as an organizational framework for violence and aggression in the name of God. This was the case with the aberrant Jewish militant group that engaged in violence in the territories in the early-'80s, and with the Branch-Davidian Christian fundamentalist cult. It is also the case with the more popular militant Islamic movements.

This failure to perceive correctly the nature of the conflict stems from the Western tendency to apply a Judeo-Christian frame of reference to Islam—a faulty application. Christianity and Judaism, in their history, have undergone reformation, separating church from state and giving up the use of violence in the name of God. Islam, by contrast, has not yet undergone the same evolution. In Islam there is no separation between church and state, between the realms of the sacred and the secular, between religion and politics. Rather, all of these are one and the same. Which means in practice that the militant Islamic cleric is also a military and political leader, and that his mosque may serve as a venue for his activities.

This grim reality, coupled with the expected cuts in the defense budgets of Western democracies, makes the problem even more acute and underlines the vital need for an appropriate and effective strategy.

This is a sensitive topic to discuss. Concern about militant Islam may be misunderstood or abused by bigots as an attack on religion as such, or as a danger to religious freedom and civil liberties.

Nevertheless, we face a real problem, which threatens human lives and institutions of society. Militant Islam inside the West is new to democratic societies. Western history, in recent centuries, offers us no direct guidance to deal with it.

Let it thus be clear that the concerns expressed in this paper are meant to reaffirm Western democratic values, particularly with respect to religious freedom and civil liberties. My purpose is protect these freedoms from those who would seek to undermine them.

THE NATURE OF THE THREAT

The rise of militant Islam in the last decade stems from two coinciding phenomena, one socioeconomic and the other demographic.

The first is a marked decline in the economies of Middle Eastern states, which has led to a major crisis of survival, especially among younger people.

The second is a marked rise in the number of Muslim immigrants from the Middle East, North Africa, and Asia, to the West. These immigrant communities, their economic success notwithstanding, have maintained many characteristics of their cultural background, which in many instances conflict directly with those of the Western society in which they live.

Against a backdrop of growing discontent among the masses, nostalgia for the Arab-Muslim grandeur of the past, and the momentum created by the Islamic takeover in Iran, Muslim fundamentalist leaders tried to foster the vision of an Islamic state that would rectify the people's grievances and also assuage their anger.

Prof. Martin Kramer, in his article "Islam vs. Democracy" (Commentary, January 1993), writes, "While regimes fumbled for solutions, the fundamentalists persuaded the growing numbers of the poor, young, and credulous that if they only returned to believe and implemented God's law, the fog of misery surrounding them would lift."

Prof. Bernard Lewis, in his landmark article, "The Roots of Muslim Rage" (Atlantic Monthly, September 1990), contends that Islamic fundamentalism has given a shape and objective to the otherwise undirected resentment and anger of the masses in the Middle East, following events which have devalued their traditional values and robbed them of their beliefs, their aspirations, and their dignity.

Afghanistan became the focal point of pan-Islamic "Jihad," much in the way that Spain during its civil war became the focal point for international communism.

But the response of the masses to the call of Islam did not alleviate their pain and frustration. Instead, it only intensified them. The leaders, unable to provide solutions to the very basic grievances and problems of daily living, used the religious fervor that was stirred up as a catalyst for radicalization and increased militancy.

Growing Muslim communities in Western countries have fared no better. Despite their relative economic success and improved lifestyles, the freedom and pluralism of the West has offered little comfort to these people. Rather, it has served to heighten their frustration. And here lies the core of the problem of militant Islam.

The fundamental tenets of Islamic theology demand confrontation with any non-Muslim or secular system until Islam supersedes it. Therefore, the more devout a Muslim living under a non-Muslim or secular regime becomes, the sharper the inner conflict he feels at being unable to change what is required of him by his creed.

The example of Christianity can help us understand this inner conflict in Islam:

Modern Christianity, for most of its adherents (and clearly there are exceptions), is primarily a religion of faith. Christians accept a set of general moral beliefs that do not dictate every aspect of their daily lives. Christians recognize the wider, secular nature of their collective existence and acknowledge the preeminence of secular authority.

Islam, by contrast, is primarily a religion of precepts and acts. There is a religious obligation for almost every act and almost every minute in the life of a believer—on both the individual and community levels. All his acts are meant to be conducted according to the same set of rules—the Islamic law, the Shari'ah.

The fundamental theology of Islam divides the world into two domains—"The Domain of Islam", where the law of Allah prevails, and "The Domain of War," where heresy prevails; and it is the duty of the believer to turn the "Domain of War" into the "Domain of Islam" through unyielding Jihad.

This is why militant Islam is inherently at odds with both the secular regimes in Arab countries and the multicultural Western states. Coexistence with any of these entails

unacceptable, if not blasphemous, compromises.

What I present to you is not a theoretical exercise in comparative religion. Islamic fundamentalism has evoked a potential explosion in the hearts and minds of devout Muslims in non-Islamic countries and under secular Arab rule. They find themselves in a state of intense clash between their religious duties, norms, and values and the realities of their existence—a state described by psychologists as Cognitive Dissonance.

The psychological stress induced by the conflict leaves devout Muslims with three options:

A. They may endure what they regard as an imperfect and shameful situation, seeking escape by distancing themselves from religious life or by inventing a religious rationale to accommodate reality. This is the reaction of the overwhelming majority of Muslims today; or

B. They may deny the painful reality, as far as possible, by withdrawing into the limited confines of religious life (much in the way of Muhammad in his "Hijrah"—in the ancient history of Islam—when he was unable to overcome the powerful establishment of Mecca). Unfortunately, this path does not end in Hijrah. More often it leads to a regrouping of forces, a weeding out of the ranks, and ultimately, a more determined return to the struggle.

This path was taken, for example, by the Egyptian militant Islamic group called the "Jama'at al-Hijrah wa al-Takfir", which was responsible for the assassination of the late Anwar al-Sadat in October 1981; or

C. They may choose the path of permanent struggle against the secular/non-Muslim order, despite its overwhelming power. This pattern of reaction is reflected in the violent activities of the militant Islamic movements.

I wish to stress once more: the large majority of Muslims in the West are not militants. A small minority, however, is. And although this minority lives in an open, free and democratic society and enjoys its benefits, these Muslims nevertheless feel that they are under attack. Unjustified as these feelings are, we must not underestimate the strong motivations they create.

The World Trade Center bombing was no accident. Rather, it was a deliberate act of extreme violence, motivated by an ideology rooted in a dangerous social, religious, and political reality of which the American public is not sufficiently aware or cognizant.

Why is the public unaware of it? First, because of their faulty frame of reference, as we discussed earlier. Second, because we are dealing here with the inner world of the immigrant Muslim community, of which outsiders know very little. Immigrant Muslims, on the one hand, interact daily with the surrounding western society, according to Western rules; on the other hand, they maintain and perpetuate the characteristics of their original culture.

The traditions of the Muslim communities find their expression almost exclusively in the inner life of the community, in its language and in the codes ruling social conduct, which are very foreign to outsiders. Furthermore, since the basic and central element in this tradition is the religion, it is almost never known to or understood by non-Muslims.

Only rarely do we come across English-language expressions that provide a glimpse into the inner world of the Muslim immigrants in the West, revealing the conflict in which they live. One such example is a monthly magazine, "Khilafah", published in London and distributed in mosques in Britain and the United States.

The October 1991 issue carried an article entitled, "Capitalism: It's a Crime", condemning democracy, free spirit, and the Western way of life as the root of all evil. The article asserts that the Western ideal of freedom corrupts morality and leads to all the ills to which the West is prey. Western society is a "kufr system" ("system of heresy"), the article contends, and Muslims living in the West should "act as part of the global Muslim ummah (nation)".

Furthermore, according to the article, "The Muslim community must address this central issue in all their dealings as inhabitants of the West—in the schools, shops, colleges, workplaces, recreational centres, and media."

The magazine's perception of life in the West is best exemplified by its attitude to the Rushdie affair and the Gulf War, expressed this way:

"The authorities here showed the Muslim community that they will not tolerate concerted and united Muslim action on their lands during the Rushdie affair, when they ignored our grievances; and during the Gulf War, when they tried to scare the Muslims into silence and submission so that we would not express our support for the Muslims in the war * * * "

The underlying doctrine of this publication—as expressed in another article, "U.S. Bases"—is a total rejection of everything Western. The United States, Britain, and other European countries are "unbelieving countries," and Muslim countries are called on to ignore defense treaties and military pacts they have signed with the "unbelievers."

This is the background that has made the Muslim communities in the West in general, and in the United States in particular, an easily exploited source of support for militant groups.

Scores of such publications are distributed among the various immigrant communities, publications that foster identification with the plight of Muslims and Islam throughout the world, and with the struggle of militant movements.

The Muslim immigrant community in the United States today is served by about 1100 mosques and a multitude of community organizations. These organizations encourage the adoption of Muslim political and cultural values, as they have been established in the Middle East, Africa, and the Indian subcontinent for hundreds of years.

The Muslim immigrant communities in the West host annual conferences of militant Islamic groups from all over the world. Among the participants are often militant leaders wanted by law enforcement authorities in their own countries, usually for terrorist crimes. These leaders have found in the West a haven from which to conduct their activities.

Thus it should come as no surprise that the immigrant community serves not only as a source of financial support but also political and logistical support to the cadre of volunteers for the various Islamic fronts: Afghanistan, Sudan, Egypt, Algeria, etc. These militant volunteers are directed through the various community organizations, and through other working groups established especially for these purposes, such as Sheikh Abd al-Rahman's "Office of Jihad" in Brooklyn.

Often, the monies collected for a specific cause (Afghanistan, for example) are diverted to terrorist groups in Egypt. In the same way, monies collected for the welfare of the inhabitants of the Gaza Strip end up financing terrorist acts in Israel.

Activities on American soil (as well as the United Kingdom) include more than just incitement for violent action, like the call by Sheikh Rahman for the murder in Egypt of tourists, government and police officials, writers, artists, belly dancers, plastic surgeons, Jews, and Copts. They also include actual training for terrorist acts, along with specific instructions regarding acts of violence and terror, like the communication between the Hamas activists in the territories and their political leaders in the U.S. and U.K.

This is the dangerous reality from which the perpetrators of the World Trade Center bombing ventured forth. They also sent a letter to the New York Times before they were apprehended, threatening similar and more dangerous acts, including strikes on nuclear targets. After the arrests, too, their cohorts in Pakistan threatened action by "Al-Jama'ah al-Islamiya" and by Muslims the world over, if any harm came to Sheikh Umar.

These threats should not be underestimated.

Militant Islam sees the U.S. as an ideological enemy, regardless of the U.S.'s position toward it, (and despite any temporary alliance with the United States against a third party, like the former Soviet Union.) Therefore, official U.S. statements that the U.S. does not see Islam as its new enemy could not have saved American lives (nor will it), neither in faraway Cairo nor in the heart of Manhattan. Law enforcement agencies have done an outstanding job in apprehending the culprits in the World Trade Center bombing. But the root of the problem is still intact.

This predicament is all too familiar. France had a similar experience in 1985 and '86, when a militant Hizbullah group emerged from the Shi'ite immigrant community and committed 16 acts of terror, some in the very heart of Paris (at the Galeries Lafayette, the Eiffel Tower, the Place de l'Opera and the Champs Elysees, to name a few).

It should be kept in mind that Hizbullah continues to maintain a strong foothold and broad infrastructure within the Shi'ite communities of North America, Latin America, Central Africa and Europe.

We know for certain of attempts by Hizbullah to smuggle hundreds of kilograms of explosives into Europe, and may assume that this is true for other parts of the world as well. Members of the Hizbullah also serve as Iran's hit men in the campaign of assassination of Iranian opposition leaders in the West. Only recently, they murdered three Kurdish leaders in Germany.

ARAB RESPONSES TO THE THREAT

Briefly, these responses fall into four main categories:

The first is simply annihilation of the terrorists. There are no apparent terrorist activities in Syria, Iraq, and other states known to have committed mass killings of their own people, and who continue to assassinate their opponents on Western soil.

The second approach—"if you can't beat them, buy them" (or buy time)—is the worn-out Saudi approach toward all its adversaries. On the one hand, the Saudi regime does in fact apply the Shari'ah; on the other hand, it pays "protection money" to terrorist organizations (such as Hamas, or even F.I.S. in Algeria), as it used to do with hostile forces that surround it.

The problem with this approach is that it only strengthens the militants, materially

and ideologically. It does not relieve the problem but rather exacerbates it.

The third approach—the Machiavellian attempt to pit one opposition group against the other in the hope that it they will weaken or destroy one another—has proved in the past to be very dangerous.

Sadat used this tactic when he freed Islamic militants arrested by Nasser to fight his war against the Left. This they did—they fought the communists—but then they killed Sadat.

The fourth approach, cooptation of the militant movements, was the great hope of countries like Algeria, Jordan, Egypt, and Tunisia. They tried to ride the tiger of Islam. They integrated the militant Islamic movements into the established political system in the hope that these groups would play according to the rules of the game.

But this strategy did not work either. In 1992 came the painful awakening: You can ride the tiger, but it still goes where it chooses. You can make militant Islamic movements lawful, but you cannot make them law-abiding.

It has also become apparent, contrary to the opinions of some Western commentators, that the mere diversity of the various Islamic organizations does not make them more moderate. For all share one common goal—to establish the rule of the Shari'ah.

In Jordan, for example, since the Islamic parties attained 30 of the 80 seats in parliament in 1989, 36 Islamic anti-democratic laws have been passed, including a law forbidding sanctions against Iraq.

The problem, however, lies not only in legislation. Arab regimes that chose the strategy of cooptation are now paying the price in blood. In Algeria and Egypt a life and death struggle is going on between the governments and the Islamic movements. The final outcome is hard to predict. Even in the U.S. there are those who do not expect the present regime in Algeria to last another two years.

The fortress-like building that houses the U.S. embassy in Jordan attests to the growing danger of militant Islam in that country too, as do the State Department advisories to tourists planning to visit Jordan.

Two Jordanian members of parliament belonging to militant Islamic organizations were discovered to be part of an armed conspiracy against the regime, supported by Iran. The Jordanians, who tolerated, albeit reluctantly, the existence on their soil of a terrorist infrastructure aimed at Israel, have discovered that the infrastructure has a boomerang effect, much in the way that the aid extended to the Muslim fighters in Afghanistan some years back may turn around and threaten the U.S. itself.

In the Arab world, some lessons have been heeded. Tunisian Foreign Minister Habib Bin-Yihya, speaking in Washington in June 1992, said: "We opened a dialogue with the fundamentalist leadership in 1987, in an attempt to lead them on a democratic path. Fundamentalist candidates ran as independents with the approval of the government. But then we learned that they were planning to take power by force. One has to be more careful. In an Islamic country, if you hold up a Koran and exploit a situation of poverty you are guaranteed an electoral majority."

Similarly, the Tunisian delegate to UNESCO, Abd al-Baqi Hermas, summing up a talk in Washington in Sept. 1992, said, "Moderate political Islam is dead. It has become radicalized. The question of integrating it into the political system is no longer relevant * * *"

Painfully but inevitably, Egypt and Algeria are reaching the same conclusion: confrontation is unavoidable. General Baha al-Din Ibrahim of the Egyptian Interior Ministry told Reuters (Oct. 18, '92), "We are determined to destroy them to the very base, because if they continue their activities, the country will collapse."

WHAT HAS BEEN DONE IN THE WEST?

The general picture is one of confusion. While sporadic steps have been taken, no criteria have been established to determine when an issue stops being a private religious matter and becomes a criminal matter—a question of public interest—that not only justifies but also demands intervention by the authorities.

In Europe some attempts have been made to address the issue on a cultural level. The French Ministry of Education banned the wearing of the traditional veil by Muslim schoolgirls in public schools. Some Common Market officials took to the barricades over the Iranian demand not to serve alcoholic beverages at meetings in which they participated.

More importantly, in 1988 in Koln, Germany, the police closed down an Islamic school, run by Sheikh Nuraddin Kaplan, nicknamed "The Khomeini of Koln" and known for its militant preaching and incitement. But the authorities hid behind administrative pretexts, skirting the fundamental issue. The municipality of Aachen in Germany revoked a building permit for a community center and mosque previously issued to the Syrian Muslim Brotherhood group, led by Issam al-Attar.

But direct confrontation on a political and ideological level does not occur. Tunisia and Algeria both implored France to take legal measures against F.I.S. and "Al-Nahda" supporters in their country, but to no avail. Militant Islam is on the rise in France. Militant Islamic preachers enjoy the freedom of France, just as Khomeini enjoyed political refugee status, until he overthrew the Shah and turned Iran into what it is today.

In no Western country is the Fatwa (religious decree) against Salman Rushdie, or its public endorsement, considered a criminal offense. Instead, it is treated as a private matter between an individual and his God. An appeal by friends of Salman Rushdie to the British authorities to prosecute the Islamic activists who endorsed the Fatwa was not heeded. The same is true for the Fatwa against foreign tourists in Egypt, even though American tourists have been killed there, and terrorists who have been arrested in Egypt maintain that they obey Sheikh Umar Abd al-Rahman, who issued the Fatwa.

RESPONSES TO THE THREATS

Terrorism is a strategic crime, combining elements of war and criminality. It must therefore be confronted strategically; conventional methods of crime solving will not suffice.

It is essential that we respond to these threats both at home and abroad. Each of these requires a different strategy:

The primary targets should be the states that sponsor terrorism. In dealing with these states, the west may restore its strategies for combatting communism.

First, containment, which may be applied in varying degrees from sanctions to an actual siege. Its effectiveness has been proved in the past. The economic and political sanctions applied against Syria in 1986 led to a significant decline in international terrorism in 1987. The number of casualties dropped from more than 100 to 14. As soon as the sanctions were lifted, however, the numbers rose again in 1988 to record heights.

It is also safe to assume that the steps taken over the past two years against Libya and Iraq have contributed to the decline in international terrorism during this period.

For the past six months, Egypt has been trying to establish an Arab bloc to oppose Iran's war of subversion throughout the Middle East. While this is not unimportant politically, we cannot depend on this initiative alone. It may prove unreliable at the most critical moments. Notwithstanding, the Egyptian effort is no substitute for what would be truly effective—an effort by the West to contain Iran.

Official White House statements may indicate that the U.S. has recognized the validity of this strategy and may shortly initiate a plan of "Dual Containment" against both Iran and Iraq. (Iran's oil exports constitute 90% of its foreign income.)

Second, deterrence, which although more limited in effect, still constitutes an important countermeasure. It is known today that the actions taken in April 1986 against Kadhafi deterred him, at least temporarily, from additional terrorist activity. This comes as no surprise. After all, even these despots are, in the final analysis, human beings. If you bomb them, they are deterred.

Third, preemption, the validity of which was proved not so long ago. On the eve of the Gulf War, Iraq threatened and made actual preparations for a massive campaign of terrorism against the West.

In response, Western states took steps that can be described as a "preemptive strike" on potential sources of danger in the West—namely, a crackdown on Iraqi and PLO delegations and on their supporters within the Arab immigrant communities.

The result of this concerted action was that between 15 January and 15 March 1991, the overwhelming majority of terrorist acts were perpetrated not in the West but in Third World countries, and the number of victims was less than 10.

These strategies, however, do not suffice. We need an additional new strategy, one that has a positive goal, a longterm solution, rather than just a better way of confrontation.

What I suggest is a strategy aimed at a longterm, multifaceted transformation of the Middle East (comparable to the changes we can expect in some of the former members of the Soviet bloc). This will require support from the West for every regional effort and force aspiring to:

A. Transformation of fanatical and militant Islam to a moderate (reformed) version, in a process similar to that which took place ages ago in other religions; and

B. Transformation from totalitarianism to democracy.

Note.—When I speak of transformation from totalitarianism to democracy it must be emphasized that democracy cannot be reduced to merely the technical formality of an election that would be no more than a one-time referendum of allegiance to Islam, as occurred in Algeria. Democracy in its true sense must include a clear commitment to pluralism and inalienable human rights.

Time and format do not permit me to elaborate on the ways these strategic principles will be translated from concepts to specific plans. Suffice to say that what I have in mind is not a theoretical exercise but an operational outline for action.

On the home front too, a proactive approach is required. The U.S does not have enough defensive preparedness built into its

civilian infrastructure. Moreover, in a free and open society of a superpower such as the U.S., an approach relying only on strict defensive security measures may paralyze life completely.

Furthermore, in democracies, law enforcement agencies are relatively small in number when measured against defensive needs.

So the solution must indeed be proactive. Of course, the proactive approach is not free of dilemmas. It touches upon some of our most sacred values. But in view of the imminent threat to human lives, there is a vital need to find constitutionally allowable measures to counter the threat.

First, the rights to political asylum and relatively free entry into the U.S. must be reconsidered. When granted too freely, they backfire. In an interview in the New York Times, Oliver Revel of the F.B.I. said, "We are the only nation in the world that cannot uninvite people to our shores, even when we find that they are engaged in supporting terrorist groups involved in attacks on Americans."

A legal distinction must be drawn between those prospective immigrants who genuinely wish to integrate into American society, embracing its values and abiding by its rules—like most previous waves of immigrants to the U.S.—and those other immigrants who regard the U.S. as a haven to be abused and reject its values, seeking to undermine them.

Because this privilege is so basic a right, it must be based on criteria more objective than just the declaration of the petitioner.

Second, the freedom of religion espoused by the Founding Fathers could not in any way have tolerated Jihad. While it may have served us well in Afghanistan, Jihad cannot be tolerated when it wrecks the World Trade Center, and perhaps, if press reports are correct, also threatens St. Patrick's Cathedral, Saks Fifth Avenue and the Washington Monument.

Nor could the doctrine of freedom of religion, in a broader context, allow for the right to incite the killing of writers, artists, intellectuals, and leaders of other countries, and especially, not the right to incite the killing of tourists—like the Americans murdered in Egypt—even when these murders stem from religious decrees issued by a recognized cleric. This should not be taken as a private matter of religion between an individual and his God. It must be seen for what it is: a criminal act to be dealt with by law enforcement agencies and judicial authorities.

In a democracy, freedom of religion does not allow for the domination of one religion over others, and must certainly reject outright any religious doctrine that discriminates between members of different religions and between the sexes, etc.

The question is not whether this is true, original Islam, or a militant aberration. Just as we would not permit, in the name of freedom of religion, reestablishment of the Inquisition or a ritual of human sacrifice, so we must reject Jihad.

It is clear that in time, militant Islam is going to present a difficult question to the democratic world: When do theological tenets cross the line into illegal incitement to violence? Free societies need to review the constitutionally permissible means to combat a broad-based, ideological, violent threat to their citizens and to their social and political institutions.

Time and format do not permit me to elaborate on the ways in which these recommendations should be applied. But again, what I have in mind is not a mere academic exercise; it is a valid operational outline for action.

I realize that I'm raising grave and complex issues, deeply disturbing to all of us who cherish civil liberties and freedom of religion. But unlike some other tragic low-intensity conflicts in today's world, we are dealing here with a problem that affects the lives and interests of Western societies, both abroad and at home.

I'm also well aware of the fact that in democracies, as Ernest Bevin said, "nothing will change until there is a reasonable amount of bloodshed."

But it is our responsibility to issue an early warning. And if, as a result, the necessary debate begins, then we will have done our share.

Again, Mr. Speaker, I want to thank my colleagues for what is in the bill today, but it is only a tiny fraction of what is necessary. I hope that in the intervening year or the few months before that report comes that we are able to digest what is needed and that the administration really will act. So far it has not.

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

Mr. McCOLLUM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman yielding, and I realize when the gentleman made his initial amendment on the floor that it was much more than just the sense of the Congress, which the gentleman was very conciliatory in finally adopting, but let me mention to the gentleman, as the sense of the Congress that the House passed, that was only a sense of the Congress. This report is required, and basically that requirement surrounds——

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). The time of the gentleman from Florida [Mr. McCOLLUM] has expired.

Mr. COMBEST. Mr. Speaker, I yield 30 additional seconds to the gentleman from Florida.

Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Texas.

Mr. COMBEST. The report is required, and primarily what we have outlined in that report that must come forward is pretty much basically what the gentleman's—what the sense of the Congress resolution was. So, I do want to again alert the Member that this is also not a matter which we take lightly, and that report is required to be filed, and I would suspect that from that report we will use that to take further actions in the future and would encourage, and not only encourage, but would enlist and beg of the gentleman that he would continue to be very involved in that area.

Mr. McCOLLUM. If I may respond, I appreciate what the gentleman from Texas [Mr. COMBEST] is saying very much, and I will recognize what is in here, and it is a major accomplishment. That is why I was thanking him. I do appreciate it. But we have a long way to go, and it does not do the trick yet.

Mr. COMBEST. I agree, and if the gentleman would continue to yield, we do have a long way to go, and I would like to walk hand in hand with the gentleman to make sure we get there.

Mr. McCOLLUM. Appreciate it.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. COMBEST] has expired.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

NATIONAL ENVIRONMENTAL POLICY ACT ADMINISTRATIVE REORGANIZATION AMENDMENTS OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3512) to abolish the Council on Environmental Quality and to provide for the transfer of the duties and functions of the Council.

The Clerk read as follows:

H.R. 3512

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 "National Environmental Policy Act Administrative Reorganization Amendments of 1993".

SEC. 2. ESTABLISHMENT OF OFFICE OF NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE.

Sections 201, 202, and 204 of title II of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) are redesignated and amended to read as follows:

"SEC. 201. (a) There is established in the Executive Office of the President the Office of National Environmental Policy Act Compliance. The Office may be referred to as the 'Office of NEPA Compliance'.

"(b) The head of the Office shall be the Director of the Office of National Environmental Policy Act Compliance, who shall be appointed by the President, by and with the advice and consent of the Senate. The compensation of the Director shall be at the rate of compensation payable to the Deputy Director of the Office of Management and Budget.

"SEC. 202. (a) The Director shall—

"(1) promulgate regulations governing the implementation of this Act by all Federal agencies (including independent regulatory commissions) which include provisions for public review and comment on the detailed statements required by section 102(2)(C) and, as appropriate, on other documents prepared pursuant to this Act;

"(2) mediate interagency disputes, including recommending to the President, as appropriate, resolutions of referrals of interagency disagreements under section 203; and

"(3) monitor Federal agency implementation of this Act and regulations issued under paragraph (1), including—

"(A) reviewing and approving regulations issued by other Federal agencies to implement this Act;

"(B) determining which Federal agency is the lead agency for purposes of compliance with this Act in cases in which Federal agencies do not agree on which is the lead agency;

"(C) developing alternative procedures for complying with this Act in cases in which emergency circumstances make it necessary for a Federal agency to take an action with significant environmental impact;

"(D) developing alternative procedures for complying with this Act, in cases in which a change in a proposed Federal agency action or new information relating to the environmental impacts of such an action makes it necessary to supplement existing analysis under this Act; and

"(E) developing and publishing guidance to Federal agencies regarding implementation of title I and regulations promulgated under paragraph (1).

"(b) Nothing in this Act shall be construed to affect, alter, or limit the independence of independent regulatory commissions under the laws establishing such commissions. The policies, practices, and interpretations under this Act and the Environmental Quality Improvement Act of 1970 and other laws applicable to, or adopted by, such commissions or the Council on Environmental Quality before the date of the enactment of the National Environmental Policy Act Administrative Reorganization Amendments of 1993 shall continue in effect to the extent they are consistent with such independence and carry out the purposes of such Acts.

"(c)(1) The Director, subject to paragraph (2), shall—

"(A) review and appraise the various programs and activities of the Federal Government in light of the policy set forth in title I for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy and make recommendations to the President with respect thereto;

"(B) coordinate or facilitate the development of recommendations to the President regarding national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation; and

"(C) coordinate or facilitate the development of such studies, reports thereon, and recommendations with respect to matters of policy and legislation, as the President may request.

"(2) The President may transfer to another official in the Executive Office of the President, by Executive order, any function of the Director under this subsection.

"(d)(1) The Director, subject to paragraph (2), shall—

"(A) assist Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by the Congress, which affect environmental quality; and

"(B) assist in coordinating among Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality.

"(2) The President may transfer to another official in the Executive Office of the President or to the head of any Federal agency, by Executive order, any function of the Director under this subsection.

"(e) The Director shall keep the appropriate Committees of the Senate and the House of Representatives informed of the actions, regulations, policies, and practices of the Office in carrying out the functions and other requirements of the Director and the Office under this Act (other than functions of the Director transferred in accordance with subsection (c)(2) or (d)(2)).

"SEC. 203. Referrals of interagency disagreements by the head of any Federal agency concerning proposed major Federal actions significantly affecting the quality of the human environment under section 102(2)(C) or concerning matters under section 309(b) of the Clean Air Act shall be made to the Office for mediation and, as appropriate, resolution by the President.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO NEPA.

Sections 203, 205, 207, and 208 of the National Environmental Policy Act of 1969, as in effect on the date of enactment of this Act, are redesignated in order as sections 204, 205, 206, and 207, respectively; such sections are each amended by striking "Council" and inserting "Office" each place it appears; and section 206 of such Act, as in effect on the day before the date of the enactment of this Act, is repealed.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS TO THE ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970.

The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4372 et seq.) is amended—

(1) in section 202(c) by—

(A) striking "The purposes" and all that follows through "(1) to" and inserting "the purpose of this title is to"; and

(B) striking "; and" and all that follows through the end of the section and inserting a period;

(2) in section 203, by striking subsections (a) through (d) and the designation for subsection (e);

(3) by striking sections 204 and 205;

(4) in section 206(a), by striking "Office of Environmental Quality Management Fund" and inserting "Office of National Environmental Policy Act Compliance Management Fund";

(5) by redesignating section 206 as section 204; and

(6) by adding at the end the following:

"DEFINITIONS

"SEC. 205. In this title, each of the terms 'Director' and 'Office' has the meaning given that term in section 3 of the National Environmental Policy Act of 1969.".

SEC. 5. ASSISTANCE FOR OFFICE OF NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE.

The National Environmental Policy Act of 1969 (as amended by section 3) is amended by inserting after section 207 the following:

"SEC. 208. To assist in the timely performance of the functions of the Office, the Director may utilize personnel or otherwise obtain assistance from other entities in the Executive Office of the President or other Federal agencies, by mutual consent with the heads of those entities or agencies, to assist the Director in performing the functions of the Office.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 209 of the National Environmental Policy Act of 1969 is amended to read as follows:

"SEC. 209. (a) There are authorized to be appropriated to the Director to carry out the functions of the Director under this or any other Act—

"(1) $1,000,000 for fiscal year 1994;

"(2) $1,100,000 for fiscal year 1995;

"(3) $1,200,000 for fiscal year 1996; and

"(4) $1,400,000 for fiscal year 1997.

"(b) Amounts appropriated to, or available for the use of, the Office or the Director shall remain available until expended.".

SEC. 7. DEFINITIONS.

The National Environmental Policy Act of 1969 is amended by inserting after section 2 (42 U.S.C. 4321) the following:

"SEC. 3. In this Act:

"(1) The term 'Director' means the Director of the Office of National Environmental Policy Act Compliance appointed under section 201(b).

"(2) The term 'Fund' means the Office of National Environmental Policy Act Compliance Management Fund established by section 204 of the Environmental Quality Improvement Act of 1970.

"(3) The term 'Office' means the Office of National Environmental Policy Act Compliance established by section 201(a).".

SEC. 8. TRANSFER OF FUNCTIONS TO SECRETARY OF THE ENVIRONMENT.

(a) TRANSFERS.—There are transferred to the Secretary of the Environment—

(1) the functions of the Council on Environmental Quality under paragraphs (2), (5), (6), and (7) of section 204 of the National Environmental Policy Act of 1969, as in effect on the day before the date of the enactment of this Act; and

(2) the functions of the Chairman of the Council on Environmental Quality (as Director of the Office of Environmental Quality) under paragraphs (3), (4), (6), and (7) of section 203(d) of the Environmental Quality Improvement Act of 1970, as in effect on the day before the date of the enactment of this Act.

(b) CONSTRUCTION.—The functions transferred to the Secretary of the Environment by this section or pursuant to any executive order issued pursuant to amendments made by this Act shall not be construed by anyone to affect, alter, change, or amend any other law or regulation administered by the Secretary or his or her delegate.

(c) ACCOUNTABILITY.—The Secretary of the Environment shall be accountable to the appropriate committees of the Senate and House of Representatives for all functions described in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary specifically to carry out the functions described in subsection (b) effectively and in a timely manner.

SEC. 9. TERMINATION OF COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY.

(a) TERMINATION.—The Council on Environmental Quality and the Office of Environmental Quality are terminated.

(b) REFERENCES.—Reference to the Council on Environmental Quality, the Office of Environmental Quality, or any officer or employee of that council or that office in any

other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Council on Environmental Quality—

(1) with respect to functions that were vested in that council or office on the day before the date of the enactment of this Act and are vested in the Director of the Office of National Environmental Policy Act Compliance Office by section 202 of the National Environmental Policy Act of 1969, as amended by section 2 of this Act, is deemed to refer to the Director of the Office of National Environmental Policy Act Compliance or to such other official to whom such a function is transferred in accordance with section 202(c)(2) or (d)(2) of that Act, as appropriate; or

(2) with regard to disputes, disagreements, and matters described in sections 202(a)(2) and 203 of that Act, as amended by section 2 of this Act, is deemed to refer to the Director of the Office of National Environmental Policy Act Compliance or to that office, as appropriate.

(c) SAVINGS PROVISIONS.—

(1) CONTINUATION OF ORDERS, ETC.—All orders, determinations, rules, regulations, agreements, grants, contracts, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, the Council on Environmental Quality, or the Office of Environmental Quality, in the performance of functions of the Council on Environmental Quality or the Office of Environmental Quality, or by a court of competent jurisdiction with respect to those functions, and

(B) which are in effect on the date of the enactment of this Act, or were final before that date of enactment and are to become effective on or after that date of enactment,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Office of National Environmental Policy Act Compliance, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) CONTINUATION OF PROCEEDINGS AND APPLICATIONS.—The provisions of this Act shall not affect any proceedings pending before the Council on Environmental Quality on the date of the enactment of this Act, but such proceedings shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(4) SUITS INVOLVING COUNCIL OR OFFICE.—No suit, action, or other proceeding commenced by or against the Council on Environmental Quality or the Office of Environmental Quality, or by or against any individual in the official capacity of such individual as an officer or employee of the Council or that Office, shall abate by reason of the enactment of this Act.

(5) RULEMAKING.—Any administrative action relating to the preparation or promulgation of a regulation by the Council on Environmental Quality shall be continued by the Director of the Office of National Environmental Policy Act Compliance or the President with the same effect as if this Act had not been enacted.

(6) ASSETS AND INTERESTS.—The contracts, liabilities, records, property, and other assets and interests of the Council on Environmental Quality and the Office of Environmental Quality shall, on and after the date of the enactment of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Office of National Environmental Policy Act Compliance.

(d) CONTINUING AVAILABILITY OF AMOUNTS.—Amounts available to the Council on Environmental Quality on the date of the enactment of this Act shall be available for use by the Director of the Office of National Environmental Policy Act Compliance.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended—

(1) in section 2 (42 U.S.C. 4321)—

(A) by inserting "and" after "man;"; and

(B) by striking "Nation;" and all that follows through the end of the section and inserting "Nation.";

(2) by striking "Council on Environmental Quality" each place that term appears and inserting "Director";

(3) in section 102(2)(B) (42 U.S.C. 4332(2)(B)) by striking "established by title II of this Act";

(4) in section 102(2)(G) (42 U.S.C. 4332(2)(G)) by inserting "and" after the semicolon;

(5) in section 102(2)(H) (42 U.S.C. 4332(2)(H)) by striking "; and" and inserting a period;

(6) by striking section 102(2)(I) (42 U.S.C. 4332(2)(I));

(7) in section 205(1) (42 U.S.C. 4345(1)) by striking "the Citizen's" and all that follows through "and with"; and

(8) in section 205(2) (42 U.S.C. 4345(2)) by striking "the Council's" and inserting "the Office's".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognized the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, let me just alert our colleagues that the gentleman from Texas [Mr. FIELDS] and myself have agreed to move with considerable speed here because of the time constraints on the House.

Mr. Speaker, H.R. 3512, reflects an agreement reached with the administration with respect to the issue of what institution will replace the Council on Environmental Quality [CEQ] and the Office on Environmental Quality to implement one of our more sacred environmental laws, the National Environmental Policy Act [NEPA] of 1969.

I should note that, in my discussions with the administration, I have been assisted by one of the ablest Members of the House. When he was a member of the Merchant Marine and Fisheries Committee and the chairman of the Fisheries and Wildlife Subcommittee our esteemed colleague, JOHN DINGELL, was responsible, along with Senator "Scoop" Jackson and others, for the enactment of NEPA and the establishment of CEQ. Chairman DINGELL has been extremely helpful in our negotiations with the administration and in reaching the agreement contained in this bill and I would like to take this opportunity to express my appreciation to him.

At the request of the administration, this agreement was going to be offered on the floor as an amendment to H.R. 3425, the EPA cabinet bill, and become part of the conference committee deliberations with the Senate on that legislation.

However, my amendment was determined to be nongermane to the EPA bill and the Rules Committee did not make it in order. When I was informed of that action by the Rules Committee, I decided that the CEQ bill should move under regular order and on an independent trade because we must resolve the issue of which institution is going to continue the implementation of NEPA. This bill was marked up and ordered reported on a voice vote, without amendment, by the committee 2 days ago and I am pleased to be able to bring it before the House today.

In a nutshell, this bill abolishes the CEQ and OEQ and replaces them with the substantially smaller Office of NEPA Compliance in the Executive Office of the President.

In part, this reduction in office size reflects the repeal of the requirement for the mammoth annual CEQ report, the transfer of a number of functions in existing law to the new Department of Environmental Protection—when that legislation is enacted—the opportunity for the President to assign even further environmental functions to other units in the Executive Office of the President, and the streamlining of the mission of the new office to fewer, but critically important, core NEPA functions.

I want to make it clear that we are not in any way expanding the existing NEPA-related authorities of CEQ by creating the new office and we are not amending title I of NEPA dealing with the content of, or the procedures to follow with respect to, environmental impact statements.

The responsibilities of the new office are based on the accepted and historical practice of CEQ in implementing NEPA. These include authority to promulgate NEPA regulations, oversee agency compliance with the act, and mediate interagency disputes. These functions are based on present authority in law, executive orders, existing

CEQ regulations, or by established CEQ practice.

As to the matters that are delegated to the EPA under the bill, I point out that the legislation makes it clear that this delegation is not designed to enhance in any way or change the various statutory authorities currently administered by the EPA. It does not give EPA new powers relative to those authorities, nor does it weaken those authorities. The EPA cannot use these delegations to expand their authorities. In short, the delegation is solely for the purposes of carrying out the specific requirements of NEPA in the 1970 legislation.

The legislation includes, at Mr. DINGELL's urging, provisions regarding independent regulatory agencies. These provisions are designed to ensure that we do not in any way change or affect the independence of these agencies under existing law. It is not to be used by the executive branch as a means or measure to control or affect these agencies under existing law.

This bill protects the integrity of NEPA, addresses the issues that Chairman DINGELL and I raised with the White House and, at the same time, provides the Administration with broad discretion for environmental policy development in the White House and a more tightly structured office to focus on NEPA compliance.

I urge the support of the House for this important legislation and I reserve the balance of my time.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3512, the National Environmental Policy Act [NEPA] Administrative Reorganization Amendments of 1993.

The Council on Environmental Quality [CEQ], which was established in 1969, has provided valuable services to the Government. It has advised Presidents on environmental issues, and has coordinated environmental policy among various Federal agencies. I regretted to learn that President Clinton recommended the abolishment of the CEQ, and am pleased that we are acting today to adopt this legislation.

While the bill abolishes the Council on Environmental Quality, it transfers many of its duties and functions to a new office entitled the Office of NEPA Compliance. In addition, the bill gives the President the option of transferring certain of CEQ's functions to other Federal agencies.

Mr. Speaker, I believe that this bill will save money while at the same time ensuring that these responsibilities are carried out in a coordinated and efficient manner. I urge my colleagues to support this important bill.

Mr. STUDDS. Mr. Speaker, I have no requests for time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3512.

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

A motion to reconsider was laid on the table.

FOUNTAIN DARTER CAPTIVE PROPAGATION RESEARCH ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3402) to establish a fountain darter captive propagation research program, as amended.

The Clerk read as follows:

H.R. 3402

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 "Fountain Darter Captive Propagation Research Act of 1993".

SEC. 2. FOUNTAIN DARTER CAPTIVE PROPAGATION RESEARCH.

(a) ESTABLISHMENT—The Secretary of the Department of the Interior shall establish a fountain darter captive propagation research program.

(b) PROGRAM.—The Program shall—

(1) be operated in a manner that is consistent with the goals, priorities, and policies set forth in the San Marcos Recovery Plan for San Marcos River endangered and threatened species;

(2) conduct research to establish and maintain a fountain darter captive broodstock population at the San Marcos National Fish Hatchery and Technology Center for the propagation and production of offspring to be used in the recovery of this endangered species; and

(3) establish a cooperative research effort at Texas A&M University to assist in the recovery effort for this endangered species.

(c) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated annually to the Secretary of the Department of the Interior $1 million to conduct the Program for a five-year period beginning in Fiscal Year 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, H.R. 3402, the Fountain Darter Captive Propagation Research Act of 1993, introduced by Mr. FIELDS, authorizes a captive breeding research program for the endangered fountain darter of the San Marcos River in Texas. The bill has been amended to ensure that the fountain darter program will be conducted consistent with the goals of the recovery plan developed by the Department of the Interior.

The bill, as reported by the Committee on Merchant Marine and Fisheries has strong bipartisan support, and I urge its adoption.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3402. As the author of this legislation, I am pleased that we are acting on this bill to require the Secretary of Interior to conduct research to help save the fountain darter.

The purpose of this bill is threefold. First, it calls for a captive population of fountain darters, an endangered species, to be established, maintained, and propagated at the San Marcos National Fish Hatchery and Technology Center in San Marcos, TX. Second, it requires research, aimed at recovery of this species, to be undertaken cooperatively with Texas A&M University. And finally, it authorizes funds to the Department of the Interior to support this biological research program.

Mr. Speaker, I do not want to take a lot of time debating the merits of saving a 1-inch fish. The Committee on Merchant Marine and Fisheries has already discussed at great length the tremendous pressure, chaos, and economic uncertainty that the fountain darter has brought to millions of Texans in the San Antonio region. In fact, in July of this year, our committee conducted two oversight hearings in San Marcos and San Antonio, TX, on the Endangered Species Act. At that time, there was extensive testimony on the fountain darter and the need to develop a comprehensive plan to propagate this species.

In 1985, when the Fish and Wildlife Service published its recovery plan for the San Marcos River, it specifically called for the establishment of a captive group of fountain darters which could be reintroduced into either the San Marcos or Comal Springs should this habitat dry up in the future. The bill before us requires that this research effort will be operated in a manner consistent with the approved San Marcos River recovery plan.

Mr. Speaker, captive propagation is an innovative technique that has been successfully used in the recovery of other endangered species such as whooping cranes, California condors, and, most recently, the black-footed ferret.

The San Marcos National Fish Hatchery has the expertise to examine new research methods and techniques to help in the recovery of this endangered fish. Texas A&M University's

fishery program is also ideally suited to assist in these recovery efforts to make the fountain darter one of the most prolific species on earth.

Mr. Speaker, this bill, which authorizes $1 million for the program for a 5-year period beginning in fiscal year 1994, is a modest attempt to address the problems of one of our endangered species. I would hope my colleagues would support this important legislation.

Mr. Speaker, I urge adoption of the bill.

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

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

The SPEAKER, pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3402, as amended.

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

A motion to reconsider was laid on the table.

□ 1450

WINTER RUN CHINOOK SALMON CAPTIVE BROODSTOCK PROGRAM ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2457) to direct the Secretary of the Interior to conduct a salmon captive broodstock program, as amended.

The Clerk read as follows:

H.R. 2457

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 "Winter Run Chinook Salmon Captive Broodstock Act of 1993."

SEC. 2. ESTABLISHMENT OF SALMON CAPTIVE BROODSTOCK PROGRAM.

(a) IN GENERAL.—Subject to subsection (d), the Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall conduct in accordance with this section a salmon captive broodstock program (hereinafter in this section referred to as the "Program").

(b) PROGRAM.—The program shall be carried out in a manner that is consistent with the goals, priorities, and policies set forth in any recovery plan for winter run Chinook salmon in the Sacramento River developed by the National Marine Fisheries Service under the Endangered Species Act of 1973, and with findings of consultations regarding that population of salmon carried out pursuant to section 7 of that Act.

(c) CONSULTATION.—The Secretary shall consult with the Winter Run Chinook Salmon Captive Broodstock Committee (a committee identified in the document entitled "Biological Assessment on the Effects of Coleman National Fish Hatchery Operations on Winter Run Chinook Salmon", prepared by the United States Fish and Wildlife Service) in making management decisions regarding the Program.

(d) STATE MATCHING.—The Secretary may not implement this section unless not less than 20 percent of amounts necessary to conduct the Program are provided by non-Federal sources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to conduct the Program $1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, H.R. 2457, the Winter Run Chinook Salmon Captive Broodstock Act of 1993, was introduced by Congresswoman NANCY PELOSI, and several of her California colleagues. Last year, the Committee on Merchant Marine and Fisheries worked with the Natural Resources Committee and the California delegation on the Central Valley Project Improvement Act. This bill will further those efforts to ensure the recovery of endangered salmon in California.

This bill authorizes the Secretary of the Interior to establish a captive broodstock program for the only chinook salmon stock that spawns in the winter on the west coast. The program must be consistent with the goals of the endangered species recovery plan for the winter run chinook and at least 20 percent of funds necessary to run it must come from non-Federal sources.

The administration had some concerns with the bill as introduced. The committee has addressed those issues and the bill now enjoys the support of the Interior Department and the fishing industry and I urge its adoption.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2457, a bill introduced by Congresswoman NANCY PELOSI of California. This bill would direct the Secretary of the Interior to conduct a captive broodstock program to help in the recovery of the endangered winter-run chinook salmon of the Sacramento River.

The National Marine Fisheries Service has been involved with this effort over the last 2 years, and this bill would provide additional assistance for that program.

The bill was amended by the Committee on Merchant Marine and Fisheries to require that the program be operated in a manner consistent with the goals, priorities, and policies set forth in the recovery plan currently being developed for the species.

Mr. Speaker, I support adoption of this bill because it provides an innovative approach to help increase the population of this important endangered species.

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

Mr. STUDDS. Mr. Speaker, I yield 15 seconds to the distinguished gentlewoman from California [Ms. PELOSI], the author of the bill.

Ms. PELOSI. Mr. Speaker, the chairman of the Merchant Marine and Fisheries Committee, Mr. STUDDS, has made it possible to bring H.R. 2457 to the floor in a timely manner and I appreciate his efforts and the work of the committee on behalf of preserving the winter run chinook salmon species.

I also appreciate the support of Representatives HAMBURG, MILLER, and FAZIO, who were early supporters of the initiative to protect this important west coast resource.

We have a serious problem in our region that encompasses the many different animals, plants, fish, rivers and streams that make up a complex, interdependent ecosystem throughout the bay-delta estuary. These problems need to be treated with a comprehensive, coordinated effort that aligns the policies of the various Federal and State agencies involved. The winter run chinook salmon captive broodstock program is an example of just such an effort.

The program outlined in H.R. 2457 will allow us to learn more about the science behind the winter run chinook salmon and to use the information in our future endeavors to preserve the species. Its purpose is to genetically preserve the species by supplementing the natural population, and as part of a comprehensive and cooperative effort, to restore water quality and a habitat that can support the natural wildlife of the region.

In 1969, this species numbered more than 100,000 fish and enjoyed spawning grounds far upstream and flourished in a relatively healthy ecosystem. This has all changed and the chinook spawning population declined to 191 fish in 1991. The 1992 count represents only 1 percent of the species level in 1969.

The captive salmon broodstock program is already underway. As of September 1992, 1,000 juvenile salmon are being raised in captivity for 3 years until maturity when they will be spawned and their progeny fish will then be returned to the wild. The program has a 10-year life span, hopefully, enough time so that habitat conditions can be sufficiently improved and the population can thrive once again.

H.R. 2457 provides for an initial 5-year program so that it can be reviewed at midpoint to determine its effectiveness. As the chairmen mentioned, the program is a cooperative effort, and is supported by the Department of the Interior, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Pacific Coast Federation of Fishermen's Associations, California Department of Fish and Game, California Department of Natural Resources, U.S. Bureau of Reclamation, California Water Commission, Golden Gate Sportsfisherman's Association, University of California, and the California Academy of Sciences.

Certain modifications were made to H.R. 2457 during consideration by the committee, which reflect concerns raised by the administration. I will reemphasize for the record that this program is to be in conjunction and consistent with the overall recovery plan for the species.

Species protection must be a priority for all of us in a worldwide effort to maintain biodiversity. Habitat restoration and captive breeding programs are critical to achieving this priority. The winter run chinook salmon captive breeding program is one way to make a contribution to the preservation and restoration of this species in the San Francisco Bay-Delta region. It is a genetic insurance policy.

I urge my colleagues to support H.R. 2457 and to vote in favor of protecting this vanishing species.

Mr. STUDDS. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. HAMBURG], the coauthor of the bill.

Mr. HAMBURG. Mr. Speaker, I rise in strong support of H.R. 2457, the Winter Run Chinook Salmon Captive Broodstock Act of 1993.

The Sacramento River winter run chinook salmon is listed as threatened under the Endangered Species Act. Listing of the winter run and other Pacific salmon stocks have resulted in devastating impacts to the coastal economics of northern California and the Pacific Northwest.

This captive broodstock program is a preventive measure to help restore these fish so that further fisheries closures and damage to our economy can be avoided. However, captive rearing must never become a substitute for recovery of a species in the wild. Restoration of the decimated Sacramento River ecosystem so these fish can once again thrive in their natural environment must continue to be our highest priority and obligation.

The winter run is only one sad participant in a tragic procession of imperiled salmon. More than 100 stocks are already extinct; an additional 214 are at risk of extinction.

The salmon fishery is as threatened as the fish which are its lifeblood. This industry, once worth billions of dollars to northern California and the Pacific Northwest, has been decimated. Coastal communities and their people who have depended on these fish for generations, suffer devastating economic and social pain.

H.R. 2457 is just one of many steps we must take in developing a comprehensive national strategy to rebuild this vital natural resource. Salmon have provided human beings with spiritual and physical sustenance for 10,000 years. Our generation must not be the last to enjoy these gifts.

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 2457, the Winter Run Chinook Salmon Captive Broodstock Act.

Mr. Speaker, with all the talk about the environmental trainwrecks associated with the Endangered Species Act, it is time for a much needed success story.

How do we define success under the Endangered Species Act? Quite simply, success is the recovery and delisting of the species.

When the winter run salmon was listed as a threatened species, the Federal Government immediately began the task of putting together a recovery plan to prevent the extinction of the species and the accompanying economic dislocation. The winter run recovery plan is a multifaceted program with both short-term and long-term goals.

The short-term goal is to stop the continued decline of the salmon runs. Toward that end, we have begun an aggressive recovery program that includes initiatives like the screening of water intake pipes and operating pumps to mitigate adverse impacts during critical salmon migration periods.

In looking to solve the long-term loss of the species, the recovery efforts also include initiatives like the Shasta Temperature Control device, a modification of an existing dam that allows for releases of colder water during critical periods in the life-cycle of the salmon. The winter run recovery plan includes upgrading facilities at existing fish hatcheries to improve artificial propagation of the species. These improvements in fish propagation are all part of a concerted, multi-faceted effort to bring back the winter run salmon.

The captive broodstock program is an important part of this overall, coordinated effort to finally have a successful recovery of a species listed as threatened under the Endangered Species Act. The legislation has been the focal point of an impressive and somewhat unexpected alliance made up of farmers, fishermen, environmentalists, and economists. This group has been brought together because they believe that the captive broodstock program will play a crucial role in bringing back the salmon.

At the most basic level, the broodstock project will serve as an insurance policy of sorts by protecting and preserving the genetic material of the winter run salmon in a captive setting. The captive salmon give our biologists a protected gene pool that is insulated from events that might affect the native river runs. The captive program will buy time to find solutions to reverse the loss the species.

Beyond the benefits of the captive program, the broodstock project will help supplement the native run by providing a source of eggs for fish hatcheries. We are looking to this program to provide us with answers about how we can augment and strengthen the wild run with artificial propagation of salmon. The answers we find by studying the captive salmon have the potential to help us with captive breeding programs for other threatened or endangered species.

This legislation is more than a symbolic effort to protect the species. The captive broodstock program is about preserving our options and maximizing the chances of full recovery of the winter run salmon. More importantly, the broodstock plan is part of our overall efforts to finally have that much-needs and far too elusive success story under the Endangered Species Act.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2457, as amended.

The question was taken.

Mr. STUDDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MERCHANT MARINE MEMORIAL ENHANCEMENT ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 58) to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to certain nonprofit organizations, as amended.

The Clerk read as follows:

H.R. 58

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 "Merchant Marine Memorial Enhancement Act of 1993".

SEC. 2. CONVEYANCE VESSELS.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey without consideration all right, title, and interest of the United States in 2 vessels described in subsection (b) to any nonprofit organization which in operates and maintains a Liberty Ship or Victory Ship as a memorial to merchant mariners.

(b) VESSELS DESCRIBED.—Vessels which may be conveyed under subsection (a) are vessels which—

(1) are in the National Defense Reserve Fleet on the date of the enactment of this Act;

(2) are not less than 4,000 displacement tons;

(3) have no usefulness to the Government; and

(4) are scheduled to scrapped.

(c) CONDITIONS OF CONVEYANCE.—As a condition of conveying any vessel to an organization under subsection (a), the Secretary shall require that before the date of the conveyance the organization enter into an

agreement under which the organization shall—

(1) sell the vessel for scrap purposes;

(2) use the proceeds of that scrapping for the purposes of refurbishing and making seaworthy a Liberty Ship or Victory Ship which the organization maintains as a memorial to merchant mariners, to enable the ship to participate in 1994 in commemorative activities in conjunction with the 50th anniversary of the Normandy invasion; and

(3) return to the United States any proceeds of scrapping carried out pursuant to paragraph (1) which are not used in accordance with paragraph (2).

(d) DEPOSIT OF AMOUNTS RETURNED.—Amounts returned to the United States pursuant to subsection (c)(3) shall be deposited in the Vessel Operations Revolving Fund created by the Act of June 2, 1951 (65 Stat. 59; 46 App. U.S.C. 1241a).

(e) DELIVERY OF VESSELS.—The Secretary shall deliver each vessel conveyed under this section —

(1) at the place where the vessel is located on the date of the approval of the conveyance by the Secretary;

(2) in its condition on that date; and

(3) without cost to the Government.

(f) EXPIRATION OF AUTHORITY TO CONVEY.—The authority of the Secretary under this section to convey vessels shall expire on the date that is 2 years after the date of the enactment of this Act.

SEC. 3. DOCUMENTATION OF VESSELS.

(a) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the following vessels:

(1) ABORIGINAL (United States official number 942118).

(2) AFTERSAIL (United States official number 689427).

(3) ALEXANDRIA (United States official number 586490).

(4) AMANDA (Michigan registration number MC-1125-FR).

(5) ARBITRAGE II (United States official number 962861).

(6) ARIEL (United States official number 954762).

(7) BRANDARIS (former United States official number 263174).

(8) COMPASS ROSE (United States official number 695865).

(9) DIXIE (United States official number 513159).

(10) ELISSA (United States official number 697285).

(11) EMERALD PRINCESS (former United States official number 530095).

(12) ENTERPRISE (United States official number 692956).

(13) EUROPA STAR (former United States official number 588270).

(14) EUROPA SUN (former United States official number 596656).

(15) GAZELA OF PHILADELPHIA (Pennsylvania registration number PA-4339-AF).

(16) GRAY (Connecticut registration number CT-5944-AJ).

(17) GRIZZLY PROCESSOR (Canadian official number 369183).

(18) GUSTO (United States official number 624951).

(19) GYPSY COWBOY (United States official number 550771).

(20) IMPATIENT LADY (United States official number 553952).

(21) ISLAND GIRL (United States official number 674840).

(22) JULIET (Michigan registration number MC-1669-LM).

(23) KALENA (Hawaii registration number HA-1923-E).

(24) LAURISA (United States official number 924052).

(25) LIBBY ROSE (United States official number 236976).

(26) LISERON (United States official number 971339).

(27) MARINE STAR (United States official number 248329).

(28) MARINER (United States official number 285452).

(29) MARY B (Kentucky registration number KY-0098-HX).

(30) MOONSHINE (United States official number 974226).

(31) MYSTIQUE (United States official number 921194).

(32) NORTHERN LIGHT (United States official number 237510).

(33) PAI NUI (HAWAII registration number HA-6949-D).

(34) PANDACEA (United States official number 665892).

(35) PELICAN (United States official number 234959).

(36) PLAY PRETTY (United States official number 975346).

(37) PRINCE OF TIDES II (United States official number 903858).

(38) RBOAT (United States official number 563955).

(39) SABLE (Massachusetts registration number MS-1841-AM).

(40) SERENA (United States official number 965317).

(41) SHILOH (United States official number 902675).

(42) SIDEWINDER (United States official number 991719).

(43) SWELL DANCER (United States official number 622046).

(44) TESSA (United States official number 675130).

(45) TOP DUCK (United States official number 990973).

(46) VIKING (United States official number 286080).

(47) WHIT CON TIKI (United States official number 663923).

(b) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) or any other law restricting a foreign-flag vessel from operating in the coastwise trade, the foreign-flag vessel H851 may engage in the coastwise trade to transport an offshore drilling platform jacket from a place near Aransas Pass, Texas, to a site on the Outer Continental Shelf known as Viosca Knoll 989.

(c) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with a coastwise and Great Lakes endorsement for the vessels LADY CHARL II (United States official number 541399) and LINETTE (United States official number 654318).

(d) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel M/V TWIN DRILL (Panama official number 8536-PEXT-2) if—

(1) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard;

(2) the cost of the major conversion is more than 3 times the purchase value of the vessel before the major conversion;

(3) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before June 30, 1995;

(4) the person documenting the vessel contracts with a United States shipyard to construct an additional vessel of equal or greater capacity within 12 months of the date of enactment of this Act, for delivery within 36 months of the date of such contract, which vessel shall also be documented under chapter 121 of title 46, United States Code.

(e) Notwithstanding sections 12106 and 12108 of title 46, United States Code, the Act of June 19, 1886 (46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation with a coastwise and fishery endorsement for the vessel REEL CLASS (Hawaii registration number HA-6566-E).

(f) Notwithstanding section 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a fishery endorsement for the vessel DA WARRIOR (United States official number 962231).

(g) Notwithstanding any other law or any agreement with the United States Government, the vessels UST ATLANTIC (United States official number 601437) and UST PACIFIC (United States official number 613131) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(h) Notwithstanding any other law, the vessel AMY CHOUEST (United States official number 995631) is deemed to be less than 500 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of the maritime laws of the United States.

SEC. 4. NAUTICAL CHARTING AND MARINE SAFETY IMPROVEMENTS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce may deploy a Physical Ocean Real-Time System consisting, at a minimum, of current, wind, tide, salinity, and water level measuring devices and necessary computer links, in Galveston Bay and the Houston Ship Channel.

SEC. 5. PILOT PROGRAM ON SEALIFT TRAINING.

The Secretary of Transportation shall establish a 3-year pilot program for Sealift Training at the Massachusetts Maritime Academy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 58, the Merchant Marine Memorial Enhancement Act of 1993, was introduced by the gentlewoman from Maryland [Mrs. BENTLEY] to require the transfer of six vessels in the National Defense Reserve Fleet to three nonprofit organizations. These organizations will scrap these vessels and use the proceeds to refurbish three merchant marine memorial ships so that they may take part in the ceremony commemorating the 50th anniversary of the invasion of Normandy on June 6, 1994.

Merchant marine veterans and volunteers have already spent a significant amount of time and effort readying the three memorial ships—the *Jeremiah O'Brien*, the *John W. Brown*, and the *Lane Victory*—for the trip. However, without some type of Government assistance, it is unlikely that these ships can be made seaworthy.

The U.S. merchant marine played a pivotal role in our victory in World War II; without it, there could not have been a successful invasion of Normandy. The contributions of our merchant mariners deserve recognition. This effort deserves our help.

In addition, Mr. Speaker, the committee amendment contains a number of private bills, including waivers of the Jones Act, which the committee believes merit these exemptions.

Finally, the committee's bill includes authorization for an innovative Sealift Training Program at the Massachusetts Maritime Academy, and a demonstration project for a real-time tidal datum system which will help prevent accidents in the busy Houston ship channel.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in strong support of H.R. 58, the Merchant Marine Memorial Enhancement Act of 1993. As a cosponsor of this legislation, which was introduced by our colleague, the Honorable HELEN BENTLEY, it is an honor to join with the other members of the Merchant Marine and Fisheries Committee to bring this bill to the floor of the House of Representatives.

This legislation would transfer six obsolete Government-owned vessels to three merchant marine organizations, which will scrap them in order to obtain money to refurbish three World War II vintage cargo ships, the *S.S. John W. Brown*, the *S.S. Jeremiah O'Brien*, and the *S.S. Lane Victory*. These restored, surviving ships have been invited to represent the wartime American merchant marine at the 50th anniversary ceremonies on June 6, 1994 Commission, commemorating the Allied landing at the beaches of Normandy.

Some of our colleagues may not know that the *S.S. John W. Brown* was saved from the scrap heap as a result of legislation approved by Congress in 1983. That legislation, enacted as Public Law 98–133, was originally introduced by our former colleague, the Honorable Mario Biaggi.

Similarly, the *S.S. Lane Victory* was preserved as a result of legislation introduced by another former colleague, the Honorable Glenn Anderson, that was enacted as Private Law 100–21.

Thousands of hours of volunteer labor have gone into the renovation of the three ships, but the riveting, welding, and dry-dock work needed to assure the integrity of the vessels' hulls is beyond the ability of the volunteer workers. The money to be raised by the scrapping of the six older vessels is to be used to pay for this type of highly skilled and most demanding shipyard repair work.

H.R. 58 is a bill that the Members of the House can view as one small effort to contribute toward the national celebration of the 50th anniversary of the liberation of Europe. It can be our way of paying tribute to the thousands of American merchant seamen who ensured the ultimate victory in World War II through their heroic service as part of our sealift effort. As has been said many times, it was the performance of our merchant marine that contributed directly to the successful outcome of that war.

We know that 168,000 merchant seamen helped to deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. Gen. Douglas MacArthur said that "the merchant seamen participating in the liberation of the Philippines shared the heaviest enemy fire. They contributed tremendously to our success."

The price our merchant marine paid to keep us free was heavy: 569 U.S. merchant ships were destroyed; 6,632 seamen were killed; and 609 merchant mariners were taken as prisoners of war.

Indeed, the casualty rate for merchant seamen was second only to that of the U.S. Marine Corps during World War II.

In recognition of their efforts, President Roosevelt noted that they were men who "returned to their jobs at sea again and again, because they realized that the lifelines to our battlefronts would be broken if they did not carry out their vital part in this global war." Despite President Eisenhower's stated hope that America's merchant mariners' efforts in the war would long be remembered, the contributions made to winning the war by these brave men was all too readily forgotten. We can help correct history with the passage of this legislation.

This bill needs to be enacted quickly to assure the renovation of these three ships in a timely fashion, so they may participate in next year's celebrations.

Mr. Speaker, this legislation also includes waivers of the Jones Act for a number of small vessels to allow the owners to use the boats in our domestic commercial trade. The Merchant Marine and Fisheries Committee has carefully scrutinized each application for a waiver and we are satisfied that they are justified.

Mr. Speaker, again, I want to compliment our distinguished colleague, HELEN BENTLEY, for her tireless commitment on behalf of the forgotten patriots of America's World War II merchant marine.

I urge the overwhelming adoption of this bill and reserve the balance of my time.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, H.R. 58 is a noncontroversial piece of legislation which is important to many American veterans across the country and I want to thank the Merchant Marine and Fisheries Committee leadership—Chairman STUDDS, Representatives FIELDS, LIPINSKI, and BATEMAN—for helping to bring this legislation to the floor. Merchant Marine and Fisheries Committee members and staff all share a cordial, bipartisan relationship which is unmatched in Congress.

Like the struggle to rid Europe of Nazi tyranny during the Second World War, the endeavor to guide H.R. 58 through this legislative maze we call the House of Representatives was an allied effort and I again thank the committee for their assistance and bipartisan team work.

Mr. Speaker, H.R. 58 is aimed at assisting three historic World War II *Liberty/Victory*-class ships—the SS *John W. Brown* of Baltimore, the SS *Jeremiah O'Brien* of San Francisco, and the SS *Lane Victory* of San Pedro, CA—to serve rightfully as the centerpiece of America's contribution to the magnificent commemorative celebration that will mark the 50th anniversary of "D-Day" at Normandy, France, on June 6, 1994.

It is only fitting, Mr. Speaker, that with the thousands of veterans in attendance, representatives of the once 3,300 strong *Liberty* and *Victory* class merchant fleet, built between 1941 to 1945, and which so proudly transported the fighting men of America to the beaches of northern France be included.

During World War II, the U.S. Merchant Marine suffered the greatest casualty rate, second only to the U.S. Marine Corps. More than 200 *Liberty* and *Victory* ships were sunk and hundreds of Merchant Mariners and Navy armed guard crewmen aboard were killed. In fact, without these *Liberty* and *Victory* ships, including those who served aboard them, there probably would have never been a Normandy invasion—nor a victory in World War II.

With this in mind, Mr. Speaker, H.R. 58 authorizes the transfer of two obsolete vessels in the National Defense Reserve Fleet [NDRF] to each organization which maintains and operates one of these World War II merchant ships. These organizations, in turn, will scrap and sell their NDRF ships and use the proceeds to refurbish each historic treasure in order that she will be made seaworthy for the trans-Atlantic voyage to Normandy. Each will be manned by crews of volunteers, many of whom have contributed tens of thousands of volunteer hours restoring the interiors of these vessels.

In conclusion, Mr. Speaker, let me stress that this is a superb way to pay homage to the millions of Americans who did their part for the liberation of Europe during the Second World War.

For the RECORD I include the following articles:

ACTION ON THE NORTH ATLANTIC—1994—THE NORMANDY CONVOY

D-DAY

The greatest armada in history was assembled by the Allies in June of 1944, as they breached Hitler's Atlantic Wall. Never again will the world see such a gathering of ships!

Soon in commemoration of the 50th Anniversary of this great Allied Victory, a magnificent celebration will be held on the beaches of Normandy.

As a part of that celebration, the volunteer crews of the three living, steaming, World War II Merchant Marine Memorials, S.S. JOHN W. BROWN, S.S. JEREMIAH O'BRIEN and S.S. LANE VICTORY, are planning a voyage, in convoy, to Europe and the invasion beaches.

This "Last World War II Convoy" will commemorate the vital role played by the United States in winning of the War and will help remind the people of Europe that the American Spirit that won the Second World War is still alive!

To help make this voyage a reality you can: Sign on as a volunteer crew member; Become a Corporate Sponsor, earning an opportunity to showcase your company's products aboard the vessels as they tour Europe after the Normandy Commemoration; Support the effort with your contribution.

THE NORMANDY COMMEMORATION

The activities surrounding the commemoration of D-Day are one of the most significant of the entire series of WW II 50th anniversary ceremonies. Thousands of people will be travelling to England and France to participate in these activities, including the heads of state from all the Allied countries. D-Day was the most important invasion of the entire war and the commemoration is being planned accordingly.

Hundreds of Liberty and Victory Ships participated in the Normandy Invasion and the build-up of supplies that led to it. Without the vast armada of merchant ships that carried the cargo across the Atlantic, there could have been no invasion. One of the three historic ships, JEREMIAH O'BRIEN, was herself a participant in the invasion. She made ten trips across the channel from England to France with thousands of tons of war supplies for American and British troops fighting their way inland.

Many merchant ships were sunk during and after the invasion. A number of damaged Liberty Ships were used to form the "Gooseberry" artificial breakwater that was built off Omaha Beach to shelter the discharging vessels.

The gathering of ships and men at Normandy is far more than a reunion of old sailors. It is a celebration of the American spirit, a demonstration of what Americans can do when the chips are down, proof that we can build things that last and a reminder to our Allies just who it was that won the Second World War.

This trip can focus the eyes of the world on an America in celebration, not a country whose guts are being torn out by drugs, by violence and by economic failure. When the Liberty Ships sailed, the American Spirit rode high. And we can do it again!

The Broomfield-Wyden Bill calling for the scrapping of WW II tonnage allows for the sinking of up to 15 of these ships as artificial fish reefs. The U. S. Treasury certainly nets nothing from the sinking of such ships. Far better to use the proceeds from the scrapping of six of them to enable our merchant marine memorials to represent America off the beaches of France in 1994. Remember that these ships are large, more than 400' long. They have ample display spaces in their 'tween decks that can be used for displays of all kinds. They can be floating goodwill ambassadors for America, promoting our country in any number of possible ways.

SS JOHN W. BROWN SCHEDULED TO MAKE '94 ATLANTIC VOYAGE

(By Paul W. Valentine)

BALTIMORE—The SS John W. Brown, a World War II Liberty ship, rests here, recovering from half a century of use and abuse while hundreds of volunteer workers race to ready it for a 1994 rendezvous with remembrance.

If all goes as organizers hope, the John W. Brown will sail under its own steam to France in spring 1994 to join other craft in observing the 50th anniversary of the Allied invasion of Europe at Normandy.

Dozens of Marylanders who are helping to restore the ship expect to be aboard.

"We're very optimistic we'll make it," said John W. Boylston, president of the Baltimore-based Project Liberty Ship.

Formidable hurdles remain, including raising $2.7 million to finish the restoration work and pay for fuel and food for the 1994 trip.

"This is a herculean feat," he said.

The John W. Brown, named after an early 20th century labor leader, is one of only two Liberty ships remaining from the 2,700-ship fleet of squat 10,500-ton-capacity cargo carriers that were mass-produced in Baltimore and other ports on a crash basis to ferry troops, supplies and equipment to Europe and the Pacific during World War II.

More than 200 were sunk by enemy bombs, mines and torpedoes. Hundreds of U.S. Merchant Marine seamen and Navy armed guard crewmen were killed aboard them.

After the war, most of the remaining Liberty ships were sold for scrap after being mothballed for years in Norfolk.

The other surviving Liberty ship is the SS Jeremiah O'Brien, which has been restored and is now anchored in San Francisco as a museum.

Organizers here have similar long-range plans for the John W. Brown, but for the moment all energies are directed at getting the ship to Europe in 1994.

Much has already been done. The 19-foot-high, 270,000-pound engine is in working order again. The bridge, crew's quarters, galley, gun turrets and other features are being restored to their original appearance.

About 2,000 rivets have been replaced in the Brown's steel bottom, where some corrosion had occurred. But 10,000 still have to be replaced in the 441-foot-long hull before the Brown can be certified by maritime regulators as "ocean-worthy," according to Boylston. It is an expensive task, he said, that requires putting the ship in dry dock.

The interior restoration work—wiring, carpentry, metal work, painting—is done largely by skilled volunteers who have put in more than 150,000 hours since Project Liberty Ship acquired the Brown for free from the Maritime Administration in 1988 after it had been used as a floating high school in New York for more than 30 years.

"I'm having a lot of fun," said Edwin Moran, 74, of Clinton, a retired carpenter who is building walls and oak bunks in the forecastle, where the Navy gunners' living quarters were. The bunks and several of the walls, called bulkheads, had been ripped when it was used as a school. Moran, going by original blueprints and using wood and bronze hardware cannibalized from a junked Liberty ship in Norfolk, is painstakingly restoring the forecastle to its former appearance.

"We're striving for authenticity," said Moran, a former Merchant Marine seaman who drives almost every Wednesday and Saturday from Prince George's County to work on the Brown, moored two miles east of Baltimore's Inner Harbor.

When the restoration is done, he said, the Brown, "will be a living, steaming memorial."

Another feature of the Brown will be an on-board library with more than 1,000 volumes on naval engineering, the Merchant Marine and "pretty much anything to do with World War II," said Dave Aldworth, 55, of Severna Park, a computer consultant and the Brown's librarian.

Boylston, 53, of Solomons, a naval architect, said Project Liberty Ship has about 2,500 members and supporters, of whom about 500 do most of the volunteer work on the ship. The project has raised $1.7 million, most of it in private contributions, since 1988 to help pay for sandblasting, dry dock work and other tasks beyond the ability of the volunteers.

In addition, he said, the project has received an estimated $2.5 million to $3.5 million in "in-kind donations" of engine parts, paint, rope (called "line" in Navy parlance) and other items.

Still, he said, the Brown needs $2.7 million to complete the restoration, meet seaworthiness standards and pay for fuel and food when the ship goes to Europe in 1994. He estimated that fuel alone will cost $7,000,000, noting that the Brown is scheduled to go not only to Normandy but to 42 other European ports in a series of goodwill calls.

In addition to private contributions, Boylston said, Rep. Helen Delich Bentley (R-Md.) is pushing legislation to have two mothballed cargo ships in Norfolk sold for scrap with the proceeds going to the Brown, as well as the Jeremiah O'Brien and a third World War II-vintage cargo craft, the SS Lane Victory, two other ships scheduled to make the 1994 transatlantic voyage.

The legislation not only would bring in an estimated $700,000 for the Brown, Boylston said, but would "give us more credibility" in soliciting loans and private contributions.

He said the project also plans to sell trade show space on board the Brown for U.S. companies to exhibit products as the ship stops at European ports of call after the Normandy observances.

"This is not going to be just an old sailors' romp," Boylston said. ". . . We want to remind the world of the U.S. contribution to the Allied victory in Europe."

HOW WARS ARE WON

(By Jack L. Levin)

On Baltimore's waterfront, the Fairfield section is very quiet now. You can almost hear the summer breeze blowing in from the Patapsco.

Fifty years ago, it was a round-the-clock, seven-days-a-week bedlam of riveting hammers pounding red-hot rivets into steel plates, a cacophony of mechanical hubbub, whistles, fog horns and the yelling and cursing of sweaty workers struggling with unaccustomed tasks—business and professional

people developing blisters and callouses on soft, unskilled hands.

One distinctive sound in the din was the wailing ambulance siren as yet another hapless victim was rushed to the infirmary or hospital. Strange, heavy tools became deadly weapons in the clumsily clutches of eager amateurs. In the early days of the war, shipyard casualties rivaled those on the battlefield.

Out of this chaos, in the late fall of 1941, was born at last the first Liberty Ship, the Patrick Henry. It was Fairfield's first response to the arrogance and belligerence of the Axis powers. We who had slogged through a gray, grinding Depression felt our hearts pounding. Until then, our only patriotic excitement had been on the Fourth of July, celebrating the victories of earlier achievers. This was our victory!

This first launching of the ships that would carry the war to America's enemies, and help to finish what they had started, lighted our sky as no fireworks had ever done.

For many of us, the launching was the most memorable event of our routine lives. We wildly cheered the speeches of shipyard officials. We had goose bumps as the skids were knocked out, the first champagne bottle smashed against its bow and the Patrick Henry slid majestically down the greased ways. We forgot the gripes and the pain the rising at 4 a.m., the dashing half asleep to meet our rides, the lunching in the company of rats scurrying under the hulls, the aching joints and muscles, the interminable monotony of seven-day weeks of mind-numbing labor.

But the mounting frequency of exhilarating launchings made it all worthwhile.

Production revved up to overdrive after Pearl Harbor. President Franklin D. Roosevelt, who had called the slow-moving vessels "ugly ducklings," renamed them "Liberty Ships" because he pledged that they would "liberate the world." Our fighters did that job, of course, but our workers surely helped.

Great flocks of the ugly ducklings were born into the waters of the Patapsco. On Sept. 7, 1942, nine months to the day after Pearl Harbor, came the John Brown, which is now on display as a museum ship at a pier on Clinton Street. It was one of 384 Liberty Ships launched at Fairfield—more than any produced at any shipyard in the nation. Altogether, the yards turned out 3,710 ships, build and crewed by civilians, they carried two-thirds of all essential cargo to Allied forces. Nearly 200 were torpedoed by U-boats, but the Nazis could not sink them as fast as we could build them.

It took 42 days to build the John Brown, but by the end of the war Fairfield was mass-producing a ship a week. It was not only Fairfield workers and management who achieved this miracle of productivity; it was also the workers and management at all the industries which supplied the thousands of tons of materials used—from rivets, nuts, bolts and welding rods to heavy steel plates and huge ships' engines.

The only thing we nearly ran out of was names for the ships. John W. Brown was a little-known labor union leader; other uncelebrated civilians had to be dug out of obscurity for moments of glory. But nothing slowed the pace in the 18 yards producing Liberty Ships.

At shipyards like Bethlehem's, at airplane plants like Glenn Martin and in bustling factories from coast to coast, America praised the Lord and passed the ammunition to those fighting in the armies on two sides of the world.

Wages were adequate, not lavish. With shortages and rationing of many commodities, the standard of living was no consumer's paradise. But morale was high; no burnout, no malaise. We were confident of eventual victory. We gave it the highest priority and threw ourselves entirely into the task of waging the war as well on the home front as on the battlefront.

Today, too, as headlines and newscasts keep reminding us, we are at war—against drugs, poverty, hunger, crime, disease and pollution. These enemies lack the personified evil of Hitler, Hirohito and Mussolini, but their threats to our survival are as real. We are good at declaring these wars, but not very good at fighting them. Where are the emergency measures? The War Bonds? The planning of production? The rationing of resources? The setting of priorities in finance, labor and education to assure concentration on winning?

Counting all those, especially children, who are dying of malnutrition, drug overdoses, street violence, AIDS and gun slaughter, American losses in these wars must exceed those in the most destructive war in history.

We won that war by will, determination, steadfast commitment and readiness to pay the price of victory. Only by such unconditional, uncompromising effort can we triumph over present enemies.

In 1992 as in 1942, we can again dream of victory over formidable enemies which threaten not just "them" but also "us."

As Theodor Herzl, the founder of Zionism, said, "If you will, it is no dream."

Mr. STUDDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, H.R. 58, the Merchant Marine Memorial Enhancement Act of 1993 calls for the transfer of six National Defense Reserve Fleet vessels scheduled for scrapping to three nonprofit organizations which maintain maritime memorials.

The memorials are the *Jeremiah O'Brien*, San Francisco, CA; the *John W. Brown*, Baltimore, MD; and the *Lane Victory*, San Pedro, CA.

These memorial vessels are now being made seaworthy in order to take part in reenactment ceremonies to commemorate the 50th Anniversary of the Invasion of Normandy on June 6, 1994.

Thousands of hours of volunteer labor have gone into renovating the three ships.

But the riveting, welding, and dry-dock work needed to assure the vessels' integrity is beyond the volunteer workers ability.

The money to be raised by the scrapping of six NDRF vessels would be used to pay for this skilled repair work.

The bill requires that proceeds from scrapping the NDRF vessels be used for refurbishing the vessels and that unused proceeds be returned to the Federal Government.

It is important for these vessels to participate in the anniversary ceremonies.

The U.S. Merchant Marine played a pivotal role in our victory in World War II. Without the merchant marine, there could not have been an invasion of Normandy.

It is only fitting that these three memorials represent the hundreds of seamen who lost their lives in the fight for their country.

H.R. 58, as amended also contains several Jones Act waivers for private vessels.

Many of these waivers have already been passed by the House as part of other legislation.

For reasons of hardship or problems with the chain of title, these vessels need to be awarded waivers to operate in U.S. coastwise trade.

The Committee on Merchant Marine and Fisheries has reviewed these bills and reported them favorably.

I urge my colleagues to vote for this legislation.

Ms. HARMAN. Mr. Speaker, during this century's wars, our soldiers crossed the oceans to defend our country in times of need. They traveled those seas on ships operated by the brave civilians of the merchant marine, who often lost their lives on the dangerous oceans of war.

When we entered World War II, our country needed more ships, and we embarked on a magnificent effort to build thousands of vessels to carry materiel and troops to the theaters of war. They were known as liberty and victory ships.

In recent years, nonprofit associations have worked to save three of these ships as National Historical Landmarks so that their contribution to our Nation's history will be preserved. In my district, I am fortunate to have the SS *Lane Victory* built in 1945 and named for a college founded by a former slave in Tennessee. The *Lane Victory* served in W.W. II, then went on to play roles in the Korean and Vietnam wars. On December 5, 1950, the *Lane Victory* rescued over 7,000 Koreans, men, women, and children, from the horrors of war.

More than 100,000 hours have been devoted to restoring the *Lane Victory* by a dedicated group of veterans and enthusiasts. However, the tasks that remain cannot be done by volunteers. H.R. 58 will help these volunteers to restore the *Lane Victory*, the *Jeremiah O'Brien*, and the *John W. Brown*, without an appropriation and without any addition to the national debt. This bill authorizes the transfer of two obsolete vessels in the National Defense Reserve Force to the volunteer groups to be sold for scrap.

We must move quickly on this effort. On June 6, 1994, a multinational celebration of D-day will take place in Normandy, as a way to remember our past and honor those who served our nation in World War II. Our three liberty/victory ships will be the centerpiece of our contribution to that celebration. I urge my colleagues to support our participation in the commemoration of D-day, and to help keep open the liberty/victory ships as continuing memorials to the outstanding contributions made by our merchant marine.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 58, as amended.

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

A motion to reconsider was laid on the table.

UNITED STATES-FLAG PASSENGER VESSEL ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1250) to amend the coastwise trade laws to clarify their application to certain passenger vessels as amended.

The Clerk read as follows:

H.R. 1250

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 "United States-Flag Passenger Vessel Act of 1993".

SEC. 2. COASTWISE TRANSPORTATION OF PASSENGERS.

(a) IN GENERAL.—Section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS

(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

"(1) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920 and section 2 of the Shipping Act, 1916 for engaging in the coastwise trade; and

"(2) for a vessel that is at least 5 net tons, the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'coastwise trade' includes—

"(A) transportation of a passenger from a place in any State or possession of the United States and returning to that place, if during that transportation no passenger departs from the vessel in a foreign country; and

"(B) transportation of a passenger between points in the United States, either directly or by way of a foreign port; and

"(2) the term 'passenger' does not include a travel agent on a voyage if—

"(A) the purpose of the voyage is to promote future trips on the vessel;

"(B) money is not paid to the vessel owner or charterer for the voyage; and

"(C) the voyage goes beyond the territorial sea of the United States.".

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding the amendment made by subsection (a), an ineligible vessel may engage in transport of passengers in coastwise trade (as those terms are defined in that amendment) on a trade route, if—

(A) The vessel engaged, in the period beginning January 1, 1990, and ending March 9, 1993, in transport of passengers in coastwise trade on that trade route; and

(B) within one year after the date of the enactment of this Act, the owner files with the Secretary of Transportation an affidavit certifying compliance with subparagraph (A) and listing each trade route on which the vessel engaged in transport of passengers in coastwise trade in the period described in subparagraph (A).

(2) SCHEDULED EXPIRATION OF EXCEPTION.—Paragraph (1) does not apply to an ineligible vessel after the later of—

(A) January 1, 2000,

(B) the date that is 15 years after the date of completion of construction of the vessel, or

(C) the date that is 15 years after the date of completion of any major conversion of the vessel that is begun before the date of the enactment of this Act.

(3) EXPIRATION OF EXCEPTION FOR FAILURE TO RECREW.—Paragraph (1) does not apply to an ineligible vessel after the date that is 5 years after the date of the enactment of this Act, unless—

(A) each individual employed on the vessel after the one-year period beginning on the date of the enactment of this Act is either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence; and

(B) not more than 25 percent of the total number of individuals employed on the vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(4) TERMINATION OF EXCEPTION UPON ENTRY OF REPLACEMENT.—Paragraph (1) does not apply to an ineligible vessel with respect to a trade route after the date of the entry into service on that trade route of an eligible vessel, if—

(A) the eligible vessel has a passenger carrying capacity that is equal to at least 75 percent of the passenger carrying capacity of the ineligible vessel, as determined by the Secretary of the Department in which the Coast Guard is operating;

(B) the person that is the owner or charterer of the eligible vessel submits to the Secretary of Transportation, by not later than 270 days before the date of that entry into service—

(i) a notice of the intent of the person to enter into that service; and

(ii) such evidence as the Secretary may require that the person is offering and advertising that service;

(C) any individual employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act—

(i) is not a citizen of the United States; and

(ii) is not an alien lawfully admitted to the United States for permanent residence; and

(D) more than 25 percent of the total number of individuals employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(5) TERMINATION OF EXCEPTION UPON SALE OF VESSEL.—Paragraph (1) does not apply to an ineligible vessel after any date on which the vessel is sold after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection—

(A) the term "eligible vessel" means a vessel that is eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade;

(B) the term "ineligible vessel" means a vessel that is not eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade; and

(C) the term "major conversion" has the meaning that term has under section 2101 of title 46, United States Code.

SEC. 3. DOCUMENTATION OF VESSELS.

(a) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) Emerald Princess (former United States official number 530095).

(2) Europa Star (former United States official number 588270).

(3) Europa Sun (former United States official number 596656).

(b) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V Helton Voyager (Spanish registration lista 2A-Folio-592) if—

(1) the person documenting the vessel entered a contract before May 21, 1992, to purchase the vessel;

(2) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard under a contract signed before January 1, 1994;

(3) the cost of the major conversion is more than the value of the vessel before the major conversion; and

(4) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before January 1, 1995.

(c) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade, for the vessel M/V Twin Drill (Panama official number 8536-PEXT-2) if—

(1) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard;

(2) the cost of the major conversion is more than 3 times the purchase value of the vessel before the major conversion;

(3) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before June 30, 1995; and

(4) the person documenting the vessel contracts with a United States shipyard to construct an additional vessel of equal or greater passenger capacity within 12 months of the date of enactment of this Act, for delivery within 36 months of the date of such contract, which vessel shall also be documented under chapter 121 of title 46, United States Code.

(d)(1) The vessel Star of Texas (Lloyds register number L5103936) may engage in coastwise trade (as defined in section 8(c)(1)(A) of the Act of June 19, 1886, as amended by this Act) out of the Port of Galveston during the 5-year period beginning on the date of the enactment of this Act, if during the period beginning 30 days after that date of enactment and ending 5 years after that date of enactment—

(A) at least 60 employees engaged on the vessel are United States citizens;

(B) of the employees engaged on the vessel who are United States citizens, at least 60 are proficient in lifeboat training, firefighting, and vessel evacuation under standards certified by the United States Coast Guard;

(C) all repairs and alterations to the vessel are done in United States shipyards;

(D) the vessel is a United States documented vessel before the end of that period; and

(E) all other employees are instructed in basic safety techniques.

(2) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, and subject to paragraph (1), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade in the period described in paragraph (1) for a vessel described in that paragraph.

SEC. 4. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—A voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of, respectively, a segment—

"(i) that begins and ends in the same State or possession of the United States;

"(ii) that is part of a voyage to another State or possession of the United States or to a foreign country; and

"(iii) in which the vessel reaches the other State or possession of the United States or the foreign country within 3 days after leaving the State or possession of the United States in which the segment begins.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume. H.R. 1250, the United States-Flag Passenger Vessel Act of 1993 has one overriding purpose: to close a longstanding loophole in our coastwise trade laws. Under present law, a vessel that transports passengers between two points in the United States must fly the U.S. flag, be built in a U.S. shipyard, be owned by U.S. citizens, and be manned by U.S. personnel.

However, under an unusual interpretation by the Customs Service, if a vessel leaves a U.S. port, sails beyond the 3-mile territorial sea, and returns to the original port, then it can be foreign-flag, built in a subsidized foreign shipyard, owned by foreign citizens, and manned by low wage foreign personnel.

This is not only bizarre, but inherently unfair to American workers. The bill before us would make these so-called voyages-to-nowhere subject to our domestic shipping laws as are all other vessels that transport passengers in the United States.

The bill phases-out existing foreign-flag operations to mitigate the effect on the owners of these ships and on our ports which may have terminal agreements with these operators.

It allows certain foreign-flag vessels to reflag United States.

The bill means jobs for Americans—both on board ships and in our shipyards and I would like to thank the gentleman from Mississippi [Mr. TAYLOR] for his hard work on this legislation.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 1250, the United States-Flag Passenger Vessel Act, introduced by Congressman GENE TAYLOR and cosponsored by several members of our committee.

This legislation is a revised version of a bill that was passed by the House of Representatives last year, but, due to matters beyond our control, was not enacted.

This bill represents a major step forward in providing American companies the opportunity to become involved in the extremely lucrative cruise-to-nowhere trade. These voyages, which are currently conducted exclusively by foreign-owned, foreign-flagged, and foreign-manned cruise ships, represent a significant economic growth potential for American maritime companies. As a result of administrative determinations—which the Members of the Merchant Marine and Fisheries Committee strenuously disagree with—the U.S. Customs Service has allowed these foreign ships to continue to operate.

We now have the ironic situation that if someone goes on a fishing trip out into the ocean, and returns to the port of departure, that fishing boat has to be U.S.-built and U.S.-owned. But if that same person gets on a cruise ship and spends the day eating, drinking, and gambling—rather than fishing—then the cruise ship can be foreign-built and foreign-owned.

Mr. Speaker, it is time for the Congress to eliminate this major loophole in our coastwise trade. H.R. 1250 would phase out foreign ships. It would allow the foreign-flag operators to continue to operate until January 1, 2000, or for 15 years after construction or a major conversion of a ship, if they place American merchant seamen onboard their ships. However, if they choose not to recrew the ships, their operations would have to cease after 5 years.

The bill would also allow a U.S. operator to enter a cruise-to-nowhere trade and bump out an existing foreign operator sooner than 5 years, if the foreign operator elects not to hire an American crew.

This bill also contains a provision allowing a company that signed a contract with a port in 1992 and has an existing vessel to operate cruise-to-nowhere trips for 5 years if the company agrees to certain manning and operating conditions.

In addition, H.R. 1250 would restore Jones Act privileges to several U.S.-built vessels that previously reflagged foreign in order to provide gambling to their passengers. Now that the Gambling Devices Act has been changed to allow gambling on U.S. ships, the owners of these ships want to return to the U.S. flag. In order for them to do so, we have to pass legislation allowing it.

I am aware that there is still some concern among the members of the Florida delegation that this bill is too restrictive and would eliminate foreign vessels before U.S. operators are ready to move into this trade. They are concerned that the economic impact on communities in south Florida could be severe. However, I believe the phaseout scheduled, coupled with the other provisions of the bill, should minimize the possibility of any major dislocations.

Mr. STUDDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, I rise in support of H.R. 1250.

Mr. Speaker, this bill resolves a problem resulting from the passage last year of Public Law 102–251. That legislation permitted gambling aboard U.S.-flag cruise vessels. Unfortunately, an unintended consequence of that law is a potential disastrous loss of business for the cruise industry in California.

Many California cruises embark from one port and then stop at one or two other cities in the State on their way to a final destination in Mexico, Canada, or Alaska. California's legislature became concerned that allowing gaming on these cruises might result in the State being forced to also allow gaming under the Federal Indian gaming law. Consequently, the State assembly took advantage of their right under Public Law 102–251 to prohibit gambling on the intrastate segments of these cruises and did so.

As a result, many California cruise ship companies have bypassed—or are threatening to bypass—second and third ports of call within California. For instance, ships which once departed Los Angeles and called at Catalina or San Diego on their way to Mexico would no longer visit Catalina and San Diego. Mr. Speaker, while I served on the San Diego Port Commission, the port authority spent $5 million upgrading a cargo pier to a state-of-the-art cruise ship terminal. San Diegans are afraid that without this legislation we will see ships sailing past our port.

H.R. 1250 alleviates California's concerns with cruise ship gambling and the effects of the Indian gaming law and will allow our west coast cruise industry to thrive by establishing Federal regulation of these intrastate voyage segments. This bill will allow gambling in international waters when a ship will ultimately arrive at a foreign or out-of-state port within 72 hours. This will permit a California cruise vessel to make one or two ports of call within the State.

Mr. Speaker, this legislation was developed with the support and assistance of the Governor and the attorney general of California, and a resolution of support sponsored by San Diego Assemblywoman Dede Alpert is currently pending in the California General Assembly.

Mr. Speaker, I urge support of H.R. 1250.

Mr. LIPINSKI. Mr. Speaker, H.R. 1250, the United States-Flag Passenger Vessel Act of 1993, as amended, will close a loophole in our maritime laws.

Our coastwise trade laws require that all merchandise and passengers transported between two points in the United States be carried on vessels that are U.S.-flagged, U.S.-owned, and U.S.-built.

Presently, foreign-flagged and crewed vessels are sailing out of U.S. ports beyond the 3 mile international limit, and back to the same ports.

This is a clear violation of the intent of our coastwise trade laws.

This legislation will classify these voyages as coastwise trade and subject them to U.S.-built, -owned, and -crewed requirements.

As amended, the bill grants coastwise privileges to several vessels which were built or converted in the United States or have agreed to hire U.S. citizens to crew their vessel.

Mr. Speaker, United States-flag cruise operations cannot compete with foreign-flag operations as long as they are not required to meet American standards for safety and wages.

Foreign operations do not have to comply with strict U.S. regulations for construction standards, operating safety, environmental constraints, and, perhaps most importantly, crew wages and conditions.

Foreign lines can pay third world labor third world wages, undercutting U.S. operations which must meet minimum wage standards.

Mr. Speaker, I urge my colleagues to close this loophole being exploited by the foreign-flag cruise industry and pass this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1250, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bills just considered.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 51, NEW COLUMBIA ADMISSION ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 51) to provide for the admission of the State of New Columbia into the Union. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendment made in order by this resolution and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the District of Columbia now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, and no other amendment to the bill shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. For purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

During consideration of this resolution all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 316 is a rule providing for the consideration of the bill H.R. 51, the New Columbia Admission Act. This resolution provides 3 hours of general debate to be equally divided between the chairman and ranking minority member of the District of Columbia Committee.

Mr. Speaker, under this rule no amendments to the bill are in order and after general debate expires Members will be able to vote up or down on the issue of statehood for the District of Columbia. This was the request of both Chairman STARK and the ranking member of the committee, Mr. BLILEY.

Mr. Speaker, never before has the issue of statehood for the District of Columbia been debated on this floor.

Admitting a new State into the union is a serious matter which should be debated in a thorough and thoughtful manner.

There are good arguments both for and against admitting the State of New Columbia into the Union, and under this rule Members will have adequate time to put forth their concerns.

Mr. Speaker, with the adoption of this resolution the House will enter into a historic debate.

I urge adoption of this resolution so that the House can proceed to debate on admitting New Columbia as our country's 51st State.

Mr. Speaker, at this time I yield for the purposes of debate only to the gentleman from Tennessee [Mr. QUILLEN.]

□ 1500

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

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

Mr. Speaker, I submit with my statement a comparative chart of open versus restrictive rules covering the 95th through the 102d Congresses and a separate chart of open versus restrictive rules for the 103d Congress.

As the gentleman from Massachusetts has explained, this is a closed rule. I am against it, and I am against the bill. Mr. Speaker, as we all know, statehood is a very serious matter and in fairness to all Members it should be considered under an open rule. In the Rules Committee last night, I offered a motion to provide for an open rule and it was defeated by a 6 to 4 party-line vote. As some of my colleagues will point out, there are many objections to this bill, and a closed rule does not provide for full consideration of those objections.

H.R. 51 creates a new State. It provides that the Federal Government continue to pay the District money that no other States receive, many of which have more land owned by the Federal Government than the District does. As my colleagues will bring to light, H.R. 51 also changes and violates several sections of our Constitution. Mr. Speaker, it remains a fact that the Founders of our country created the District of Columbia to be a Federal city, not a separate State.

Mr. Speaker, I rise in strong opposition to this rule, and I urge its defeat. I also urge defeat of the bill, and I reserve the balance of my time.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
103d (1993–94)	51	12	24	39	76

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 19, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 51, NEW COLUMBIA ADMISSION ACT

1. Open rule—This amendment to the proposed rule provides for a 3-hour, open rule for the consideration of H.R. 51, the "New Columbia Admission Act," and makes the District Committee's amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule. All points of order against the substitute are waived.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Frost, Wheat, Slaughter. Not voting: Bonior, Hall, Gordon.

2. Adoption of rule—

Vote (Adopted 6–4): Yeas—Moakley, Derrick, Beilenson, Frost, Wheat, Slaughter; Nays—Solomon, Quillen, Dreier, Goss. Not voting: Bonior, Hall, Gordon.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Tennessee for yielding time to me, and I rise in strong opposition to this unjustified closed rule.

Let me just say this: When the House gets so close to adjournment that we can count the hours, we better keep a sharp eye out for all sorts of far-out legislation.

This D.C. statehood is one example of that kind of legislation. And this rule, I am afraid, makes a bad bill even worse.

Each time a closed rule is foisted on the House, Members of Congress are denied the opportunity to represent their constituents. It is ironic that a bill which, proponents argue, seeks to provide representation to citizens of the District, is being considered in a manner which disenfranchises all the citizens of the United States.

Mr. Speaker, under House rules, a D.C. statehood bill does not even need a rule. District business, according to clause 8 of rule 14, is privileged on the second and fourth Mondays of each month. The House, under this procedure, could resolve itself into the Committee of the Whole, and proceed with general debate.

Then the bill would be open to amendment under the 5-minute rule. That is by the rules of the House. That is the way it should be. But what is happening today is something entirely different. D.C. statehood proponents have stampeded this bill here to the floor on short notice and they have

gagged the opposition in the process. This rule provides for only 3 hours of debate and no amendments.

Can Members believe it? The House is going to vote on whether to provide statehood for the District of Columbia without any real debate and no amendment process? That is unbelievable.

Furthermore, this rule contains a self-executing provision which strikes the provisions in the bill, listen to this, providing for expedited procedures in the House to repeal the 23d amendment to the Constitution.

We're talking about amending the Constitution here with no debate. Where is the deliberation, the discussion, and the careful debate on this? It has been drowned out by the protestors' chants.

Mr. Speaker, the Committee on Rules should assert its jurisdiction. It should have held hearings on this important matter. A self-executing rule is not the answer.

Mr. Speaker, let me just sum up by saying that I've served in the House for 15 years and the number of closed rules on important pieces of legislation has skyrocketed in the last 3 years. Let me just inform the Members of some history on how D.C. statehood, business has been considered by the House—before my time.

The special rule that provided for consideration of a D.C. home rule bill in 1973 was an open rule with 4 hours of general debate. Four significant substitute amendments were made in order, and amendments to the substitute were not precluded. What a difference that was from the rule before us now.

Mr. Speaker, the House also considered statehood bills for Alaska and Hawaii under open amendment procedures, with lengthy debate. Why then should the House turn its back on these precedents, especially when there are so many constitutional questions raised by the notion of the District becoming a state?

Mr. Speaker, taking into consideration the rules of the House and the historical facts involved, the arguments for a closed rule on this bill do not hold up.

Mr. Speaker, I urge Members to defeat this rule and let the Rules Committee take it back. If there is merit to D.C. statehood, let those merits be expressed in open hearings and under an open amendment process on the floor.

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

Mr. Speaker, the gentleman from New York is right. This bill does not provide for any amendments, but no one appeared before the authorizing committee or the Committee on Rules to ask for any amendments so it appears that no one wants any amendments.

Under the rules of the House special days are provided for the consideration of District of Columbia business. These days, known as D.C. days, are available on the second and fourth Mondays of each month.

The reason this bill is not being considered under such a procedure is simply a matter of timing. On the second Monday of this month this bill had not yet been reported by the District of Columbia Committee.

The fourth Monday of this month is this coming Monday when the House will be close to adjourning this session and we have quite a full plate of business. The House is scheduled to debate campaign finance reform, lobbying reform, reinventing government legislation and a recessions package.

In the interest of completing all of this business before the Thanksgiving holiday I believe that bringing up this bill today is the wisest course of action. Bringing it up on Monday will only further delay Members from being with their families over Thanksgiving.

Section 208 of H.R. 51, as reported by the District of Columbia Committee, contains expedited procedures in both the House and Senate for the repeal of the 23d amendment. This section clearly falls under the jurisdiction of the Rules Committee.

However, the committee was not given a sequential referral of the bill.

As the session comes to a close in the next few days we all know that floor time becomes very tight.

Therefore, rather than request a referral from the Speaker which would certainly hold this bill up another day, the committee adopted a resolution which self-executes an amendment eliminating these procedures in the House. The amendment does not affect the procedures in the Senate.

If the repeal of the 23d amendment becomes necessary at a future date, the committee of jurisdiction can seek a rule from the Rules Committee to debate and vote on the procedure for its repeal.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY]

□ 1510

Mr. BLILEY. Mr. Speaker, I support this request for a rule with 3 hours of debate. This is no usual piece of legislation, it is a bill to admit 95 percent of the Nation's capital as a State.

I oppose H.R. 51. I believe that a State cannot be created out of the Nation's capital without amending the Constitution. Statehood advocates are simply wrong in their analysis. No State has faced the impediments of three provisions in the Constitution. The other 37 States were admitted under article four of the Constitution. The District of Columbia is the only article one territory in the United States. There is no precedent which applies to the admission of the District of Columbia as a State through simple legislation. Thirty years ago today, Attorney General Robert Kennedy told the House Committee on the District of Columbia that the status of the Nation's capital can be changed only through a constitutional amendment. For 30 years, through Democratic and Republican administrations alike, that position has not changed, even under the new administration.

I believe that the bill itself is fatally flawed in many ways and cannot be corrected. Republicans offered a number of amendments in subcommittee and full committee markups. But frankly, there are so many problems with the bill, it makes little sense to try to amend the bill in just a few areas now in the last hours of this session.

H.R. 51 is not the vehicle to address Congress's concerns about crime, or poor schools, or poor management in the District. Such amendments would not be germane. Moreover, amendments which place conditions on admission are unconstitutional under the 1910 Supreme Court decision, Coyle versus Smith. Amendments seeking to put conditions on New Columbia are ultimately unenforceable.

I believe that statehood proponents have failed to provide for a coequal State and that is one of the many reasons for my opposition. H.R. 51 contains provisions which are unconstitutional such as the taking of a scenic easement over the entire State. This provision would be struck down but would not invalidate New Columbia's admission. Correcting flaws such as this will not make the bill acceptable.

Let me also say that this rule is to consider a bill, not a nonbinding resolution. There is a lot of talking going around that the vote on H.R. 51 is only endorsing a principle. That is nonsense. The Committee on the District of Columbia has worked on statehood legislation for 10 years. We are not voting on a goal or a principle. This is not a resolution which would have no force of law. We are voting on a 38-page bill. If you vote for this bill, you will be voting for everything that is in it. And if you will listen to the debate on the bill, you will be shocked by some of the things that are in it. We are here to legislate, not to act on meaningless gestures.

For years, statehood advocates have been saying that admitting a State is an easy and simple matter. Don't be fooled. This is not like any other statehood matter.

This chart explains why. It details information about the borders of Washington, DC which proponents do not want you to know. This is one of the reasons why they are now saying this is a vote only on principle. It is because after 10 years of work, they cannot defend the bill before us.

Statehood advocates have said that they are merely reducing the size of

the Nation's capital. The Delegate from the District of Columbia has stood on this floor and told this House and all Americans that, "only the neighborhoods would become a part of New Columbia." This simply is not true.

On November 3, the committee adopted an amendment which has drastically altered this legislation and its effects on the Federal Government. I believe that it has been altered so drastically that the most ardent supporter of statehood cannot vote for this bill.

This amendment, offered without benefit of a full committee hearing, removed the bill's references to the National Capital Service Area and the inclusion of Federal property and buildings within the new seat of government those properties which are "affronting or abutting" the redefined District of Columbia. Delegate Norton explained that the previous provision in the bill would—and these are her words—"take the Federal enclave much deeper into the state than anyone could reasonably argue that those boundaries should go." This was presented as a reasonable amendment to ensure that the capital of the United States contains no "more area in the Federal enclave than is intended or necessary."

Twenty years ago, the 1973 Home Rule Act incorporated the boundary for the National Capital Service Area directly from the 1963 language. The Home Rule Act includes a more inclusive definition of the Federal enclave and a provision which says that "any Federal real property affronting or abutting * * * shall be deemed to be within such area." Since the first statehood bill was introduced in 1983, all statehood bills contained an inclusive reference to the National Capital Service Area and the "affronting or abutting" language.

When the committee considered statehood legislation in 1987, the National Capital Planning Commission informed us that the "affronting and abutting" language was ambiguous and needed further work. Over the next 6 years, nothing was done, and identical language—both as to the border of the new District of Columbia and that any Federal real property affronting or abutting was to be included in the Nation's Capital—continued to be included in statehood bills. When it was introduced in January of this year, H.R. 51 included this language also.

The majority's last-minute, purported solution to this was to remove the references to the National Capital Service Area and the "affronting or abutting" language from the bill entirely.

The capital of the United States is thus wholly contained within the boundaries specified in section 112(b) of the legislation without exception. As amended, H.R. 51 now does far more than shrink the seat of Government of the United States to less than one-tenth the size of Dulles Airport. H.R. 51 now hijacks part of all three branches of the Federal Government into the State of New Columbia and kidnaps thousands of Federal employees into the State.

This map shows the border as mandated by H.R. 51, as amended. The pages from the bill describing this boundary are attached at the bottom of the map. I will not take the time to read the entire description, but I urge all of my colleagues to examine this map.

I have traced the boundaries between Washington, DC and New Columbia. Beginning just west of the Kennedy Center, anything south of this line is in the seat of government; anything north of its is in New Columbia. Let us take a look at the map and see what happens. The General Services Administration is on the north side of E Street and hence is in New Columbia now. As we make our way over to the White House, we find the National Science Foundation, the International Monetary Fund, the Organization of American States, and the International Bank for Reconstruction and Development—all in New Columbia.

Going up and around 17th Street we see that on the west side, and, therefore in New Columbia are the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Labor Relations Board. The border runs along Pennsylvania Avenue and the north around Lafayette Park. Notice that the New Executive Office Building has been neatly hijacked into New Columbia. White House employees who work there will not only have to cross State lines to speak with their boss, but they will be subject to a New Columbia commuter tax while their fellow White House employees in the District of Columbia are not.

North and east of Lafayette Park—in New Columbia—are the United States Court of Claims—part of the Judicial Branch of the Federal Government—and the Department of Veteran's Affairs and the Treasury Department Annex. These Federal executive and judicial branch employees will be treated differently for tax purposes under H.R. 51 than their fellow employees across the street because they will now be in another State and not in the District of Columbia.

Proceeding southeast on Pennsylvania Avenue, we find that the Federal Bureau of Investigation building is now in New Columbia. New Columbia would be compensated for the presence of the FBI in the Payment-in-Lieu-of-Taxes program of section 203 of this bill while, at the same time, New Columbia would derive significant revenues from its imposition of a commuter tax on all of the FBI's employees who would then begin working in New Columbia.

Now the border becomes truly arcane. Page 11, line 17 says: "thence east on C Street Northwest to Third street Northwest; thence north on Third Street Northwest to D Street Northwest; thence east on D Street Northwest to Second Street Northwest; thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest. * * *" What we have just done is dissect the department of Labor into three parts, with the center in Washington, D.C., but with the wings in New Columbia. I am not making this up. So now you have people in the same building, in adjoining offices, who will have to cross a State line to meet their office mates or to go to the bathroom. The person on the District of Columbia side of the office will not be subject to New Columbia commuter taxes, but the person in the next desk will be.

Picking up H.R. 51 again on page 12, line 1: "thence northeast on Louisiana Avenue Northwest to North Capitol Street; thence north on North Capitol Street to Massachusetts Avenue Northwest; thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square. * * *" Here we lose the Government Printing Office, the Federal Energy Regulatory Commission, and Union Station to New Columbia.

From the Union Station Plaza, we proceed "South on Second Street northeast to D Street northeast; thence west on D Street Northeast to First Street Northeast; thence south on First Street Northeast to Maryland Avenue Northeast. * * *" We have just severed the Hart and Dirksen Senate Office Buildings from the District of Columbia. Two-thirds of the Senate and all staff housed in those buildings will be in New Columbia and not in the seat of government at all.

I will not bother my colleagues with more border description language, but here is a list of some of the Federal office buildings and national treasures which will be in New Columbia rather than Washington, DC:

Ford's Theater
The National Museum of Art
The National Portrait Gallery
The Library of Congress Annex
The O'Neill House Office Building
The Capitol Power Plant
The Department of Transportation
The Department of Housing and Urban Development are all in New Columbia.

The employees in those buildings will be subject to New Columbia taxes. To add insult to injury, the Federal Government will be paying New Columbia taxes on those buildings under the Payment-in-Lieu-of-Taxes provision of section 203.

The new seat of Government—the residual District of Columbia created by the legislation before us today—is completely developed and has no room in it

to create even one new Federal building to house future departments or meet any needs for expansion of the Federal Government. There will be no room for any new museums or monuments to honor future heros and leaders. For the supporters of this legislation to claim that New Columbia is made up only of the neighborhoods is outrageous. Such a statement is patently false.

Reducing the Nation's capital to less than 3,000 acres is not merely inconvenient, it is unconstitutional. Thirty years ago, Attorney General Robert Kennedy told the House Committee on the District of Columbia that such a small sliver of land would not meet the intent of the Founding Fathers:

> Reduction of the District to [a] small strip of territory occupied almost wholly by Federal buildings is thus clearly inconsistent with the concept of the Federal city held by the framers. The inadequacy of the small area . . . to meet the objectives of the framers and the inherent needs of our Federal system is apparent.

The District's substantial population is not, as some have contended, an unintentional mistake. As Kennedy pointed out:

> The plan for the city, executed by [Pierre] L'Enfant and submitted by President Washington to Congress on December 13, 1791, was at that time the most comprehensive plan ever designed for a city. . . . The 'seat of government' contemplated by the framers included extensive residential areas. . . . L'Enfant's plan, as originally drawn, was designed for a city of 800,000, the size of Paris at the time.

Attorney General Kennedy concluded that:

> A persuasive argument can be made that article I, section 8, clause 17 of the Constitution established, as a permanent part of our constitutional system, a Federal district constituting the seat of the government, having a substantial area and population.

Statehood proponents are disguising a wide variety of complex issues with slogans and oversimplification. Even before the outrageous change in the boundary, H.R. 51 would deprive the seat of government of the "indispensably necessary" land and population as envisioned by Washington, Jefferson, and Madison.

H.R. 51 requires us to relinquish two-thirds of the Senate, a number of House staff, several Federal courts, five cabinet departments, the FBI, and part of the White House staff to the state of New Columbia.

The bill reported by the committee provides privileges which no other state enjoys. Let us present the whole package so that the American people clearly understand that statehood advocates want a special relationship with the Federal Government for their State.

Let us see who will vote for a bill which does not admit the State on a coequal basis with the other 50 States.

Let us vote on a bill which has such drastic consequences for our Nation's capital.

Let us vote on this bill to see who will stand up for the rights of 250 million Americans who have the right to participate in the democratic process of amending their Constitution.

If the rule is defeated, we will lose the opportunity to clearly record our opposition to this assault on the Constitution. Do not be afraid to defend the Constitution. Do not let political slogans and falsehoods intimidate you from upholding your oath of office.

Vote for this rule. The bill is the product of the Democratic majority. It is the product of 10 years of committee consideration and work. It is too late to tell the committee to go back and fix it. It is their bill. This what the statehood advocates are demanding.

I urge my colleagues to vote for this rule.

Then let us reject this piece of legislation.

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

□ 1520

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. PETE STARK].

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding. I would like to engage for just a moment my distinguished colleague from Virginia for a question. I am concerned as to what difference it makes. It is my understanding that the Pentagon and the CIA are in Virginia, that the Social Security Administration and the NIH are in Maryland. It is somehow a matter of indifference, it would seem to me, whether the Capitol power plan is in the District of Columbia or in the new State. Could the gentleman enlighten me?

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

Mr. STARK. I am happy to yield to the gentleman from Virginia to tell me what difference it makes.

Mr. BLILEY. Mr. Speaker, for example, in the charter of the Department of Transportation and in the charter of the Department of Housing and Urban Development it specifically states that they will be in the Capital. And if we adopt this bill, they will be in another State.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STARK. I am glad to yield to my distinguished friend, the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, charters are amended, and I wonder if the gentleman from Virginia would explain to us why it is essential to the Nation that the Department of Transportation be in the Capital, but the Pentagon and the CIA can be in Virginia? I have never heard an argument with less force in all of the years that I have been here.

Mr. BLILEY. If the gentleman will yield, I would say the same, is it necessary for the Hart and the Dirksen Buildings to be in the Federal enclave?

Mr. STARK. If I may reclaim my time, the bill clearly states that the legislative buildings adjacent to the Capitcl will stay in the District complex.

Mr. BLILEY. Not according to the map.

Mr. FRANK of Massachusetts. If the gentleman from California will yield, let me say I have never been a strong defender of the Pentagon and the CIA, but if we had to choose between dispensing with the Dirksen and the Hart Buildings for the national interest or dispensing with the Pentagon and the CIA, I think I would get rid of the Dirksen and the Hart Buildings and hold onto the Pentagon and the CIA.

Mr. STARK. Mr. Speaker, I wanted to urge my colleagues to support the closed rule, which my distinguished colleague from Virginia, the ranking member of the Committee on the District of Columbia agreed we should seek, and to have 3 hours of debate. Indeed, the 3 hours will give us plenty of time to discuss the issue of disenfranchised residents of the District of Columbia, and indeed to discuss the considerable technical details that would be necessary in forming the new State of Columbia. These are issues that should be debated.

There was no request or no demand for an open rule. There were no amendments that were asked to be placed in order.

The issue here is that we have come with the great good cooperation of the minority and the majority on the District of Columbia Committee, and the staff on both sides have worked with great cooperation. Many Members have a deep concern over the issue of self-determination, of statehood, a concern for the neighboring States. And it is with that in mind that I think the people in this District of Columbia are entitled to have the issue debated, and to have the vote brought to the House for their determination.

There will be many differences of opinion over many issues in this bill. But the key should not be to deny. We already deny these people full representation. We should not deny them the opportunity to have their future and their destiny debated.

I urge the passage and the adoption of the rule.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. GOSS], a very valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman emeritus for yielding me the time.

Mr. Speaker, the issue of statehood for the District of Columbia is a matter of great concern to all Americans. It directly affects the integrity of our Constitution; the future of our Capital

City and our national self image. It is not something to be taken lightly; nor should its careful consideration be rushed, distorted or otherwise demeaned by short-term political maneuvering. I know statehood advocates, led by their able delegate, Ms. NORTON, are sincere in their efforts to represent their constituents. I know they are in this struggle for the long-haul. But I worry that the contortions we have seen to bring us to this point today reflect a detour from that noble commitment, into the realm of political grandstanding and photo ops. We are less than 3 days from the sine die adjournment of the first session of this Congress. We are putting in extra long hours, through the weekend, in an effort to pass legislation that the Democrat majority has deemed a priority. Yet, today, during a rare Saturday session expected to carry into an even more unusual Sunday schedule, we are switching gears to debate and defeat legislation for D.C. statehood. Every one in this Chamber—including D.C.'s most ardent supporters—admit that this bill will be soundly defeated. I even read it on the front page of the Washington Post this morning. But I don't understand why the Democrat leadership has allowed itself and this House to become a back drop for special interest political theater over this weekend. It's one thing for statehood promoters to cause inconvenience and waste time blocking traffic illegally; it's another thing to cause inconvenience and waste precious legislative time unnecessarily on our tight legislative schedule. Americans are asking for tough anticrime measures, real deficit reduction and meaningful campaign reform—but these measures have been pushed aside for a high visibility political gambit. Finally, I must remind my colleagues that this rule is a completely closed rule—which is an insult to every Member and our constituents who care about this issue and who wish to participate in the process and give it a fair deliberation. I strongly urge defeat of the rule and a no vote on statehood.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to remind the gentleman at the microphone that both sides, the ranking minority and the majority, asked for a closed rule and said that they had no requests for amendments. So it was nothing that the Rules Committee did. We just complied with the desire of the Chair.

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

Mr. MOAKLEY. I would love to yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, that is a true statement. Of course, the distinguished chairman is correct.

That does not mean that there are not some of us who felt that we should not have a closed rule, and that is what I was trying to portray. And I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before I begin my own remarks, let me refer the ranking member of the committee to section 112(a) on page 10 of the bill which indicates that the Federal, executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building will be in Washington, DC; the Federal sector.

Let me also indicate that a Republican member of the committee offered an amendment to which I agreed that would prescribe a technical survey of the metes and bounds of the District of Columbia after statehood, on the theory that Congress, of course, is in no position to do that kind of technical survey now, and it is most often done after admission in order to get the exact contours of the State.

Mr. Speaker, this is a historic day in this Chamber. To debate the admission of any territory into the Union of the United States of America is historic.

But history will particularly remember what Members say today and how they vote tomorrow, for we are not debating the admission of a unique parcel of land known as the District of Columbia or Washington, DC. We shall be debating what might have been thought to be an American truism beyond debate: whether at least to grant full citizenship rights to a group of Americans on whom this Nation has always imposed every single citizenship responsibility.

□ 1530

Thirty-seven of the States have entered the Union since it was formed. We would enter, Mr. Speaker, already paying Federal taxes.

This Nation was formed precisely because Americans paid taxes to a sovereign who afforded them no representation. The animating principle of American democracy has been no taxation without representation.

Mr. Speaker, I represent the only Americans who pay taxes without full representation in this House, and with no representation whatever in the Senate. This is but one of the badges of unequal citizenship Washingtonians wear.

In and of itself, however, taxing people while giving them no say in how their taxes are spent is such a profound and unprincipled contradiction in this country that it deserves special emphasis all by itself today. Surely no Member can, and I trust will, try to defend this notion in today's antitax atmosphere. The insult to democracy and to the people of the District of Columbia is compounded by the fact that my constituents are third per capita in taxes paid to the Federal Treasury; not only taxed, Mr. Speaker, but so highly taxed that we pay more per person than almost all who are, indeed, represented here.

The four territories, American Samoa, Guam, Puerto Rico, and the Virgin Islands, pay no taxes to the Federal Treasury nor should they since they have not sought statehood. Thus, the original American promise has been kept as to the territories and as to all other Americans but not the citizens of the District of Columbia.

Further, our country justly and correctly has afforded full self-governance rights to the four territories, while the District is forced to accept undemocratic usurpation of its laws by this body at its whim and will. Despite the passage of the Home Rule Act 20 years ago, the House and the Senate violate the letter and the spirit of the act every single year. Yet, the first civics lesson children learn in school is no taxation without representation.

Some do not know the words of "My Country 'Tis of Thee"; some lose their way before they come to the wonderful flourishes and complicated crescendos of "The Star-Spangled Banner," but go to any elementary school in the rich suburbs of McLean, VA, or Potomac, MD, or go to the poorest wards across the river in my district, schoolchildren, wealthy and poor, know it like they know their nursery rhymes, "no taxation without representation."

But, Mr. Speaker, I ask sincerely this afternoon, do my colleagues know this most American of self-governing principles? Do my colleagues remember "no taxation without representation" from their own school days? Indeed, Mr. Speaker, do my colleagues recall their own anguish over taxes in the debates that ring through this Chamber every day?

If "no taxation without representation" has lost its power as a freedom principle and become nothing more than stale rhetoric, then let us this day send it to the Smithsonian with the rest of our Americana and tell our children and our people that this is what we used to believe.

What we see on the floor today and how we vote on statehood for the District of Columbia will avoid the taxing principle on which our country was founded only by taking a detour into hypocrisy.

Mr. Speaker, we do not pretend that the District will win statehood today. However, we are very encouraged by the number of Members who have told the Leadership Conference on Civil Rights or a colleague during the whip count or me personally that they will vote for the rule and/or for final passage. The number who have committed to vote for statehood itself is impressive.

I ask you, my colleagues, to hold fast with us. I hope that my colleagues will

vote for statehood if only as a symbol of respect for the citizens I represent.

At the very least, I ask you not to deny us the right to debate this issue with our opponents. We are not afraid. We trust they are not. At the very least, I ask you to vote "aye" on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. BLILEY].

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

I would like to point out to my chairman and to the Delegate from the District of Columbia that their reading of the border language is mistaken. The bill does clearly state that the District of Columbia shall include the principal Federal monuments, the White House, the Capitol Building, the U.S. Supreme Court Building, and the Federal, executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building.

That may have been the intent behind the amendment offered by the Delegate from the District of Columbia in committee, but the fact is as I have described it.

You quoted from section 112(a), but you began after the operative language. Let me quote the overriding parts of the bill, page 9, line 17, section 112(a): "Subject to the succeeding provisions of this section." Then comes the language you quoted. So the listing of the buildings you quoted is conditional not absolute, and then it goes on, and I thank the gentleman for the time.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker I rise in strong support of the rule for H.R. 51, the New Columbia Admission Act, which would grant statehood to the District of Columbia.

Statehood for the District of Columbia is a matter of fairness. Like other Americans, residents of the District pay Federal income taxes and serve in the U.S. military. The Vietnam war death toll among District residents was higher than it was among the residents of 10 of our States, and the District had a higher Persian Gulf war participation rate than 46 States

Yet, in spite of being called upon to meet the full responsibilities of American citizenship, because they live in the Nation's Capital, District residents do not enjoy the full privileges of citizenship that their fellow Americans do. The residents of the District of Columbia, which has a population greater than either Alaska, Wyoming or Vermont, have been locked out of the American democratic process. Although they can vote in Presidential election, they have virtually no Federal representation—effectively no voting representation here in the House, and no representation whatsoever in the Senate.

True, the District does have home rule, but it is limited home rule— independence that is crippled by the fact that Congress has both budgetary and legislative control over the District's day-to-day business. Local laws are all subject to congressional review—a review process that incorporates a period of up to 2 months during which District bills remain in limbo awaiting possible congressional disapproval. The District's legislative process essentially grinds to a halt when Congress adjourns. As a member of the Appropriations Committee participating in the full committee markup of the District of Columbia appropriations bill, I have listened to my colleagues debate over and over issues that have already been decided by, and are well within the jurisdiction and responsibility of, the District of Columbia City Council. This congressional oversight is costly, inefficient and completely unfair.

The New Columbia Admission Act would change this basic unfairness. It would not impinge upon or threaten our present seat of government. What we have come to think of as our Nation's Capitol—the Capitol, the White House, the Federal buildings, our monuments and even certain military sites—remains as it is now, under complete and exclusive control of the Federal Government. That part of the District that we have come to regard as our Capitol will remain intact. We are just reducing the size of the seat of government, as we have already done on two previous occasions.

The Americans who live in the District of Columbia are locked out of our democratic process. As Americans, they have the right to vote on matters that affect them, and to expect that those decisions are implemented. How can we as true Americans, as representatives of the people, continue to deny these citizens the right that lies at the heart of our democratic system—their right to equal representation here in our seat of government?

The arguments that we are hearing now and are going to hear during the remainder of this debate are virtually the same arguments that were put forward every time that the issue of statehood has been raised—whether it is Colorado, Alaska, Hawaii, or the District of Columbia. That is why I am hoping that we will be able to set aside some of these more short-sighted arguments and instead focus on the bigger issue—the right of these disenfranchised citizens to fully participate in the American democratic process. I urge my colleagues, on both sides of the aisle, to support both the rule and final passage for the admission of New Columbia into the Union.

States have been admitted to the Union without any limitation. Every one since 1850, we do not need any pernicious amendments. Let us vote up or down.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, today we debate whether or not the District of Columbia should be admitted as the 51st State of the Union. The District's government believes that statehood would significantly improve the District's ability to meet the needs of its citizens, to plan and adopt budgets, and to defend itself in the halls of Congress.

Let me begin by pointing out that I served on the House Appropriations subcommittee on the District of Columbia for many years because I care about this city, its children, its integrity, its safety, and because this city should represent the best our Nation has to offer. It is the home of our capital, the home of our Founders, and the home of just under 600,000 people.

If the point of the statehood legislation is to provide for voting representation for the residents of the District of Columbia and to provide autonomy and self-reliance, then I do not see why an alternative suggestion that accomplishes these same goals should not also be considered. My purpose today is to call attention to an alternative to statehood, as provided in H.R. 1205.

Simply stated, I support making the District a city in Maryland instead of a State—this idea is called "retrocession" because we would be returning the land given by Maryland to Maryland.

The land that now comprises the District of Columbia once belonged to Maryland and it makes sense to return the District to the State of Maryland, minus a reduced Federal enclave made up of the Federal buildings, just as the western portion of the District was returned to Virginia in 1846. The Federal enclave would be administered by Congress, as the U.S. Constitution requires.

Current D.C. residents would become citizens of Maryland, with full voting representation. And retrocession would preserve Maryland's intent that the land it gave be the seat of government.

Ten ways the District benefits from retrocession:

First, DC residents could run for and vote for at least one voting member in the House, two Senators, and a Governor.

Second, D.C. residents could run for and vote for dozens of State senators and delegates to represent Washington in Annapolis;

Third, the District could use the Maryland State prisons, and law enforcement officers could pursue interjurisdictional drug problems;

Fourth, the education system would have the same opportunities and taxing authority that Maryland's system enjoys;

Fifth, Retrocession would expand the local economic base beyond its limited boundaries without the added bureaucracy of a State government;

Sixth, most importantly, the residents of D.C. would have voting representation in a way more likely to be accepted by Congress than statehood;

Seventh, D.C. residents could tap into transportation services as well as those relating to crime prevention and drug enforcement, economic development, health, and the judicial system;

Eighth, the District would no longer be able to justify, or pay for, the excessive DC payroll by saying that extra people are needed to fulfill State-like functions;

Ninth, the District's political candidates would be able to run for statewide offices in Maryland, which would open up the political system to newcomers with fresh ideas; and

Tenth, local laws would no longer be subject to congressional review.

How do we know that retrocession would work?

Every other democratically based nation throughout the world provides for voting representation in its national legislature for citizens residing in its capital area.

Canada offers a prime example of how this proposal could, and does, work. Ottawa lies in Ontario and sends representatives to the provincial parliament in Toronto and to the federal parliament as part of the Ontario delegation.

It will be said that those of us who are opposed to statehood do not have the best interest of the District citizens at heart. Well, I introduced legislation to allow the District to tax income earned by non-residents, which represents about 60 percent of total income earned in the District.

Finally, let me say that the first reaction I get to my proposal from D.C. politicians is outrage because they say the people of the District would never support becoming a city in Maryland. However, after I introduced retrocession legislation, I received several hundred phone calls and letters from D.C. residents who support my proposal. I would argue that many residents of DC would prefer retrocession.

The question of voter representation for the residents of the District of Columbia is an involved, serious one, but we do a disservice to the people of the District if we limit the debate to only one option. To establish a city-state would be a first and undoubtedly would result in many other cities asking for the same treatment.

□ 1540

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, it is not enough that D.C. has more citizens than three States in the Union; it is not enough that D.C. citizens have died in foreign wars; it is not enough that DC citizens pay the same Federal taxes. The killer is it is OK for D.C. citizens to be denied the right to representative government.

Shame, Congress, shame.

A Congress that condemns human rights violations and promotes democracy overseas but turns its back on 600,000 Americans crying out for representative participatory government is unbelievable, unacceptable, and un-American.

In fact, there are at least 51 other reasons for the State of New Columbia.

You know what, Congress, I do not want to hear that Founding Fathers rap. When the Founders were here, Crystal City was a pasture. I think it is time for a little Jeffersonian "founders and keepers."

The Constitution did the founding, the State of New Columbia should do the keeping. Think about it.

I support the 51st and I want to wish the gentlewoman the very best, the great lady from the new State, New Columbia.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise for the first time in my memory to support a closed rule. The reason is simple: I do not believe that H.R. 51 can be made palatable by any amendments I can envision. H.R. 51 is ill-conceived and unconstitutional. Article 1 of section 8, clause 17 of the Constitution establishes the District of Columbia. I do not believe the nature of it can be modified by legislation in the absence of an amendment to the Constitution. By any other attempt, it will point us down the path of endless litigation, calling everything in question from the local ordinance to the election procedures in this body.

The delegate from the District of Columbia said that she thought this was a historic day, that the consideration of bringing a territory into statehood puts it into that category. It is historic in that we are clearly calling an unconstitutional issue to the floor for demonstration. This should never happen. If supporters were really interested in change, they would go the route of a constitutional amendment.

Someone mentioned the fact that Wyoming was smaller in population. Statehood is not a product of population. Wyoming went through the constitutional process to become a State, and that is what should be done here as well.

Mr. Speaker, as a true American, I am concerned about the participation of DC residents in the Federal election process. I suggest that we pursue the retrocession to the State of Maryland.

While I oppose H.R. 51, I will support this as an alternative.

Mr. Speaker, we will hear from a long line of speakers this afternoon outlining in more detail that I have time to do the Constitution on the practical problems which I believe are fatal to this bill.

I urge my colleagues to listen carefully and not be swayed by emotional and yet illogical arguments by the bill's proponents.

I urge swift passage of the rule and equally swift defeat of H.R. 51.

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

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

Mr. STARK. I thank the gentleman for yielding for a brief question. Mr. Speaker, I say to the gentleman, Did not Wyoming go through the same process that we are going through today?

Mr. THOMAS of Wyoming. Wyoming was not the seat of the Federal Government and did not require a constitutional amendment as this requires.

Mr. STARK. Beg pardon? Wyoming went through the same process we are going through today?

Mr. THOMAS of Wyoming. Wyoming was not the seat of the Federal Government prior to asking for statehood. Does the gentleman have any further questions? Very well.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to my dear friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Speaker, I must say I have never heard such a relentless effort to trivialize a matter of great principle as we heard from our friend from Virginia. He continues to obsess about the map as if he were on the zoning board.

The fact is that the Social Security Administration is in Maryland, the NIH is in Maryland, the Pentagon is in Virginia, the CIA is in Virginia. And it is not relevant at all, it has never been considered relevant. People said, "Well, the Hart and Dirksen Buildings will not be covered." I do have to say, as I said before, the Pentagon is outside, and if I had to choose, I would point this out: The people who work in the Pentagon never filibustered to death the Brady bill and the people who work in the Pentagon never had extended debate to keep grazing fees up. So, if I had to choose, that is how I would choose.

But the point is we all know it is irrelevant. Why does a thoughtful individual like the gentleman from Virginia avoid the main issue? Because it is not comfortable in the Congress of the United States to deny people their democratic rights.

We have not heard from the opponents a head-on joinder of the issue. The issue is this: Should people who

live in America and are subjected to every responsibility, every single responsibility of American citizenship, who fulfill every duty an American citizen has to fulfill, should they be denied the right of both self-government and representation in Congress? Because this Congress has, ever since I got here and from long before, consistently interfered, sometimes for merely its own convenience, in the right of the people to self-government and has denied them the right of participation in Congress.

□ 1550

Mr. Speaker, let me point out if anyone thinks we are getting a partisan advantage here, we are not. The way the Senate works, it takes 60 votes to pass anything today because they always have a filibuster. Now, if you add two, you would still need the same number to pass a bill, that is 41 can filibuster a bill to where it cannot pass today and 41 could filibuster it if you add two. You can do your arithmetic while you are doing your geography, but some of us would rather talk about constitutional principle.

The principle is very simple. Should American citizens who live in America and pay taxes and fight and do everything else be allowed to govern themselves and be allowed in fact to have representation?

The notation that because the Constitution says you may have a seat of government, therefore you may not change its boundaries is nonsensical. Nothing in the Constitution says that the seat of government, having once been established, the boundaries cannot be cut.

Now, it is touching that my friends have found one thing in Robert Kennedy's career for which they are grateful. I am glad to hear them talk about it, but I must say that the overriding point is that the Constitution empowers us as the Congress to create a seat of government. It does not disempower us from changing its boundaries, even if the Department of Transportation, potentially putting the Nation in peril, might be outside those boundaries, we can still meet the Democratic initiative of self-government.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the central issue in this issue has been addressed. My friend, the gentleman from Massachusetts, may try to ignore that, but we have been offered an alternative to take care of the civil rights issue, to take care of the voting rights of the people of this area so they will have representation in the Senate and in the House.

The reason why we are rejecting the statehood solution is that it does not work and it is not fair. It does not work, as it demonstrated by the fact that some people who work in a building will have certain tax obligations if their desks are in one part of the building and different tax obligation if their desks are in the other part of the building.

So it does not work on the face of it due to the geography. It does not work right now. This area does not even work as a city, much less a State, but it also is not fair.

If you are looking for a solution for the 600,000 people of this area to be given the right to vote for two U.S. Senators and a voting Member of Congress, it is not fair to provide them, just like it would be unfair to provide the citizens of any other city two U.S. Senators.

You can make it a part of Maryland. They will have the same right to vote for U.S. Senators, but you will not consider that option because it does not give the Democratic Party control of two U.S. Senators.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair would remind visitors in the gallery that they are guests of the House and they should make no manifestation for or against the proceedings on the floor.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I take the floor today to speak about democracy and about simple justice.

Mr. Speaker, this aspect of the debate is about the rule. Will this body allow this bill to be debated without an attempt to distort, malign or marginalize an attempt to bring democracy to the District of Columbia.

I ask my colleagues to support a closed rule. Let us not clutter this debate with extraneous amendments.

Mr. Speaker, today, 600,000 U.S. citizens in the District of Columbia are denied the small full representation accorded to other U.S. citizens.

Citizens from the District pay taxes to the Federal Government at the fourth highest per capita rate in the Nation. Only Connecticut, New York, and New Jersey pay higher per capita taxes.

District residents have fought and died in every war since the American Revolution. During the Vietnam conflict, the District of Columbia had more of its residents killed than all but 10 other States and more killed per capita than 47 other States. During the gulf war, only four States had more citizens in service than the District.

District residents have proven their willingness to contribute to our Nation's coffers and serve in our Nation's wars. Now those residents—our fellow citizens—are asking us to admit New Columbia as the 51st State in the Union. We should not let race or partisan policies, ideology or attitudes toward the current District Government distract us from the real issues at hand

What is at stake here is our commitment to full Democratic rights for District residents. District residents are petitioning us for the full representation and self-government that come with statehood. They are asking for justice. "Democracy" and "justice" are words that ring throughout this Chamber with some regularity. If those words are to mean anything, we should vote today to admit New Columbia as the 51st State of the United States.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. SMITH of Texas. Mr. Speaker, as we cast our votes for or against H.R. 51, the New Columbia Act, we should remember that casting a "yes" vote for the bill would not simply admit the 51st State into the Union.

Enactment of H.R. 51 would violate our Constitution, and it would create a State with special rights and privileges that no other State enjoys.

For 30 years, since Attorney General Robert Kennedy testified on statehood before the House Committee on the District of Columbia, the Justice Department, through Democratic and Republican administrations alike, has consistently advised that statehood for the District would require a constitutional amendment.

In bypassing the proper constitutional process and admitting New Columbia into the Union merely by congressional act, Congress would be seizing power from our 50 States and American citizens.

The question of statehood should be put directly to the people of our 50 States, not Congress.

The District of Columbia is merely a city. That is all it is. The District has none of the traits we associate with statehood—farms, factories, manufacturers, wide-open spaces.

This synthetic State of New Columbia would only have two industries, government and tourism—no manufacturing, no agriculture.

For these reasons, the viability of New Columbia would continue to depend upon generous Federal Government payments in lieu of local taxes.

H.R. 51 would diminish the Nation's Capital to a tiny and completely dependent annex of the State of New Columbia.

Our Founders created the District of Columbia to be a separate, 100-mile region under the exclusive control of Congress as the seat of the Federal Government for a good reason—they realized that the Federal Government must not be dependent upon, nor subject to, the influence of any single State.

James Madison expressed strong concerns that if the seat of the Federal Government were placed in a State, it would be subject to entanglement in local politics and could be coerced by the State into providing costly goods and services.

This situation has not changed in 200 years.

H.R. 51 would place New Columbia in a position where it could coerce the Federal Government into granting the State additional benefits.

For example, New Columbia might threaten to set up toll booths or refuse to repair roads in order to receive increased payments or benefits from the Federal Government. No other State in our Nation is in such a position to inflence the Federal Government.

Proponents of H.R. 51 argue that citizens of the District deserve statehood because they pay more to the Federal Treasury per capita than all but two States.

But we should consider not only what the District residents pay to the Federal Government, but also what they receive from it.

In 1990, the Federal Government spent $28,592 per capita in the District, more than seven times the total U.S. spending per capita.

In additional, the District receives $4.72 in Federal funds for every $1 paid in Federal texas. Connecticut, with the highest per capita tax burden, receives only 67 cents for every $1 paid in Federal taxes.

Residents of the city of Washington, DC, have but one grievance that matters: They have no vote in Congress.

Taxation without representation is tyranny, they claim. These "oppressed" citizens of Washington demand one seat in the House and two in the Senate, all of which would be forever held by Democrats.

We can address this problem without granting statehood to the District.

In 1788, when the Founders created the District of Columbia, it contained 100 square miles that were carved out of Maryland and Virginia.

Thirty-one of these square miles were returned to Virginia in 1846, leaving the 69 that had once belonged to Maryland.

Perhaps Maryland could be persuaded to take back most of its 69 square miles. Its Governor has already endorsed the idea.

Under this solution, residents would be full-fledged citizens of the sovereign State of Maryland, entitled to vote for Maryland's Governor and Members of Congress. Maryland would also gain a seat in the House.

In short, the enactment of H.R. 51 would seize power from American citizens, grant unequal, additional privileges to New Columbia, and place the Federal Government in a position where it could be negatively influenced by one particular State.

For these reasons, I urge my colleagues to vote "no" on H.R. 51 and consider the alternatives instead.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I have several what I feel are compelling reasons why I will be voting against this bill and urging other to do so as well.

I had planned to offer an amendment to the rule. I withdrew that for a couple reasons, one after talking with the gentleman from California [Mr. STARK] and the gentleman from Virginia [MR. BLILEY], it became clear that the majority and minority were in agreement that it ought to be a closed rule. Generally when that is the case, it is a done deal.

But second, why spend a lot of time trying to patch up the victim if it is about to die away? I am sure there are more delicate ways of phrasing that, but the analogy is clear.

The reason why I wanted to amend this rule deals with the fact that this bill would put under the effective control of the State of New Columbia 2,000 acres within my congressional district, within the Commonwealth of Virginia, 2,000 acres that currently house the Lorton Prison.

Clearly, there is no precedent, nor should there be, for one sovereign State to house its prisoners in another State.

Maybe at this point I could ask my good friend, the gentlewoman from the District of Columbia [Ms. NORTON] if she would agree that no State should be housing its prisoners in another State and that this is at least one aspect that can and should be rectified.

Ms. NORTON. Mr. Speaker, if the gentleman will yield, in fairness, I say to my good friend, the gentleman from Virginia, I do not believe that a sovereign State can or should house its prisoners within the borders of another State without the host State's permission. During the markup of this bill, the Committee on the District of Columbia adopted an amendment I offered to section 303 which recognizes the gentleman's concern regarding the future of the Lorton complex. My amendment would require that the Statehood Transition Commission identify specific options that may include any or all of the following: the construction of prison facilities within the State of New Columbia; the development of agreements with Virginia as well as other States to house prisoners; and the development of a plan to close the Lorton complex, no later than the year 2010, absent an agreement with Virginia to keep the complex open. The Lorton issue would require study and planning because such a large facility could not be closed overnight, but my amendment is very specific, including a time certain to resolve the issue.

I think that by putting this language in the bill and not merely in the committee report, I have made a detailed and good faith effort to assure that New Columbia would enter the union with neither prejudice or favor.

If the District of Columbia wants to be a State, it must accept all of the responsibilities of a State. One of these responsibilities is providing for the custody of District prisoners within the District's own borders, should it become necessary.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank the chairman of the Rules Committee for yielding this time to me.

Mr. Speaker, I appreciate the fact that the gentlewoman from the District of Columbia [Ms. NORTON] would agree that we cannot have a sovereign State housing its prisoners within the confines of another State.

I do think that 17 years to rectify that situation is a bit long.

My amendment would have given 2 years, so we obviously have some disagreement on the timeframe; but I am glad that we do not have any disagreement on the principle that both the prison for residents of the State of New Columbia would have to be housed within the boundaries of the State of New Columbia and that we need to go about that immediately, if this bill were to pass.

Mr. Speaker, I appreciate the gentlewoman's remarks.

□ 1600

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the honorable gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, it is with some regret that I rise to oppose the distinguished gentlewoman from Washington, DC [Ms. NORTON] on whether or not this should become the 51st State.

George Santayana said that he who does not learn from history is doomed to repeat it.

In the days just previous to the adoption of the Constitution of the United States, Mr. Speaker, the Congress of the United States was physically driven from Philadelphia, which was then the capital, and since that time the Congress of the United States has sat in no less than 11 places where we have tried to serve as the government of all the people of the United States.

We have before us a closed rule which would essentially authorize substantial change in major constitutional law and raise constitutional questions.

The law is very simple. The Congress, under article I of the Constitution, has the full right and prerogative to legislate in this city, in this area, and that has been so since the Constitution was adopted. There is no need to change it.

I have heard many sad complaints about how Washington pays taxes and gets nothing back. I say to my colleagues, don't believe it. For every dollar in Federal taxes that is paid by Washington, DC, Mr. Speaker, this city gets back $4.92. The Congress and the Government provide a police force, the park system, most or many of the roads and highways. We afford rights to vote in the Presidential election. We have an elected form of government here, and there is an elected school board. All rights, save the right to exercise jurisdiction as a State or city over the business of the Federal Government, is afforded to the citizens here.

I have heard many, many complaints about people being denied constitutional rights. There is no constitutional right whatsoever that is being

denied to the citizens here. If they do not like the way the government is run, they can pick up and move out. Many do. Many move in; many move out.

The proponents of this legislation have said that this legislation has no chance of passing. I concede that that is so. I concede that that is wise. I say, let us have a vote on this question, and let us vote the rule down. It is a closed rule. It is a foolish act by this Congress to waste the time of the American people on this kind of trivia. Regret the rule, and let us go about more important business.

Mr. QUILLEN. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I do not normally disagree very often with the chairman of the Committee on Energy and Commerce, on which I serve, but I do think I support this rule, and it is a closed rule, and it is closed principally, as far as I am concerned, because of the Smith case, Coyne versus Smith, 1911, which said in effect, "You cannot bring in a State with different conditions than you bring in any other or brought in any other State," and that is why I have to disagree with my good friend, the gentleman from Virginia [Mr. MORAN] who represents Alexandria, because, true, no other State has a prison in another State, but I do not think Congress ever addressed that question on the admission of a State.

So Mr. Speaker, I thank the gentleman for having yielded me all of the time.

Mr. QUILLEN. Mr. Speaker I urge the defeat of this rule and the bill when it is on the House floor, should it ever reach there.

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

Mr. MOAKLEY. Mr. Speaker, for the purpose of closing debate, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, the gentleman from Michigan [Mr. DINGELL] made an outrageously false statement, the $4.72 for every dollar statement. That figure includes all civilian payroll checks or lump sum payments issued by any Federal agency in the District of Columbia, including checks written to Members of the House and the Senate. It is not a valid figure.

I say to my colleagues, be prepared, my friends, for just that kind of argument. This afternoon you will hear high rhetoric designed to justify low practices. Some will wrap themselves in the Constitution sending shudders through the dust of the dry bones of the framers as the founding document is used to justify suppression of a will of a people. You will hear disingenuous alternatives to statehood offered. Retrocession to Maryland will be touted in violation of the Constitution which requires consent of both parties. Moreover, only seven of Maryland's State legislators favor retrocession, and District residents have voted only for statehood. You will hear that thousands of petitions against statehood have been signed. What you will not hear is that these petitions do not come from mainstream America, but from followers of Floyd Brown whom the Washington Post Sunday Magazine describes as "the creator of the infamous Willie Horton ad." The magazine reports that the petitions are "part of a fundraising appeal to those who share Mr. Brown's latest conservative nightmare." Floyd Brown has apparently moved on from his Willie Horton days to D.C. statehood by forming "an offshoot of his Citizens United conservative fundraising and advocacy organization." According to the article, Brown's mail comes from people whose opposition to statehood is based on "open political loathing of liberals, Democrats and a majority State of so-called minority citizens. Petitions from such a source and rooted in such sentiments are so far from the American mainstream that they are unworthy of consideration by a respectable legislative body."

Finally, Mr. Speaker, I say to my colleagues, you will hear from Members who cannot wait to come to the floor to take their turn at yet another round of District bashing. They will castigate the District for the very problems shared by the large cities in their home States and districts.

Mr. Speaker, I ask my colleagues to vote for this rule and give us at least the right to debate this question.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time.

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

Mr. MOAKLEY. 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. FIELDS of Louisiana). The question is on the resolution.

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

Mr. QUILLEN. 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.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the time for recorded votes on motions to suspend the rules on which proceedings were postponed earlier today may be reduced to a minimum of 5 minutes.

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

There was no objection.

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

The Sergeant at Arms will notify absent Members.

This vote will be followed by several other 5-minute votes.

The vote was taken by electronic device, and there were—yeas 252, nays 172, not voting 9, as follows:

[Roll No. 591]

YEAS—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Hoyer
Hughes
Hyde
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Levy
Lewis (GA)
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McDade
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Portman
Price (NC)
Rangel
Reed
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams

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

NAYS—172

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Blute
Boehner
Bonilla
Brewster
Brooks
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Danner
Darden
de la Garza
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fields (TX)
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Grams
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Leach
Lehman
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Orton
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Rowland
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shuster
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Upton
Volkmer
Weldon
Wilson
Wise
Wolf
Zeliff
Zimmer

NOT VOTING—9

Clinger
Hall (OH)
Johnson (GA)
Matsui
McDermott
Reynolds
Roukema
Slattery
Washington

□ 1629

Messrs. PAXON, INGLIS, ARMEY, BACHUS of Alabama, BARTLETT of Maryland, LEHMAN, and BRYANT changed their vote from "yea" to "nay."

Mrs. LLOYD changed her 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.

PERSONAL EXPLANATION

Mr. DUNN. Mr. Speaker, on rollcall vote No. 591 (H. Res. 316) providing for the consideration of the New Columbia Admission Act, I inadvertently voted "yea." My intent was to vote "no" on this bill as I am adamantly opposed to all closed rules in the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3098, by the yeas and nays;
H.R. 1133, by the yeas and nays;
H.R. 2457, by the yeas and nays.

YOUTH HANDGUN SAFETY ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3098, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 3098, as amended, on which the yeas and nays are ordered.

Pursuant to the previous order the House Members will have 5 minutes to record their votes. This is a 5 minute vote. Members are asked to remain in the Chamber. There will be two additional 5 minute votes.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 592]

YEAS—422

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns

Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Chapman
Clinger
Hall (OH)
Johnson (GA)
Matsui
McDermott
Reynolds
Ridge
Roukema
Slattery
Washington

□ 1638

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VIOLENCE AGAINST WOMEN ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1133, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1133, as amended, on which the yeas and nays are ordered.

The Chair will announce that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 593]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Clinger
Hall (OH)
Johnson (GA)
Lowey
Margolies-Mezvinsky
Matsui
McDermott
Reynolds
Ridge
Roukema
Slattery
Washington

□ 1645

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF MEETING OF DEMOCRATIC CAUCUS

Mr. HOYER. Mr. Speaker, I would like to announce to the Democratic Members of the House that there will be a caucus tomorrow at 1:45 p.m. in HC–5. That is at 1:45 p.m. in HC–5 tomorrow.

WINTER RUN CHINOOK SALMON CAPTIVE BROODSTOCK ACT OF 1993

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 2457, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2457, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 335, nays 85, not voting 13, as follows:

[Roll No. 594]

YEAS—335

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Baesler
Baker (CA)
Baker (LA)
Barcia
Barlow
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Camp
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dunn
Durbin
Edwards (CA)

Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—85

Allard
Armey
Bacchus (FL)
Bachus (AL)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Boehner
Bonilla
Bunning
Burton
Buyer
Byrne
Callahan
Canady
Carr
Coble
Collins (GA)
Combest
Cox
Crane
DeLay
Dickey
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fowler
Goodlatte
Grams
Grandy
Hall (TX)
Hancock
Hoke
Hutchinson
Inglis
Inhofe
Johnson, Sam
Kasich
Kim
King
Klug
Kyl
Levy
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
Mica
Michel
Minge
Nussle
Oxley
Paxon
Penny
Petri
Poshard
Pryce (OH)
Ramstad
Roberts
Rogers
Rohrabacher
Royce
Santorum
Sarpalius
Sensenbrenner
Smith (MI)
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Zeliff

NOT VOTING—13

Bryant
Clinger
Gekas
Hall (OH)
Johnson (GA)
Matsui
McDermott
Reynolds
Ridge
Roukema
Slattery
Torricelli
Washington

□ 1656

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that I may proceed for 30 minutes under the special order in the time allotted to the gentleman from Ohio [Mr. BOEHNER] who has agreed to this exchange of time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 2202, PREVENTIVE HEALTH AMENDMENTS OF 1993

Mr. DINGELL submitted the following conference report and statement on the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer:

CONFERNECE REPORT (H. REPT. 103-397)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2202), to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preventive Health Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BREAST AND CERVICAL CANCER

Sec. 101. Revisions in program of State grants regarding breast and cervical cancer.
Sec. 102. Establishment of demonstration program of grants for additional preventive health services for women.
Sec. 103. Funding for general program.
Sec. 104. Breast and cervical cancer information.

TITLE II—INJURY PREVENTION AND CONTROL

Sec. 201. Establishment of requirements with respect to interpersonal violence within families and among acquaintances.
Sec. 202. Advisory committee; reports.
Sec. 203. Technical corrections.
Sec. 204. Authorization of appropriations.

TITLE III—TUBERCULOSIS

Sec. 301. Preventive health services regarding tuberculosis.
Sec. 302. Research through national institute of allergy and infectious diseases.
Sec. 303. Research through the food and drug administration.

TITLE IV—SEXUALLY TRANSMITTED DISEASES

Sec. 401. Extension of program of grants regarding prevention and control of sexually transmitted diseases.
Sec. 402. Extension of program regarding preventable cases of infertility arising as result of sexually transmitted diseases.

TITLE V—NATIONAL CENTER FOR HEALTH STATISTICS

Sec. 501. Revision and extension of programs.

TITLE VI—TRAUMA CARE SYSTEMS

Sec. 601. Revisions in programs relating to trauma care.
Sec. 602. Authorization of appropriations.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Evaluations.
Sec. 702. Federal benefits for overseas assignees.
Sec. 703. Loan repayment program.
Sec. 704. Establishment of requirement of biennial report on nutrition and health.
Sec. 705. Alignment of current centers for disease control and prevention reauthorization schedule.
Sec. 706. Miscellaneous payment provisions
Sec. 707. Interim final regulations.
Sec. 708. Simplification of vaccine information materials.

TITLE I—BREAST AND CERVICAL CANCER

SEC. 101. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)), as amended by section 2008(c)(1) of Public Law 103-43 (107 Stat. 211), is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by striking paragraph (2) and inserting the following paragraphs:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities that are not nonprofit entities.

"(3) PAYMENTS FOR SCREENINGS.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(b) SPECIAL CONSIDERATION.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end the following subsection:

"(c) SPECIAL CONSIDERATION FOR CERTAIN STATES.—In making grants under subsection (a) to States whose initial grants under such subsection are made for fiscal year 1995 or any subsequent fiscal year, the Secretary shall give special consideration to any State whose proposal for carrying out programs under such subsection—

"(1) has been approved through a process of peer review; and

"(2) is made with respect to geographic areas in which there is—

"(A) a substantial rate of mortality from breast or cervical cancer; or

"(B) a substantial incidence of either of such cancers.".

(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—

(1) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended by striking subsections (c) through (e) and inserting the following:

"(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) TRANSITION RULE REGARDING MAMMOGRAPHIES.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(d) STATEWIDE PROVISION OF SERVICES.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) GRANTS TO TRIBES AND TRIBAL ORGANIZATIONS.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(e) EVALUATIONS AND REPORTS.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n-4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c).'; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(f) ESTABLISHMENT OF COORDINATING COMMITTEE.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end the following subsection:

"(c) COORDINATING COMMITTEE REGARDING YEAR 2000 HEALTH OBJECTIVES.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to coordinate the activities of the agencies of the Public Health Service (and other appropriate Federal agencies) that are carried out toward achieving the objectives established by the Secretary for reductions in the rate of mortality from breast and cervical cancer in the United States by the year 2000. Such committee shall be comprised of Federal officers or employees designated by the heads of the agencies involved to serve on the committee as representatives of the agencies, and such representatives from other public or private entities as the Secretary determines to be appropriate.".

(g) TECHNICAL CORRECTIONS.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3) (as amended by section 2008(c)(2) of Public Law 103-43 (107 Stat. 211)), by striking "public" and all that follows and inserting "public and nonprofit private entities; and"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 102. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) IN GENERAL.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) DEMONSTRATION PROJECTS.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) STATUS AS PARTICIPANT IN PROGRAM REGARDING BREAST AND CERVICAL CANCER.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) APPLICABILITY OF PROVISIONS OF GENERAL PROGRAM.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) LIMITATION REGARDING FUNDING WITH RESPECT TO BREAST AND CERVICAL CANCER.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year is equal to or greater than $100,000,000.".

*(b) CONFORMING AMENDMENT.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".*

SEC. 103. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act, as redesignated by section 102(a)(1) of this Act, is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

SEC. 104. BREAST AND CERVICAL CANCER INFORMATION.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 2008(i)(2)(A) of Public Law 103-43 (107 Stat. 213), is amended by adding at the end the following new section:

"BREAST AND CERVICAL CANCER INFORMATION

"SEC. 340D. (a) IN GENERAL.—As a condition of receiving grants, cooperative agreements, or contracts under this Act, each of the entities specified in subsection (c) shall, to the extent determined to be appropriate by the Secretary, make available information concerning breast and cervical cancer.

"(b) CERTAIN AUTHORITIES.—In carrying out subsection (a), an entity specified in subsection (c)—

"(1) may make the information involved available to such individuals as the entity determines appropriate;

"(2) may, as appropriate, provide information under subsection (a) on the need for self-examination of the breasts and on the skills for such self-examinations;

"(3) shall provide information under subsection (a) in the language and cultural context most appropriate to the individuals to whom the information is provided; and

"(4) shall refer such clients as the entities determine appropriate for breast and cervical cancer screening, treatment, or other appropriate services.

"(c) RELEVANT ENTITIES.—The entities specified in this subsection are the following:

"(1) Entities receiving assistance under section 317E (relating to tuberculosis).

"(2) Entities receiving assistance under section 318 (relating to sexually transmitted diseases).

"(3) Migrant health centers receiving assistance under section 329.

"(4) Community health centers receiving assistance under section 330.

"(5) Entities receiving assistance under section 340 (relating to homeless individuals).

"(6) Entities receiving assistance under section 340A (relating to health services for residents of public housing).

"(7) Entities providing services with assistance under title V or title XIX.

"(8) Entities receives assistance under section 1001 (relating to family planning).

"(9) Entities receiving assistance under title XXVI (relating to services with respect to acquired immune deficiency syndrome).

"(10) Non-Federal entities authorized under the Indian Self-Determination Act.".

TITLE II—INJURY PREVENTION AND CONTROL

SEC. 201. ESTABLISHMENT OF REQUIREMENTS WITH RESPECT TO INTERPERSONAL VIOLENCE WITHIN FAMILIES AND AMONG ACQUAINTANCES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as redesignated by section 2008(i)(2)(B)(i) of Public Law 103-43 (107 Stat. 213), is amended—

(1) by redesignating sections 393 and 394 as sections 394 and 394A, respectively; and

(2) by inserting after section 392 the following section:

"INTERPERSONAL VIOLENCE WITHIN FAMILIES AND AMONG ACQUAINTANCES

"SEC. 393. (a) With respect to activities that are authorized in sections 391 and 392, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out such activities with respect to interpersonal violence within families and among acquaintances. Activities authorized in the preceding sentence include the following:

"(1) Collecting data relating to the incidence of such violence.

"(2) Making grants to public and nonprofit private entities for the evaluation of programs whose purpose is to prevent such violence, including the evaluation of demonstration projects under paragraph (6).

"(3) Making grants to public and nonprofit private entities for the conduct of research on identifying effective strategies for preventing such violence.

"(4) Providing to the public information and education on such violence, including information and education to increase awareness of the public health consequences of such violence.

"(5) Training health care providers as follows:

"(A) To identify individuals whose medical conditions or statements indicate that the individuals are victims of such violence.

"(B) To routinely determine, in examining patients, whether the medical conditions or statements of the patients so indicate.

"(C) To refer individuals so identified to entities that provide services regarding such violence, including referrals for counseling, housing, legal services, and services of community organizations.

"(6) Making grants to public and nonprofit private entities for demonstration projects with respect to such violence, including with respect to prevention.

"(b) For purposes of this part, the term 'interpersonal violence within families and among acquaintances' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, elder abuse, and acquaintance rape.".

SEC. 202. ADVISORY COMMITTEE; REPORTS.

Section 394 of the Public Health Service Act, as redesignated by section 201(1) of this Act, is amended to read as follows:

"GENERAL PROVISIONS

"SEC. 394. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may provide technical assistance to public and nonprofit private entities with respect to the planning, development, and operation of any program or service carried out pursuant to this part. The Secretary may provide such technical assistance directly or through grants or contracts.

"(c) Not later than February 1 of 1995 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to interpersonal violence within families and among acquaintances and with respect to rural areas.".

SEC. 203. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as redesignated by section 2008(i)(2)(B)(i) of Public Law 103-43 (107 Stat. 213), is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102-531.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as amended by section 301 of Public Law 102-531 (106 Stat. 3482) and as redesignated by section 2008(i)(2)(B)(i) of Public Law 103-43 (107 Stat. 213), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 394A of the Public Health Service Act, as redesignated by section 201(1) of this Act, is amended by striking "To carry out" and all that follows and inserting the following: "For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE III—TUBERCULOSIS

SEC. 301. PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 242 et seq.), as amended by section 308 of Public Law 102-531 (106 Stat. 3495), is amended by inserting after section 317D the following section:

"PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS

"SEC. 317E. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States, political subdivisions, and other public entities for preventive health service programs for the prevention, control, and elimination of tuberculosis.

"(b) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—With respect to the prevention, control, and elimination of tuberculosis, the Secretary may, directly or through grants to public or nonprofit private entities, carry out the following:

"(1) Research, with priority given to research concerning strains of tuberculosis resistant to drugs and research concerning cases of tuberculosis that affect certain populations.

"(2) Demonstration projects.

"(3) Public information and education programs.

"(4) Education, training, and clinical skills improvement activities for health professionals, including allied health personnel and emergency response employees.

"(5) Support of centers to carry out activities under paragraphs (1) through (4).

"(6) Collaboration with international organizations and foreign countries in carrying out such activities.

"(c) COOPERATION WITH PROVIDERS OF PRIMARY HEALTH SERVICES.—The Secretary may make a grant under subsection (a) or (b) only if the applicant for the grant agrees that, in carrying out activities under the grant, the applicant will cooperate with public and nonprofit private providers of primary health services or substance abuse services, including entities receiving assistance under section 329, 330, 340, or 340A or under title V or XIX.

"(d) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application, subject to paragraph (2), is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the subsection involved.

"(2) PLAN FOR PREVENTION, CONTROL, AND ELIMINATION.—The Secretary may make a grant under subsection (a) only if the application under paragraph (1) contains a plan regarding the prevention, control, and elimination of tuberculosis in the geographic area with respect to which the grant is sought.

"(e) SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a grantee under subsection (a) or (b), the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the grantee in carrying out the subsection involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(f) ADVISORY COUNCIL.—

"(1) IN GENERAL.—The Secretary shall establish an advisory council to be known as the Advisory Council for the Elimination of Tuberculosis (in this subsection referred to as the "Council").

"(2) GENERAL DUTIES.—The Council shall provide advice and recommendations regarding the elimination of tuberculosis to the Secretary, the Assistant Secretary for Health, and the Director of the Centers for Disease Control and Prevention.

"(3) CERTAIN ACTIVITIES.—With respect to the elimination of tuberculosis, the Council shall—

"(A) in making recommendations under paragraph (2), make recommendations regarding policies, strategies, objectives, and priorities;

"(B) address the development and application of new technologies; and

"(C) review the extent to which progress has been made toward eliminating tuberculosis.

"(4) COMPOSITION.—The Secretary shall determine the size and composition of the Council, and the frequency and scope of official meetings of the Council.

"(5) STAFF, INFORMATION, AND OTHER ASSISTANCE.—The Secretary shall provide to the Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

"(g) FUNDING.—

"(1) IN GENERAL; ALLOCATION FOR EMERGENCY GRANTS.—

"(A) For the purpose of making grants under subsection (a), there are authorized to be appropriated $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(B) Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve not more than $50,000,000 for emergency grants under subsection (a) for any geographic area in which there is, relative to other areas, a substantial number of cases of tuberculosis or a substantial rate of increase in such cases.

"(2) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—For the purpose of making grants under subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1998.".

(b) CONFORMING AMENDMENTS.—Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended—

(1) in subsection (j)—

(A) by striking paragraph (2);

(B) by striking "(j)(1)(A)" and inserting "(j)(1)";

(C) by striking "(B) For grants" and inserting "(2) For grants"; and

(D) in paragraph (1) (as so redesignated), by striking "established in subparagraph (B)" and inserting "established in paragraph (2)";

(2) in subsection (k)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(C) in paragraph (4) (as so redesignated), by striking "of section 317" each place such term appears; and

(3) by striking subsection (l).

SEC. 302. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. (a) In carrying out section 446, the Director of the Institute shall conduct or support research and research training regarding the cause, diagnosis, early detection, prevention and treatment of tuberculosis.

"(b) For the purpose of carrying out subsection (a), there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.".

SEC. 303. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall implement a tuberculosis drug and device research program under which the Commissioner may—

(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

TITLE IV—SEXUALLY TRANSMITTED DISEASES

SEC. 401. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) INNOVATIVE, INTERDISCIPLINARY APPROACHES.—Section 318 of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following subsection:

"(d) The Secretary may make grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(e) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended by amending paragraph (1) to read as follows: "(1) For the purpose of making grants under subsections (b) through (d), there are authorized to be appropriated $85,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(c) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and";

(2) in subsection (c)(3), by striking ", and" and inserting "; and"; and

(3) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 402. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTIONS.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1998"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

TITLE V—NATIONAL CENTER FOR HEALTH STATISTICS

SEC. 501. REVISION AND EXTENSION OF PROGRAMS.

(a) IN GENERAL.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (c), by striking "Committee on Human Resources" and inserting "Committee on Labor and Human Resources";

(2) in subsection (g), by striking "data which shall be published" and all that follows and inserting "data.";

(3) in subsection (i), by striking "engaged in health planning activities";

(4) in subsection (k)(2)—

(A) in subparagraph (A), in the last sentence, by striking "Except" and all that follows through "members" and inserting "Members";

(B) by striking subparagraph (B); and

(C) by striking the remaining subparagraph designation; and

(5)(A) by striking subsection (l);

(B) by redesignating subsections (m) through (o) as subsections (l) through (n), respectively;

(C) in subsection (l) (as so redesignated), in the last sentence, by striking "(n)" and inserting "(m)"; and

(D) in subsection (n) (as so redesignated)—

(i) in paragraph (1), by striking "(m)" and inserting "(l)"; and

(ii) in paragraph (2)—

(I) by striking "(n)" and inserting "(m)"; and

(II) by striking "(n)(2)" and inserting "(m)(2)".

(b) GENERAL AUTHORITY RESPECTING RESEARCH, EVALUATIONS, AND DEMONSTRATIONS.—Section 304 of the Public Health Service Act (42 U.S.C. 242b) is amended by striking subsection (d).

(c) GENERAL PROVISIONS RESPECTING EFFECTIVENESS, EFFICIENCY, AND QUALITY OF HEALTH SERVICES.—Section 308 of the Public Health Service Act (42 U.S.C. 242m) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(B) in paragraph (2), by striking "reports required by subparagraphs" and all that follows through "Center" and inserting the following: "reports required in paragraph (1) shall be prepared through the National Center";

(2)(A) by striking subsection (c);

(B) by transferring paragraph (2) of subsection (g) from the current location of the paragraph;

(C) by redesignating such paragraph as subsection (c);

(D) by inserting subsection (c) (as so redesignated) after subsection (b); and

(E) by striking the remainder of subsection (g);

(3) in subsection (c) (as so redesignated)—

(A) by striking "shall (A) take" and inserting "shall take"; and

(B) by striking "and (B) publish" and inserting "and shall publish";

(4) in subsection (f), by striking "sections 3648" and all that follows and inserting the following: "section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5).''; and

(5) by striking subsection (h).

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(n) of the Public Health Service Act, as redesignated by subsection (a)(5)(B), is amended—

(1) in paragraph (1), by striking "through 1993" and inserting "through 1998"; and

(2) in paragraph (2), in the first sentence—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and $10,000,000 for each of the fiscal years 1994 through 1998".

TITLE VI—TRAUMA CARE SYSTEMS

SEC. 601. REVISIONS IN PROGRAMS RELATING TO TRAUMA CARE.

(a) GENERAL AUTHORITY.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after "Secretary" the following: ", acting through the Administrator of the Health Resources and Services Administration,"; and

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

"(c) ADMINISTRATION.—The Administrator of the Health Resources and Services Administration shall ensure that this title is administered by the Division of Trauma and Emergency Medical Systems within such Administration. Such Division shall be headed by a director appointed by the Secretary from among individuals who are knowledgeable by training or experience in the development and operation of trauma and emergency medical systems.".

(b) ADVISORY COUNCIL.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) by striking section 1202; and

(2) by redesignating sections 1203 and 1204 as sections 1202 and 1202, respectively;

(c) REPORTS BY STATES; EVALUATIONS BY COMPTROLLER GENERAL.—Section 1216(c) of the Public Health Service Act (42 U.S.C. 300d–16) is amended by striking "1993" and inserting "1994".

(d) REPORT BY SECRETARY.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended—

(1) in the first sentence, by striking "1992" and inserting "1995"; and

(2) by inserting after the first sentence the following sentence: "Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma.".

(e) WAIVER REGARDING PURPOSE OF GRANTS.—Section 1233 of the Public Health Service Act (42 U.S.C. 300d–33) is repealed.

(f) TECHNICAL CORRECTIONS.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in section 1204(c), by inserting before the period the following: "determines to be necessary to carry out this section";

(2) in section 1212(a)(2)(A), by striking "1211(c)" and inserting "1211(b)";

(3) in section 1213(a)—

(A) in paragraph (4), by striking "Act" and inserting "Act)";

(B) in paragraphs (8) and (9), by striking "to provide" each place such term appears and inserting "provides for"; and

(C) in paragraph (10), by striking "to conduct" and inserting "conducts"; and

(4) in section 1231(3), by striking "Rico;" and inserting "Rico,".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended by striking "for the purpose" and all that follows and inserting the following: "For the purpose of carrying out parts A and B, there are authorized to be appropriated $6,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EVALUATIONS.

Effective October 1, 1994, section 241 of the Public Health Service Act (42 U.S.C. 238j), as transferred and redesignated by section 2010(a) of Public Law 103–43 (107 Stat. 213)), is amended to read as follows:

"EVALUATION OF PROGRAMS

"SEC. 241. (a) IN GENERAL.—Such portion as the Secretary shall determine, but not less than 0.2 percent nor more than 1 percent, of any amounts appropriated for programs authorized under this Act shall be made available for the evaluation (directly, or by grants of contracts) of the implementation and effectiveness of such programs.

"(b) REPORT ON EVALUATIONS.—Not later than February 1 of each year, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the findings of the evaluations conducted under subsection (a).".

SEC. 702. FEDERAL BENEFITS FOR OVERSEAS ASSIGNEES.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.). Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code to individuals serving in the Foreign Service.".

SEC. 703. LOAN REPAYMENT PROGRAM.

Part B of title III of the Public Health Service Act, as amended by section 301 of this Act, is amended by inserting after section 317E the following section:

"LOAN REPAYMENT PROGRAM

"SEC. 317F. (a) IN GENERAL.—

"(1) AUTHORITY.—Subject to paragraph (2), the Secretary may carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct prevention activities, as employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Centers for Disease Control and Prevention or the Agency for Toxic Substances and Disease Registry for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of this Act, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

SEC. 704. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 302 of Public Law 102–531 (106 Stat. 3483), is amended by adding at the end the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 705. ALIGNMENT OF CURRENT CENTERS FOR DISEASE CONTROL AND PREVENTION REAUTHORIZATION SCHEDULE.

(a) SCREENINGS, EDUCATION, AND REFERRALS REGARDING LEAD POISONING.—Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "through 1997" and inserting "through 1998".

(b) PROSTATE CANCER PREVENTION.—Section 317D(l)(1) of the Public Health Service Act (42 U.S.C. 247b–5(l)(1)) is amended by striking "through 1996" and inserting "through 1998".

(c) CANCER REGISTRIES.—Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) (as amended by section 2003(1) of Public Law 103–43) is amended by striking "through 1996" and inserting "through 1998".

(d) HEALTH PROMOTION AND DISEASE PREVENTION RESEARCH AND DEMONSTRATION CENTERS.—Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking "through 1996" and inserting "through 1998".

(e) TITLE XIX PROGRAM.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "through 1997" and inserting "through 1998".

(f) SENSE OF CONGRESS REGARDING SCHEDULE FOR LEGISLATION.—It is the sense of the Congress that, during the fiscal years 1994 through 1997, authorizations of appropriations for the programs of the Centers for Disease Control and Prevention should be provided only through fiscal year 1998, and that for fiscal year 1999 and subsequent fiscal years such programs, when considered by the Congress through legislation providing further authorizations of appropriations, should be so considered during a single year.

SEC. 706. MISCELLANEOUS PAYMENT PROVISIONS

(a) PAYMENT OF CERTAIN JUDGMENTS.—Section 224(k)(2) of the Public Health Service Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

(b) COMPENSATION REGARDING CERTAIN ADVISORY COUNCIL.—Section 337(b)(2) of the Public Health Service Act (42 U.S.C. 254j(b)(2) is amended—

(1) by inserting before "the daily equivalent" the following: "compensation at a rate fixed by the Secretary (but not to exceed"; and

(2) by striking "Schedule;" and inserting "Schedule);".

SEC. 707. INTERIM FINAL REGULATIONS.

The Secretary of Health and Human Services is authorized to issue interim final regulations—

(1) under which the Secretary may approve accreditation bodies under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)); and

(2) establishing quality standards under section 354(f) of the Public Health Service Act (42 U.S.C. 263b(f)).

SEC. 708. SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.

(a) INFORMATION.—Section 2126(b) of the Public Health Service Act (42 U.S.C. 300aa–26(b)) is amended—

(1) by striking "by rule" in the matter preceding paragraph (1); and

(2) by striking, in paragraph (1), ", opportunity for a public hearing, and 90" and inserting "and 60".

(b) REQUIREMENTS.—Section 2126(c) of the Public Health Service Act (42 U.S.C. 300aa–26(c)) is amended—

(1) by inserting "shall be based on available data and information," after "such materials" in the matter preceding paragraph (1); and

(2) by striking paragraphs (1) through (10) and inserting the following:

"(1) a concise description of the benefits of the vaccine,

"(2) a concise description of the risks associated with the vaccine,

"(3) a statement of the availability of the National Vaccine Injury Compensation Program, and

"(4) such other relevant information as may be determined by the Secretary.".

(c) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 of the Public Health Service Act (42 U.S.C. 300aa-26) are each amended by inserting "or to any other individual" after "to the legal representatives of any child".

(d) PROVIDERS DUTIES.—Subsection (d) of section 2126 of the Public Health Service Act (42 U.S.C. 300aa-26) is amended—

(1) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(2) by striking "or other information" in the last sentence.

And the Senate agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
MIKE KREIDLER,
CARLOS J. MOORHEAD,
TOM BLILEY,
Managers on the part of the House.

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
PAUL SIMON,
NANCY LANDON KASSEBAUM,
ORRIN HATCH,
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 amendment of the Senate to the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, 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 Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I.—BREAST AND CERVICAL CANCER

Both House and Senate provisions, as well as the combination of provisions in the conference agreement, reflect the concern of the Congress about the alarming rates of morbidity and mortality from breast and cervical cancer. Both of these women's diseases can be much more effectively treated and controlled with early diagnosis. The conferees wish to emphasize that the public health programs authorized by this legislation must do more to provide for effective education about the need for routine preventive health care, including self-examination for breast cancer and regular medical evaluation for early diagnosis of cervical and breast cancer.

TITLE II.—INJURY PREVENTION AND CONTROL

The programs of the CDC related to prevention of injuries focus on a wide variety of sources of injury, including violence. The provisions of this legislation emphasize the need for greater focus on domestic violence, including sexual assault and other violence against women.

TITLE III.—TUBERCULOSIS

The conference agreement adopts Senate provisions authorizing additional resources and establishing new programs for a frontal assault on the extraordinary increase in cases of tuberculosis, a disease that only a few years ago was believed to be under control. In addition to their direct effects, the HIV epidemic and the problem of homelessness have had a devastating impact through sequelae such as tuberculosis. TB has reached near-epidemic proportions in certain parts of the country, its treatment has become increasingly difficult as the organism causing the disease has become resistant to available treatment, and it has spread at an alarming rate in crowded cities and institutions such as prisons. The conference agreement authorizes additional research in causes, prevention, and treatment of TB, including establishment of a new research emphasis at the Food and Drug Administration focusing on the development of diagnostic devices and drugs to treat drug-resistant strains of TB.

TITLE IV.—SEXUALLY TRANSMITTED DISEASES

The conferees note the importance of existing STD prevention programs, and the need for area- and state-specific approaches to control of these diseases. Thus, the reauthorization of the CDC state grant program is crucial to the success of efforts to control STDs, which are reaching seriously high rates among adolescents and young adults. These diseases have particular consequences for women and infants, and are especially serious among minority populations. The conferees agree that the Senate provision, which establishes an accelerated prevention program, is critical to allow CDC to assist in enhancing and providing for the adoption of innovative approaches to education, prevention, and control of STDs.

TITLE V.—NATIONAL CENTER FOR HEALTH STATISTICS

The conference agreement reauthorizes NCHS programs.

TITLE VI.—TRAUMA CARE SYSTEMS

In reauthorizing the trauma care program, the conferees have included a provision that retains the current administrative locus of the trauma care program at the Health Resources and Services Administration. The legislation also requires that the Secretary will appoint a director for the program, which is to be operated as a separate and distinct division. The conferees expect that this appointment will be made at the earliest possible time.

TITLE VII.—MISCELLANEOUS PROVISIONS

Among a variety of technical and minor amendments to the Public Health Service Act, the conferees adopted an amendment that affects the ability of the Secretary to implement the Mammography Quality Standards Act (MQSA).

The conferees believe that the public health need to set federal standards for mammography requires immediate action. The statute, therefore, is being amended to provide HHS with the authority to issue temporary, but immediately enforceable, interim regulations setting forth accrediting body and quality standards for mammography under subsections (e) and (f) of the MQSA.

The conferees find that existing standards, established by HDFA, private voluntary accrediting bodies, and some states, should serve as the models for these initial standards issued under this abbreviated process. Further, the conferees believe that the full consultation on these standards with the new Mammography Quality Assurance Advisory Committee required by the MQSA may be dispensed with for preliminary rulemaking only. The conferees intend that, following issuance of initial standards, the Secretary will proceed with the more extensive rulemaking and standard-setting envisioned by the MQSA, including consultation with the Advisory Committee.

The interim regulations authority provided by this conference report will permit the Secretary to expedite establishment of legally binding initial accreditation and quality standards, based on currently known and used standards, as rapidly as feasible. These initial standards can then be used to accredit and certify facilities before the October 1, 1994, deadline, while the Secretary can simultaneously continue to evaluate and develop the final regulations in consultation with the Advisory Committee, to be final by October 1, 1995.

JOHN D. DINGELL,
HENRY A. WAXMAN,
MIKE KREIDLER,
CARLOS J. MOORHEAD,
TOM BLILEY,
Managers on the part of the House.

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
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NANCY LANDON KASSEBAUM,
ORRIN HATCH,
Managers on the part of the Senate.

LEGISLATIVE PROGRAM

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

Mr. WALKER. Mr. Speaker, I ask for this time for the purposes of ascertaining from the majority leader the schedule for the rest of today and tomorrow, and I will be happy to yield to the majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

It might be well to give Members a sense of the schedule.

On tomorrow, the House will meet at 2 o'clock. We will have suspensions to begin the day which obviously will be approved and consulted, in consultation with the minority. Probably those suspensions will go to a period of around 4 o'clock.

The votes, if there are any, will be rolled or postponed until that time. So Members could expect votes starting in the 4 o'clock neighborhood and then we will do the remaining 30 minutes of debate on D.C. statehood, and then there

will be a vote on D.C. statehood, and then there may be some additional votes on suspensions.

Actually we will have the votes, I am now seeing here, after the D.C. vote, so at about 4 o'clock we will do the remaining 30 minutes on D.C. statehood, and then do D.C. statehood, and then have the votes that are left from the suspensions that started at 2 o'clock, and then we will go to the campaign reform rule and bill.

Mr. WALKER. If I understand now, we probably then would not get to voting until about 4:30 at the earliest?

Mr. GEPHARDT. That is about right.

Mr. WALKER. Suspensions would go for the first 2 hours, and then we would have a half-hour on D.C., and then the vote on the D.C. bill, and then any votes left over from suspensions?

Mr. GEPHARDT. The gentleman is correct.

Mr. WALKER. The suspensions list is the one that we have before us that has been cleared; it includes bills left over from today plus several more that were scheduled that are on the list for Sunday? Is that correct?

Mr. GEPHARDT. That is correct.

Mr. WALKER. And the other thing we are concerned about is we have seen some indication that there is a concern about the fact that there has not been adequate time to review the Penny-Kasich proposal, and yet our understanding is that we still have not seen any language for the leadership proposal that would be at the base of the Penny-Kasich proposal. Can the gentleman give us some idea as to when the Members might have an opportunity to look at that base bill since that may be coming up as soon as Monday?

□ 1700

Mr. GEPHARDT. If the gentleman will yield, it is our intent to file the rule today, which would obviously contain the language on all the matters in the bill, our reference.

Mr. WALKER. That rule will be filed later on tonight.

Mr. GEPHARDT. That is correct.

Mr. WALKER. And that will contain all of the language that would be included in the base bill to which the Penny-Kasich proposal would be attached.

Mr. GEPHARDT. That is correct.

Mr. WALKER. I thank the majority leader, and I yield to the gentleman from California.

Mr. COX. I thank the gentleman for yielding.

I wonder if I might ask the majority leader how Members might get a copy of that bill.

Mr. WALKER. I yield to the majority leader.

Mr. GEPHARDT. The rule will reference the text of the base bill and then all amendments.

Mr. COX. And therefore might we this evening get a copy from the Rules Committee?

Mr. GEPHARDT. The Rules Committee staff should be able to give you the actual words.

Mr. COX. I appreciate that.

Mr. WALKER. In other words, that text will be available to the Members as of tomorrow, the text of the base bill will be in the Members' hands as of tomorrow.

Mr. GEPHARDT. Yes, sir.

Mr. WALKER. And that would include all the language with regard to further rescissions and cuts and all of that.

Mr. GEPHARDT. Right.

Mr. WALKER. I thank the majority leader.

Mr. GEPHARDT. I failed to say, but I should have said, there are no more votes today.

Mr. WALKER. I think that is something the membership wanted to know as well.

I thank the majority leader and yield back the balance of my time.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 118

Mr. FILNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 118.

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

There was no objection.

MAKING IN ORDER ON SUNDAY, NOVEMBER 21, 1993, VARIOUS MOTIONS TO SUSPEND THE RULES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it be in order tomorrow, Sunday, November 21, 1993, for the Speaker to entertain motions to suspend the rules pursuant to clause 1 of rule XXVII and to pass the following bills:

H.R. 3474, Community Development Banking;

H.R. 2960, Amendments to Competitiveness Policy Council Act;

H.R. 3548, Miscellaneous Coin Bill;

H.R. 1926, National Narcotics Leadership Act;

H.R. 2202, Preventive Health Amendments;

H.R. 3505, Developmental Disabilities Reauthorization;

H.R. 3216, Domestic Chemical Diversion Control Act;

H.R. 2178, Hazardous Materials Transportation Act;

H. Con. Res. 131, Regarding Sudan;

H. Con. Res. 175, Anti-Boycott Resolution;

H.R. 3106, Thomas Jefferson Commemorative Commission;

H.R. 1645, Poverty Data Improvement Act; and

H. Res. 285, FBI to Cooperate with U.S. Postal Service to Disseminate Information Re: Polly Klaas.

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

There was no objection.

HIGHER EDUCATIONAL TECHNICAL AMENDMENTS OF 1993

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1507) to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes and concur in the Senate amendment to the House amendments thereto.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments of 1993".

(b) REFERENCES.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLES I, II, AND III OF THE ACT.—Titles I, II, and III of the Act (20 U.S.C. 1001 et seq., 1021 et seq., 1051 et seq.) are amended—

(1) in section 103(b)(2), by increasing the indentation of subparagraphs (A) through (E) by two em spaces;

(2) in section 104(b)(5)(C), by striking "subpart" and inserting "part";

(3) in section 241(a)(2)(B), by striking "information service" and inserting "information science";

(4) in section 301(a)(2), by striking the comma after "planning";

(5) in section 312(c)(2), by inserting "the" before "second fiscal year" the second place it appears;

(6) in section 313(b), by inserting ", except that for the purpose of this subsection a grant under section 354(a)(1) shall not be considered a grant under this part" before the period.

(7) in section 316(c), by striking "Such programs may include—" and inserting the following:

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—";

(8) by reducing by two em spaces the indentation of each of the following provisions: sections 323(b)(3), 331(a)(2)(D), and 331(b)(5);

(9) in section 326(e)(2)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(10) in section 331(b)(2), by reducing the indentation of subparagraphs (B) and (C) by four em spaces; and

(11) in section 331(b)(5), by striking "an endowment" and inserting "An endowment".

(b) AMENDMENTS TO PART A OF TITLE IV OF THE ACT.—Part A of title IV of the Act (20 U.S.C. 1070 et seq.) is amended—

(1) in section 401(a)(1), by inserting ", except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment" before the period at the end of the second sentence;

(2) in section 401(b)(6), in the matter preceding subparagraph (A), by striking "single 12-month period" and inserting "single award year";

(3) in section 401(b)(6)(A), by striking "a baccalaureate" and inserting "an associate or baccalaureate";

(4) in section 401(b)(6)(B), by striking "a bachelor's" and inserting "an associate or baccalaureate";

(5) in section 401(i), by striking "part D of title V" and inserting "subtitle D of title V";

(6) in section 402A(b), by striking paragraph (2) and inserting the following:

"(2) DURATION.—Grants or contracts made under this chapter shall be awarded for a period of 4 years, except that—

"(A) the Secretary shall award such grants or contracts for 5 years to applicants whose peer review scores were in the highest 10 percent of scores of all applicants receiving grants or contracts in each program competition for the same award year; and

"(B) grants made under section 402G shall be awarded for a period of 2 years.";

(7) in the second sentence of section 402A(c)(1), by inserting before the period the following ", except that in the case of the programs authorized in sections 402E and 402G, the level of consideration given to prior experience shall be the same as the level of consideration given this factor in the other programs authorized in this chapter";

(8) in section 402A(c)(2)(A), by inserting "with respect to grants made under section 402G, and" after "Except";

(9) in section 402A, by amending subsection (e) to read as follows:

"(e) DOCUMENTATION OF STATUS AS A LOW-INCOME INDIVIDUAL.—(1) Except in the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

"(A) a signed statement from the individual's parent or legal guardian;

"(B) verification from another governmental source;

"(C) a signed financial aid application; or

"(D) a signed United States or Puerto Rico income tax return.

"(2) In the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

"(A) a signed statement from the individual;

"(B) verification from another governmental source;

"(C) a signed financial aid application; or

"(D) a signed United States or Puerto Rico income tax return.";

(10) in section 402C(c), by striking "and foreign" and inserting "foreign";

(11) in section 402D(c)(2), by striking "either";

(12) in section 404A(1), by striking "high-school" and inserting "high school";

(13) in section 404B(a)(1)—

(A) by striking "section 403C" and inserting "section 404D"; and

(B) by striking "section 403D" and inserting "section 404C";

(14) in section 404B(a)(2), by inserting "shall" after "paragraph (1)";

(15) in section 404C(b)(3)(A), by striking "grades 12" and inserting "grade 12";

(16) in section 404C(b)(3)(D)(i), by striking "section 401D of this subpart" and inserting "section 402D";

(17) in section 404C(b)(3)(D)(ii), by striking "section 401D of this part" and inserting "section 402D";

(18) in section 404D(d)(3), by striking "program of instruction" and inserting "program of undergraduate instruction";

(19) in section 404D(d)(4), by striking "the" the first place it appears;

(20) in section 404E(c), by striking "tuition" and inserting "financial";

(21) in section 404F(a), by striking "under this section shall biannually" and inserting "under this chapter shall biennially";

(22) in section 404F(c), by striking "biannually" and inserting "biennially";

(23) in section 404G—

(A) by striking "an appropriation" and inserting "to be appropriated"; and

(B) by striking the second sentence and inserting the following: "For any fiscal year for which funds are authorized to be appropriated to carry out subpart 4 of part A of this title, no amount may be expended to carry out the provisions of this chapter unless the amount appropriated for such fiscal year to carry out such subpart 4 exceed $60,000,000.";

(24) in section 409A(1), by striking "private financial" and inserting "private student financial";

(25) in section 413C(d)—

(A) by striking ", a reasonable proportion of the institution's allocation shall be made available to such students, except that" and inserting "and"; and

(B) by striking "5 percent of the need" and inserting "5 percent of the total financial need";

(26) in section 413D(d)(3)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(27) in section 415C(b)(7), by striking the period at the end and inserting a semicolon;

(28) in section 419C(b)—

(A) by striking "for a period of not more than 4 years for the first 4 years of study" and inserting "for a period of not less than 1 or more than 4 years during the first 4 years of study"; and

(B) by adding at the end the following:

"The State educational agency administering the program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence), except that—

"(1) if the amount appropriated for this subpart for any fiscal year exceeds the amount appropriated for this subpart for fiscal year 1993, the Secretary shall identify to each State educational agency the number of scholarships available to that State under section 419D(b) that are attributable to such excess;

"(2) the State educational agency shall award not less than that number of scholarships for a period of 4 years."; and

(29) in section 419D, by adding at the end the following new subsection:

"(d) CONSOLIDATION BY INSULAR AREAS PROHIBITED.—Notwithstanding section 501 of Public Law 95-1134 (48 U.S.C. 1469a), funds allocated under this part to an Insular Area described in that section shall be deemed to be direct payments to classes of individuals, and the Insular Area may not consolidate such funds with other funds received by the Insular Area from any department or agency of the United States Government."; and

(30) in section 419G(b), by striking "the District of Columbia, the Commonwealth of Puerto Rico," and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands,".

(c) AMENDMENTS TO PART B OF TITLE IV OF THE ACT.—Part B of title IV of the Act (20 U.S.C. 1071 et seq.) is amended—

(1) in section 422(c)(7), by striking the semicolon at the end of subparagraph (B) and inserting a period;

(2) in section 425(a)(1)(A)—

(A) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

"(I) $3,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

"(I) $5,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;" and

(B) by striking the semicolon at the end of clause (iv) and inserting a period;

(3) in section 425(a)(1), by inserting at the end thereof the following:

"(C) For the purpose of subparagraph (A), the number of years that a student has completed in a program of undergraduate education shall include any prior enrollment in an eligible program of undergraduate education for which the student was awarded an associate or baccalaureate degree, if such degree is required by the institution for admission to the program in which the student is enrolled.";

(4) in the matter following subclause (II) of section 427(a)(2)(C)(i), by inserting "section" before "428B or 428C";

(5) in section 427A(e)(1), by striking "under this part," and inserting "under section 427, 428, or 428H of this part,";

(6) in section 427A(i)(1), by amending subparagraph (B) to read as follows:

"(B)(i) during any period in which a student is eligible to have interest payments paid on his or her behalf by the Government pursuant to section 428(a), by crediting the excess interest to the Government; or

"(ii) during any other period, by crediting such excess interest to the reduction of principal to the extent provided in paragraph (5) of this subsection.";

(7) in section 427A(i)(2)(B)—

(A) by striking "outstanding principal balance" and inserting "average daily principal balance"; and

(B) by striking "at the end of" and inserting "during";

(8) in section 427A(i)(4)(B)—

(A) by striking "outstanding principal balance" and inserting "average daily principal balance"; and

(B) by striking "at the end of" and inserting "during";

(9) in section 427A(i)(5)—

(A) in the first sentence—

(i) by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(ii) by striking "principle" and inserting "principal"; and

(B) in the second sentence by inserting before the period at the end the following: ", but the excess interest shall be calculated and credited to the Secretary";

(10) in section 427A(i), by adding at the end the following new paragraph:

"(7) CONVERSION TO VARIABLE RATE.—(A) Subject to subparagraphs (C) and (D), a lender

or holder shall convert the interest rate on a loan that is made pursuant to this part and is subject to the provisions of this subsection to a variable rate. Such conversion shall occur not later than January 1, 1995, and, commencing on the date of conversion, the applicable interest rate for each 12-month period beginning on July 1 and ending on June 30 shall be determined by the Secretary on the June 1 preceding each such 12-month period and be equal to the sum of (i) the bond equivalent rate of the 91-day Treasury bills auctioned at the final auction prior to such June 1; and (ii) 3.25 percent in the case of loans described in paragraph (1), or 3.10 percent in the case of loans described in paragraph (3).

"(B) In connection with the conversion specified in subparagraph (A) for any period prior to such conversion, and subject to paragraphs (C) and (D), a lender or holder shall convert the interest rate to a variable rate on a loan that is made pursuant to this part and is subject to the provisions of this subsection to a variable rate. The interest rates for such period shall be reset on a quarterly basis and the applicable interest rate for any quarter or portion thereof shall equal the sum of (i) the average of the bond equivalent rates of 91-Treasury bills auctioned for the preceding 3-month period, and (ii) 3.25 percent in the case of loans described in paragraph (1) or 3.10 percent in the case of loans described in paragraph (3). The rebate of excess interest derived through this conversion shall be provided to the borrower as specified in paragraph (5) for loans described in paragraph (1) or to the Government and borrower as specified in paragraph (3).

"(C) A lender or holder of a loan being converted pursuant to this paragraph shall complete such conversion on or before January 1, 1995. The lender or holder shall notify the borrower that the loan shall be converted to a variable interest rate and provide a description of the rate to the borrower not later than 30 days prior to the conversion. The notice shall advise the borrower that such rate shall be calculated in accordance with the procedures set forth in this paragraph and shall provide the borrower with a substantially equivalent benefit as the adjustment otherwise provided for under this subsection. Such notice may be incorporated into the disclosure required under section 433(b) if such disclosure has not been previously made.

"(D) The interest rate on a loan converted to a variable rate pursuant to this paragraph shall not exceed the maximum interest rate applicable to the loan prior to such conversion.

"(E) Loans on which the interest rate is converted in accordance with subparagraph (A) or (B) shall not be subject to any other provisions of this subsection.";

(11) in section 428(a)(2)(C)(i), by striking the period at the end and inserting "; and";

(12) in section 428(a)(2)(E), by inserting "or 428H" after "428A";

(13) in section 428(b)(1)(A)—

(A) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

"(I) $3,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

"(I) $5,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;";

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

"(iv) in the case of a student who has received an associate or baccalaureate degree and is enrolled in an eligible program for which the institution requires such degree for admission, the number of years that a student has completed in a program of undergraduate education shall, for the purposes of clauses (ii) and (iii), include any prior enrollment in the eligible program of undergraduate education for which the student was awarded such degree; and";

(14) in section 428(b)(1)(B), by striking the matter following clause (ii) and inserting the following:

"except that the Secretary may increase the limit applicable to students who are pursuing programs which the Secretary determines are exceptionally expensive;";

(15) in section 428(b)(1), by amending subparagraph (N) to read as follows:

"(N) provides that funds borrowed by a student—

"(i) are disbursed to the institution by check or other means that is payable to, and requires the endorsement or other certification by, such student; or

"(ii) in the case of a student who is studying outside the United States in a program of study abroad that is approved for credit by the home institution at which such student is enrolled or at an eligible foreign institution, are, at the request of the student, disbursed directly to the student by the means described in clause (i), unless such student requests that the check be endorsed, or the funds transfer authorized, pursuant to an authorized power-of-attorney;";

(16) in section 428(b)(1)(U)—

(A) by striking "this clause;" and inserting "this clause"; and

(B) by inserting a comma after "emergency action" each place it appears;

(17) in section 428(b)(1)—

(A) by striking subparagraphs (V) and (W); and

(B) by redesignating subparagraphs (X), (Y), and (Z) as subparagraphs (V), (W,) and (X), respectively;

(18) in section 428(b)(2)(F)(i), by striking "each to provide a separate notice" and inserting "either jointly or separately to provide a notice";

(19) in section 428(b)(2)(F)(ii), by striking "transferor" and inserting "transferee";

(20) in section 428(b)(2)(F)(ii)(I), by striking "to another holder";

(21) in section 428(b)(2)(F)(ii)(II), by striking "such other" and inserting "the new";

(22) in section 428(b), by amending paragraph (7) to read as follows:

"(7) REPAYMENT PERIOD.—(A) In the case of a loan made under section 427 or 428, the repayment period shall exclude any period of authorized deferment or forbearance and shall begin—

"(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

"(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.

"(B) In the case of a loan made under section 428H, the repayment period shall exclude any period of authorized deferment or forbearance, and shall begin as described in clause (i) or (ii) of subparagraph (A), but interest shall begin to accrue or be paid by the borrower on the day the loan is disbursed.

"(C) In the case of a loan made under section 428A, 428B, or 428C, the repayment period shall begin on the day the loan is disbursed, or, if the loan is disbursed in multiple installments, on the day of the last such disbursement, and shall exclude any period of authorized deferment or forbearance.";

(23) in section 428(b), by adding at the end thereof the following new paragraph:

"(8) MEANS OF DISBURSEMENT OF LOAN PROCEEDS.—Nothing in this title shall be interpreted to prohibit the disbursement of loan proceeds by means other than by check or to allow the Secretary to require checks to be made co-payable to the institution and the borrower.";

(24) in section 428(c)(1)(A), by striking the last sentence and inserting the following: "A guaranty agency shall file a claim for reimbursement with respect to losses under this subsection within 45 days after the guaranty agency discharges its insurance obligation on the loan.";

(25) in section 428(c)(2)(G), by striking "demonstrates" and inserting "certifies";

(26) in section 428(c)(3) by striking subparagraph (A) and inserting the following:

"(A) shall contain provisions providing that—

"(i) upon written request, a lender shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the insurer, and otherwise consistent with the regulations of the Secretary, if the borrower—

"(I) is serving in a medical or dental internship or residency program, the successful completion of which is required to begin professional practice or service, or is serving in a medical or dental internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training, provided that if the borrower qualifies for a deferment under section 427(a)(2)(C)(vii) or subsection (b)(1)(M)(vii) of this section as in effect prior to the enactment of the Higher Education Amendments of 1992, or section 427(a)(2)(C) or subsection (b)(1)(M) of this section as amended by such amendments, the borrower has exhausted his or her eligibility for such deferment;

"(II) has a debt burden under this title that equals or exceeds 20 percent of income; or

"(III) is serving in a national service position for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;

"(ii) the length of the forbearance granted by the lender—

"(I) under clause (i)(I) shall equal the length of time remaining in the borrower's medical or dental internship or residency program, if the borrower is not eligible to receive a deferment described in such clause, or such length of time remaining in the program after the borrower has exhausted the borrower's eligibility for such deferment;

"(II) under clause (i)(II) shall not exceed 3 years; or

"(III) under clause (i)(III) shall not exceed the period for which the borrower is serving in a position described in such clause; and

"(iii) no administrative or other fee may be charged in connection with the granting of a forbearance under clause (i), and no adverse information regarding a borrower may be reported to a credit bureau organization solely because of the granting of such forbearance;";

(27) in section 428(e)(2)(A)—

(A) by striking "(i)";

(B) by striking "(I)" and inserting "(i)"; and

(C) by striking "(II)" and inserting "(ii)";

(28) in section 428(j)(2), in the matter preceding subparagraph (A), by striking "lender of last resort" and inserting "lender-of-last-resort";

(29) in section 428A(b)(1), by striking subparagraph (B) and inserting the following:

"(B) In the case of a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education—

"(i) $5,000; or

"(ii) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year.";

(30) in section 428A(b)(1)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) For the purposes of this paragraph, the number of years that a student has completed in a program of undergraduate education shall include any prior enrollment in an eligible program of undergraduate education for which the student was awarded an associate or baccalaureate degree, if such degree is required by the institution for admission to the program in which the student is enrolled.";

(31) in section 428A(b)(3)(B)(i), by striking "section 428" and inserting "sections 428 and 428H";

(32) in section 428A(c)(1), by striking "sections 427 or 428(b)" and inserting "section 427 or 428(b)";

(33) in section 428C(a)(3)(A), by striking "delinquent or defaulted borrower who will reenter repayment through loan consolidation" and inserting "defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loans";

(34) in section 428C(a)(4)(A), by striking ", except for loans made to parent borrowers under section 428B as in effect prior to the enactment of the Higher Education Amendments of 1986";

(35) in section 428C(a)(4)(C), by striking "part C" and inserting "part A";

(36) in section 428C(c)(2)(A)(vi), by inserting a period after "30 years";

(37) in section 428C(c)(3)(A), by inserting "be an amount" before "equal to";

(38) in section 428F(a)(2)—

(A) by striking "this paragraph" and inserting "paragraph (1) of this subsection"; and

(B) by striking "this section" and inserting "this subsection";

(39) in section 428F(a)(4), by striking "this paragraph" and inserting "paragraph (1) of this subsection";

(40) in section 428F(b), by adding at the end thereof the following new sentence: "A borrower may only obtain the benefit of this subsection with respect to renewed eligibility once.";

(41) in section 428G(c)(3), by striking "disbursed" and inserting "disbursed by the lender";

(42) in section 428H(d)(2), by amending subparagraph (B) to read as follows:

"(B) in the case of a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education—

"(i) $5,000; or

"(ii) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;";

(43) in section 428H(e)(1)—

(A) by striking "shall commence 6 months after the month in which the student ceases to carry at least one-half the normal full-time workload as determined by the institution." and inserting "shall begin at the beginning of the repayment period described in section 428(b)(7).";

(B) by adding at the end thereof the following new sentence: "Not less than 30 days prior to the anticipated commencement of such repayment period, the holder of such loan shall provide notice to the borrower that interest will accrue before repayment begins and of the borrower's option to begin loan repayment at an earlier date.";

(44) in section 428H(e)(4), by striking "427A(e)" and inserting "427A";

(45) in section 428H, by redesignating subsection (l) as subsection (h);

(46) in section 428I(g), by striking "the Federal False Claims Act" and inserting "section 3729 of title 31, United States Code,";

(47) in section 428J(b)(1), by striking "sections 428A, 428B, or 428C" and inserting "section 428A, 428B, or 428C";

(48) in section 428J(b)(1)(B), by striking "agrees in writing to volunteer for service" and inserting "serves as a full-time volunteer";

(49) in section 428J(c)(1), by striking "academic year" each place it appears and inserting "year of service";

(50) in the heading for section 428J(d), by striking "OF ELIGIBILITY" and inserting "TO ELIGIBLE";

(51) in section 428J, by amending subsection (e) to read as follows:

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying service. The borrower shall receive forbearance while engaged in qualifying service unless the borrower is in deferment while so engaged.";

(52) in section 430A(f)(1), by striking the comma at the end and inserting a semicolon;

(53) in the matter preceding paragraph (1) of section 433(b), by striking "60 days" and inserting "30 days";

(54) in section 433(e), by striking "section 428A, 428B," and inserting "sections 428A, 428B,";

(55) in section 435(a), by inserting after paragraph (2) the following new paragraph:

"(3) APPEALS BASED UPON ALLEGATIONS OF IMPROPER LOAN SERVICING.—An institution that—

"(A) is subject to loss of eligibility for the Federal Family Education Loan Program pursuant to paragraph (2)(A) of this subsection;

"(B) is subject to loss of eligibility for the Federal Supplemental Loans for Students pursuant to section 428A(a)(2); or

"(C) is an institution whose cohort default rate equals or exceeds 20 percent for the most recent year for which data are available;

may include in its appeal of such loss or rate a defense based on improper loan servicing (in addition to other defenses). In any such appeal, the Secretary shall take whatever steps are necessary to ensure that such institution has access to a representative sample (as determined by the Secretary) of the relevant loan servicing and collection records of the affected guaranty agencies and loan servicers for a reasonable period of time, not to exceed 30 days. The Secretary shall reduce the institution's cohort default rate to reflect the percentage of defaulted loans in the representative sample that are required to be excluded pursuant to subsection (m)(1)(B).";

(56) in section 435(d)(2)(D), by striking "lender; and" and inserting "lender;";

(57) in section 435(d)(2), by increasing the indentation of the matter following subparagraph (F) by two em spaces;

(58) in section 435(d)(3), by striking "435(o)" and inserting "435(m)";

(59) in section 435(m)(1)(A), by striking "428 or 428A" and inserting "428, 428A, or 428H.";

(60) in section 435(m)—

(A) by inserting at the end of paragraph (1)(A) the following new sentence: "The Secretary shall require that each guaranty agency that has insured loans for current or former students of the institution afford such institution a reasonable opportunity (as specified by the Secretary) to review and correct errors in the information required to be provided to the Secretary by the guaranty agency for the purposes of calculating a cohort default rate for such institution, prior to the calculation of such rate.";

(B) in paragraph (1)(B), by striking "and, in calculating" and all that follows through the period at the end thereof and inserting the following: "and, in considering appeals with respect to cohort default rates pursuant to subsection (a)(3), exclude any loans which, due to improper servicing or collection, would, as demonstrated by the evidence submitted in support of the institution's timely appeal to the Secretary, result in an inaccurate or incomplete calculation of such cohort default rate.";

(61) in section 435(m)(2)(D)—

(A) by inserting "(or the portion of a loan made under section 428C that is used to repay a loan made under section 428A)" after "section 428A" the first place it appears; and

(B) by inserting "(or a loan made under section 428C a portion of which is used to repay a loan made under section 428A)" after "section 428A" the second place it appears;

(62) in section 435(m), by adding at the end thereof the following new paragraph:

"(4) COLLECTION AND REPORTING OF COHORT DEFAULT RATES.—(A) The Secretary shall collect data from all insurers under this part and shall publish not less often than once every fiscal year a report showing default data for each category of institution, including (i) 4-year public institutions, (ii) 4-year private institutions, (iii) 2-year public institutions, (iv) 2-year private institutions, (v) 4-year proprietary institutions, (vi) 2-year proprietary institutions, and (vii) less than 2-year proprietary institutions.

"(B) The Secretary may designate such additional subcategories within the categories specified in subparagraph (A) as the Secretary deems appropriate.

"(C) The Secretary shall publish not less often than once every fiscal year a report showing default data for each institution for which a cohort default rate is calculated under this subsection.";

(63) in section 437, by amending subsection (b) to read as follows:

"(b) PAYMENT OF CLAIMS ON LOANS IN BANKRUPTCY.—The Secretary shall pay to the holder of a loan described in section 428(a)(1)(A) or (B), 428A, 428B, 428C, or 428H, the amount of the unpaid balance of principal and interest owed on such loan—

"(1) when the borrower files for relief under chapter 12 or 13 of title 11, United States Code;

"(2) when the borrower who has filed for relief under chapter 7 or 11 of such title commences an action for a determination of dischargeability under section 523(a)(8)(B) of such title; or

"(3) for loans described in section 523(a)(8)(A) of such title, when the borrower files for relief under chapter 7 or 11 of such title.";

(64) in section 437(c)(1)—

(A) by striking "If a student borrower" and inserting "If a borrower";

(B) by striking "under this part is unable" and inserting "under this part and the student borrower, or the student on whose behalf a parent borrowed, is unable"; and

(C) by striking "in which the borrower is enrolled" and inserting "in which such student is enrolled"; and

(65) in section 437(c)(4), by adding at the end the following new sentence: "The amount discharged under this subsection shall be treated the same as loans under section 465(a)(5) of this title.";

(66) in the matter preceding paragraph (1) of section 437A(a), by striking "under subsection (d)";

(67) in section 437A(c)(2), by inserting a period at the end;

(68) in section 437A, by striking subsection (e); and

(69) in section 439(r)(12), by striking "section 522" and inserting "section 552".

(d) AMENDMENT TO PART C OF TITLE IV OF THE ACT.—Part C of title IV of the Act (42 U.S.C. 2751 et seq.) is amended—

(1) in section 442(d)(4)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(2) in section 442(e)—

(A) by inserting "(1)" before "If"; and

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

"(2) If, under paragraph (1) of this subsection, an institution returns more than 10 percent of its allocation, the institution's allocation for the next fiscal year shall be reduced by the amount returned. The Secretary may waive this paragraph for a specific institution if the Secretary finds that enforcing this paragraph would be contrary to the interest of the program.";

(3) in section 443(b)(2)(A), by striking "institution;" and inserting "institution; and";

(4) in section 443(b), by amending paragraph (5) to read as follows:

"(5) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement shall not exceed 75 percent for academic year 1993–1994 and succeeding academic years, except that the Federal share may exceed such amounts of compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part;"; and

(5) in section 443(b)(8), by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) that are only on campus and that—

"(i) to the maximum extent practicable, complement and reinforce the education programs or vocational goals of such students; and

"(ii) furnish student services that are directly related to the student's education, as determined by the Secretary pursuant to regulations, except that no student shall be employed in any position that would involve the solicitation of other potential students to enroll in the school; or

"(B) in community service in accordance with paragraph (2)(A) of this subsection;".

(e) AMENDMENT TO PART D OF TITLE IV OF THE ACT.—Section 453(b)(2)(B) of the Act (20 U.S.C. 1087c(b)(2)(B)) is amended to read as follows:

"(B) if the Secretary determines it necessary in order to carry out the purposes of subparagraph (A) and attain such reasonable representation (as required by subparagraph (A)), selecting additional institutions.".

(f) AMENDMENTS TO PART E OF TITLE IV OF THE ACT.—Part E of title IV of the Act (20 U.S.C. 1087aa et seq.) is amended—

(1) in subsections (a)(1) and (a)(2)(D) of section 462, by striking "if the institution which has" each place it appears and inserting "if the institution has";

(2) in section 462(d)(4)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(3) in section 462(e), by reducing the indentation of paragraph (2) by two em spaces;

(4) in section 462(h)(4), by reducing the indentation of subparagraph (B) by two em spaces;

(5) in section 463(a)(2)(B)(i)(II), by striking "7.5 percent" and inserting "7.5 percent for award year 1993–1994 and has a cohort default rate which does not exceed 15 percent for award year 1994–1995 or for any succeeding award year";

(6) in section 463(c)(4), by striking "shall disclose" and inserting "shall disclose at least annually";

(7) in section 463, by adding at the end the following new subsections:

"(d) LIMITATION ON USE OF INTEREST BEARING ACCOUNTS.—In carrying out the provisions of subsection (a)(10), the Secretary may not require that any collection agency, collection attorney, or loan servicer collecting loans made under this part deposit amounts collected on such loans in interest bearing accounts, unless such agency, attorney, or servicer holds such amounts for more than 45 days.

"(e) SPECIAL DUE DILIGENCE RULE.—In carrying out the provisions of subsection (a)(5) relating to due diligence, the Secretary shall make every effort to ensure that institutions of higher education may use Internal Revenue Service skip-tracing collection procedures on loans made under this part.";

(8) in section 463A, by striking subsections (d) and (e);

(9) in section 464(c)(2)(B) by striking "repayment or" and inserting "repayment of";

(10) in section 464(c)(6), by striking "Fullbright" and inserting "Fulbright";

(11) in section 464(e), by striking "principle" and inserting "principal";

(12) in section 465(a)(2)(D), by striking "services" and inserting "service";

(13) in section 465(a)(2)(F), by striking "or" after the semicolon;

(14) in section 465(a), by reducing the indentation of paragraph (6) by 2 em spaces; and

(15) in section 466(c), by reducing the indentation of paragraph (2) by two em spaces.

(g) AMENDMENTS TO PART F OF TITLE IV OF THE ACT.—Part F of title IV of the Act (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 472—

(A) in paragraph (10), by striking "and" after the semicolon;

(B) in paragraph (11), by striking the period and inserting "; and"; and

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

"(12) for a student who receives a loan under this or any other Federal law, or, at the option of the institution, a conventional student loan incurred by the student to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or such parent on such loan, or the average cost of any such fee or premium charged by the Secretary, lender, or guaranty agency making or insuring such loan, as the case may be.";

(2) in the table contained in sections 475(c)(4) and 477(b)(4), by inserting "$" before "9,510";

(3) in section 475(f)(3)—

(A) by striking "Income in the case of a parent" and inserting "If a parent";

(B) by striking "(1) of this subsection, or a parent" and inserting "(1) of this subsection, or if a parent"; and

(C) by striking "is determined as follows: The income" and inserting "the income";

(4) in section 475(g)(1)(B), by inserting a close parentheses after "paragraph (2)";

(5) in the table contained in section 475(g)(3), by adding a last row that is identical to the last row of the table contained in section 476(b)(2);

(6) in section 476, by adding at the end thereof the following new subsection:

"(d) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's contribution from income or assets.";

(7) in section 477 by adding at the end thereof the following new subsection:

"(e) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.";

(8) in section 478—

(A) by striking "1992–1993" each place it appears and inserting "1993–1994"; and

(B) in subsection (c)(1), by inserting "December" before "1992";

(9) in section 478(h), by striking "Bureau of Labor Standards" and inserting "Bureau of Labor Statistics";

(10) in section 479(a)(1), by inserting "of" after "(c)";

(11) in section 479(b)(1)(B)(i)—

(A) by inserting "(and the student's spouse, if any)" after "student" each time it appears; and

(B) by striking "such";

(12) in section 479(b)(2), by striking "five elements" and inserting "six elements";

(13) in section 479(b)(2)(E), by striking the semicolon and inserting a comma;

(14) in section 479(b)(3)—

(A) in subparagraph (A), by inserting "(including any prepared or electronic version of such form)" before "required"; and

(B) in subparagraph (B), by inserting "(including any prepared or electronic version of such return)" before "required";

(15) in section 479(c)—

(A) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A) the student's parents were not required to file an income tax return under section 6012(a)(1) of the Internal Revenue Code of 1986; and";

(B) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A) the student (and the student's spouse, if any) was not required to file an income tax return under section 6012(a)(1) of the Internal Revenue Code of 1986; and"; and

(C) in subparagraph (B) of paragraphs (1) and (2), by inserting "in 1992 or the current year, whichever is higher," after "that may be earned"; and

(16) in section 479A, by adding at the end the following new subsection:

"(c) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—

"(1) IN GENERAL.—A student financial aid administrator shall be considered to be making an adjustment for special circumstances in accordance with subsection (a) if—

"(A) in the case of a dependent student—

"(i) such student received a Federal Pell Grant as a dependent student in academic year 1992–1993 and the amount of such student's Federal Pell Grant for academic year 1993–1994 is at least $500 less than the amount of such student's Federal Pell Grant for academic year 1992–1993; and

"(ii) the decrease described in clause (i) is the direct result of a change in the determination of such student's need for assistance in accordance with this part that is attributable to the enactment of the Higher Education Amendments of 1992; and

"(B) in the case of a single independent student—

"(i) such student received a Federal Pell Grant as a single independent student in academic year 1992–1993 and qualified as an independent student in accordance with section 480(d) for academic year 1993–1994, and the amount of such student's Federal Pell Grant for academic year 1993–1994 is at least $500 less than the amount of such student's Federal Pell Grant for academic year 1992–1993; and

"(ii) the decrease described in clause (i) is the direct result of a change in the determination of such student's need for assistance in accordance with this part that is attributable to the enactment of the Higher Education Amendments of 1992.

"(2) AMOUNT.—A financial aid administrator shall not make an adjustment for special circumstances pursuant to this subsection in an amount that exceeds one-half of the difference between the amount of a student's Federal Pell Grant for academic year 1992–1993 and the amount of such student's Federal Pell Grant for academic year 1993–1994.

"(3) ACADEMIC YEAR LIMITATION.—A financial aid administrator shall make adjustments under this subsection only for Federal Pell Grants awarded for academic years 1993–1994, 1994–1995, and 1995–1996.

"(4) SPECIAL RULE.—Adjustments under this subsection shall be made in any fiscal year only if an Act that contains an appropriation for such fiscal year to carry out this subsection is enacted on or after the date of enactment of the Higher Education Technical Amendments of 1993.

"(5) LIMITATION.—Adjustments under this subsection shall not be available for any academic year to any student who, on the basis of the financial circumstances of the student for the current academic year, would not have been eligible for a grant under this section in academic year 1992–1993.";

(17) in section 480(c)(2), by striking "Title" each place it appears and inserting "United States Code, title";

(18) in section 480(d)(2), by inserting "or was a ward of the court until the individual reached the age of 18" before the semicolon;

(19) in section 480(j), by reducing the indentation of paragraph (3) by 2 em spaces; and

(20) in section 480, by adding at the end the following new subsections:

"(k) DEPENDENTS.—(1) Except as otherwise provided, the term 'dependent of the parent' means the student, dependent children of the student's parents, including those children who are deemed to be dependent students when applying for aid under this title, and other persons who live with and receive more than one-half of their support from the parent and will continue to receive more than half of their support from the parent during the award year.

"(2) Except as otherwise provided, the term 'dependent of the student' means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

"(l) FAMILY SIZE.—(1) In determining family size in the case of a dependent student—

"(A) if the parents are not divorced or separated, family members include the student's parents, and the dependents of the student's parents including the student;

"(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and that parent's dependents, including the student; and

"(C) if the parents are divorced and the parent whose income is so included is remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in subparagraph (B), the new spouse and any dependents of the new spouse if that spouse's income is included in determining the parents' adjusted available income.

"(2) In determining family size in the case of an independent student—

"(A) family members include the student, the student's spouse, and the dependents of the student; and

"(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and the student's dependents.

"(m) BUSINESS ASSETS.—The term 'business assets' means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.".

(h) AMENDMENTS TO PART G OF TITLE IV OF THE ACT.—Part G of title IV of the Act (20 U.S.C. 1088 et seq.) is amended—

(1) in section 481(a)(3)(B), by inserting before the semicolon the following: ", except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree";

(2) in section 481(a)(3)(D)—

(A) by striking "are admitted pursuant to section 484(d)" and inserting "do not have a high school diploma or its recognized equivalent"; and

(B) by inserting before the period the following: ", except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that it exceeds such limitation because it serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a high school diploma or its recognized equivalent";

(3) in section 481(a)(4), by amending subparagraph (A) to read as follows:

"(A) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy; or";

(4) in section 481(d), by amending paragraph (2) to read as follows:

"(2) For the purpose of any program under this title, the term 'academic year' shall require a minimum of 30 weeks of instructional time, and, with respect to an undergraduate course of study, shall require that during such minimum period of instructional time a full-time student is expected to complete at least 24 semester or trimester hours or 36 quarter hours at an institution that measures program length in credit hours, or at least 900 clock hours at an institution that measures program length in clock hours. The Secretary may reduce such minimum of 30 weeks to not less than 26 weeks for good cause, as determined by the Secretary on a case-by-case basis, in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree.";

(5) in section 481(e) by striking paragraph (2) and inserting the following:

"(2)(A) A program is an eligible program for purposes of part B of this title if it is a program of at least 300 clock hours of instruction, but less than 600 clock hours of instruction, offered during a minimum of 10 weeks, that—

"(i) has a verified completion rate of at least 70 percent, as determined in accordance with the regulations of the Secretary;

"(ii) has a verified placement rate of at least 70 percent, as determined in accordance with the regulations of the Secretary; and

"(iii) satisfies such further criteria as the Secretary may prescribe by regulation.

"(B) In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to have satisfied the requirements of this paragraph.";

(6) in section 481(f), by striking "State" and inserting "individual, or any State,";

(7) in section 482(c), by adding at the end the following new sentence: "For award year 1994–95, this subsection shall not require a delay in the effectiveness of regulatory changes affecting parts B, G, and H of this title that are published in final form by May 1, 1994.";

(8) in section 483(a)(1), by striking "section 411(d)" and inserting "section 401(d)";

(9) in section 483(a)(2), by inserting at the end the following new sentence: "No data collected on a form for which a fee is charged shall be used to complete the form prescribed under paragraph (1).";

(10) in section 483(a)(3), by inserting at the end the following sentence: "Entities designated by institutions of higher education or States to receive such data shall be subject to all requirements of this section, unless such requirements are waived by the Secretary.";

(11) in section 483(f), by striking "address, social security number," and inserting "address or employer's address, social security number or employer identification number,";

(12) in section 483, by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(13) in section 484(a)(4)(B), by inserting after "number" the following: ", except that the provisions of this subparagraph shall not apply to a student from the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau";

(14) in section 484(a)(5), by striking "in the United States for other than a temporary purpose and able to provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident" and inserting "able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident";

(15) in section 484(b)(2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) has applied for a loan under section 428H, if such student is eligible to apply for such a loan.";

(16) in the matter following subparagraph (B) of section 484(b)(3), by striking "part B" and inserting "part B or D";

(17) in section 484, by striking subsection (f);

(18) in section 484(g), by inserting a comma after "Part D" each place it appears;

(19) in the matter preceding clause (i) of section 484(h)(4)(B), by striking "constitutes" and inserting "constitute";

(20) in section 484(i)(2)—

(A) by striking "(h)(4)(A)(ii)" and inserting "(h)(4)(A)(i)"; and

(B) by striking "documentation," and inserting "documentation, or";

(21) in section 484(i)(3)—

(A) by striking "(h)(4)(B)(ii)" and inserting "(h)(4)(B)(i)"; and

(B) by striking ", or" and inserting a period;

(22) in section 484(i), by striking paragraph (4);

(23) in section 484(n), by striking "part B, C," and inserting "parts B, C,";

(24) in section 484(q)(2), by striking "a correct social security number" and inserting "documented evidence of a social security number that is determined by the institution to be correct";

(25) in section 484, by redesignating subsections (g) through (q) as subsections (f) through (p), respectively;

(26) in section 484B(a), by striking "grant, loan, or work assistance" and inserting "grant or loan assistance";

(27) in section 484B(b)(3), by striking "subsection (d)" and inserting "subsection (c)";

(28) in clauses (i), (ii), and (iii) of section 485(a)(1)(F), by inserting before the comma at the end of each such clause the following: "for the period of enrollment for which a refund is required";

(29) in section 485(a)(1)(F)(iv), by inserting "under" after "awards";

(30) in section 485(a)(1)(F)(vii), by striking "provided under this title";

(31) in section 485(a)(1)(F)(viii), by striking the period;

(32) in section 485(a)(1)(F), by striking clause (vi) and redesignating clauses (vii) and (viii) as clauses (vi) and (vii), respectively;

(33) in section 485(a)(1)(L), by inserting a comma after "full-time";

(34) in section 485(a)(3), by amending subparagraph (A) to read as follows:

"(A) shall, for any academic year beginning more than 270 days after the Secretary first prescribes final regulations pursuant to such subparagraph (L), be made available to current and prospective students prior to enrolling or entering into any financial obligation; and";

(35) in paragraphs (1)(A) and (2)(A) of section 485(b), by striking "under parts" and inserting "under part";

(36) in section 485(d), by inserting a period at the end of the penultimate sentence;

(37) in section 485(e), by adding at the end the following new paragraph:

"(9) This subsection shall not be effective until the first July 1 that follows, by more than 270 days, the date on which the Secretary first prescribes final regulations pursuant to this subsection. The reports required by this subsection shall be due on that July 1 and each succeeding July 1 and shall cover the 1-year period ending June 30 of the preceding year.";

(38) in section 485B(a)—

(A) by striking "part E" and inserting "parts D and E"; and

(B) by striking the second period at the end of the third sentence;

(39) in section 485B(a)(4), by striking "part E" and inserting "parts D and E";

(40) in section 485B(c), by striking "part B or part E" and inserting "part B, D, or E";

(41) in section 485B(e), by striking "under this part" each place it appears and inserting "under this title";

(42) in section 487(a)(2), by striking ", or for completing or handling the Federal Student Assistance Report";

(43) in section 487(c)(1)(F), by striking "eligibility for any program under this title of any otherwise eligible institution," and inserting "participation in any program under this title of an eligible institution,";

(44) in section 489(a), by striking "484(c)" and inserting "484(h)";

(45) in section 491(d)(1), by striking "sections 411A through 411E and"; and

(46) in section 491(h)(1), by striking "subtitle III" and inserting "subchapter III".

(i) AMENDMENTS TO PART H OF TITLE IV OF THE ACT.—Part H of title IV of the Act (20 U.S.C. 1099a et seq.) is amended—

(1) in section 494C(a), by striking the first and second sentences and inserting the following: "The Secretary shall review all eligible institutions of higher education in a State to determine if any such institution meets any of the criteria in subsection (b). If any such institution meets one or more of such criteria, the Secretary shall inform the State in which such institution is located that the institution has met such criteria, and the State shall review the institution pursuant to the standards in subsection (d). The Secretary may determine that a State need not review an institution if such institution meets the criterion in subsection (b)(10) only, such institution was previously reviewed by the State under subsection (d), and the State determined in such previous review that the institution did not violate any of the standards in subsection (d).";

(2) in section 494C(i), by striking "sections 428 or 487" and inserting "section 428 or 487";

(3) in section 496(a)(2)(A)(i), by inserting "of institutions of higher education" after "membership";

(4) in section 496(a)(3)(A), by striking "subparagraph (A)" and inserting "subparagraph (A)(i)";

(5) in section 496(a)(5)—

(A) by striking the period at the end of subparagraph (L) and inserting a semicolon; and

(B) by inserting after subparagraph (L) the following:

"except that subparagraphs (G), (H), (I), (J), and (L) shall not apply to agencies or associations described in paragraph (2)(A)(ii) of this subsection;";

(6) in the matter preceding paragraph (1) of section 496(c), by striking "for the purpose of this title" and inserting "as a reliable authority as to the quality of education or training offered by an institution seeking to participate in the programs authorized under this title";

(7) in section 496(l)(2)—

(A) by striking "institutution" and inserting "institution"; and

(B) by striking "association leading to the suspension" and inserting "association, described in paragraph (2)(A)(i), (2)(B), or (2)(C) of subsection (a) of this section, leading to the suspension";

(8) in section 496(n)(1), by amending subparagraph (B) to read as follows:

"(B) site visits, including unannounced site visits as appropriate, at accrediting agencies and associations, and, at the Secretary's discretion, at representative member institutions.";

(9) in section 498(c)—

(A) in paragraph (2), by adding at the end the following new sentences: "Such criteria shall take into account any differences in generally accepted accounting principles, and the financial statements required thereunder, that are applicable to for profit and nonprofit institutions. The Secretary shall take into account an institution's total financial circumstances in making a determination of its ability to meet the standards herein required.";

(B) in the matter preceding subparagraph (A) of paragraph (3), by striking "may determine" and inserting "shall determine";

(C) by amending subparagraph (C) of paragraph (3) to read as follows:

"(C) such institution establishes to the satisfaction of the Secretary, with the support of a financial statement audited by an independent certified public accountant in accordance with generally accepted auditing standards, that the institution has sufficient resources to ensure against the precipitous closure of the institution, including the ability to meet all of its financial obligations (including refunds of institutional charges and repayments to the Secretary for liabilities and debts incurred in programs administered by the Secretary); or";

(D) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(E) by inserting after paragraph (3) the following new paragraph:

"(4) If an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree fails to meet the ratio of current assets to current liabilities imposed by the Secretary pursuant to paragraph (2), the Secretary shall waive that particular requirement for that institution if the institution demonstrates to the satisfaction of the Secretary that—

"(A) there is no reasonable doubt as to its continued solvency and ability to deliver quality educational services;

"(B) it is current in its payment of all current liabilities, including student refunds, repayments to the Secretary, payroll, and payment of trade creditors and withholding taxes; and

"(C) it has substantial equity in school-occupied facilities, the acquisition of which was the direct cause of its failure to meet the current operating ratio requirement.";

(10) in section 498(f), by inserting after the second sentence the following: "The Secretary may establish priorities by which institutions are to receive site visits, and may coordinate such visits with site visits by States, guaranty agencies, and accrediting bodies in order to eliminate duplication, and reduce administrative burden.";

(11) in section 498(h)(1)(B), by amending clause (iii) to read as follows:

"(iii) the Secretary determines that an institution that seeks to renew its certification is, in the judgment of the Secretary, in an administrative or financial condition that may jeopardize its ability to perform its financial responsibilities under a program participation agreement.";

(12) in section 498, by amending subsection (i)(1) to read as follows:

"(i) TREATMENT OF CHANGES OF OWNERSHIP.—(1) An eligible institution of higher education that has had a change in ownership resulting in a change of control shall not qualify to participate in programs under this title after the change in control (except as provided in paragraph (3)) unless it establishes that it meets the requirements of section 481 (other than the requirements in subsections (b)(5) and (c)(3)) and this section after such change in control.";

(13) in section 498(i)(3), by amending subparagraph (A) to read as follows:

"(A) the sale or transfer, upon the death of an owner of an institution, of the ownership interest of the deceased in that institution to a family member or to a person holding an ownership interest in that institution; or";

(14) in section 498, by amending subsection (j)(1) to read as follows:

"(j) TREATMENT OF BRANCHES.—(1) A branch of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, shall be certified under this subpart before it may participate as part of such institution in a program under this title, except that such branch shall not be required to meet the requirements of sections 481(b)(5) and 481(c)(3) prior to seeking such certification. Such branch is required to be in existence at least 2 years prior to seeking certification as a main campus or free-standing institution."; and

(15) in section 498A(e), by striking "Act," and inserting "Act".

(j) AMENDMENTS TO TITLES V THROUGH XII OF THE ACT.—Titles V through XII of the Act (20 U.S.C. 1101 et seq.) are amended—

(1) in section 505(b)(2)(D)(iii), by striking the period and inserting a semicolon;

(2) in section 525, by amending subsection (c) to read as follows:

"(c) WAIVERS.—For purposes of giving special consideration under section 523(d), a State may waive the criteria contained in the first sentence of subsection (b) for not more than 25 percent of individuals receiving Paul Douglas Teacher Scholarships on or after July 1, 1993.";

(3) in the first sentence of section 530A by striking "elementary and secondary school teachers" each place it appears and inserting "preschool, elementary, and secondary school teachers";

(4) in section 535(b)(1)(C), by striking the semicolon and inserting a period;

(5) in section 537(a), by inserting "IN" before "GENERAL";

(6) in section 545(d), by striking "parts B, D," and inserting "part B, D,";

(7) in section 580B, by striking "(a) AUTHORIZATION.—";

(8) in section 581(b)(2), by striking "402A(g)(2)" and inserting "402A(g)";

(9) in section 597(d)(1), by striking "Development and" and inserting "and Development";

(10) in section 602(a)(3), by striking "(1)(A)" and inserting "(1)";

(11) in section 602(a)(4), by striking "(1)(A)" and inserting "(1)";

(12) in the heading of subsection (a) of section 603, by striking "RESOURCES" and inserting "RESOURCE";

(13) in section 607(c), by redesignating the second paragraph (2) as paragraph (3);

(14) in section 714, by striking "(a) IN GENERAL.—";

(15) in section 715(b)—

(A) by striking "(1) STATE GRANTS.—";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(C) in paragraph (2) (as so redesignated) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(D) by reducing the indentation of such paragraphs (1) and (2) (as so redesignated) by two em spaces;

(16) in section 725—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) shall require that the first loans for capital projects authorized under section 723 be made no later than March 31, 1994;";

(17) in section 726, by inserting a period after "title" the first time it appears and striking the remainder of the sentence;

(18) in section 731(a), by striking "faculties," and inserting "faculty,";

(19) in section 731(c), by striking "enactment of";

(20) in section 734(e)—

(A) by striking "FACULTIES" and inserting "FACULTY"; and

(B) by striking "faculties" and inserting "faculty";

(21) in section 781(b), by striking "Education Amendments of 1992," and inserting "Education Amendments of 1992";

(22) in section 782(1)(A), by striking "outpatient care of student" and inserting "outpatient care of students";

(23) in section 783—

(A) in subsection (a)(2), by inserting "on all such loans owed by such institution" after "outstanding indebtedness"; and

(B) by adding at the end thereof the following new subsection:

"(d) REDUCTION OF AMOUNTS OWED TO TREASURER.—If the Secretary forgives all or part of a loan described in subsection (a), the outstanding balance remaining on the notes of the Secretary that were issued to the Secretary of the Treasury under section 761(d) as in effect prior to the enactment of the Higher Education Amendments of 1992, or under any provision of this title as in effect at the time such note was issued, shall be reduced by such amount forgiven.";

(24) in the matter preceding paragraph (1) of section 802(b), by inserting after "fiscal year" the following: "the Secretary shall reserve such amount as is necessary to make continuing awards to institutions of higher education that were, on the date of enactment of the Higher Education Amendments of 1992, operating an existing cooperative education program under a multiyear project award and to continue to pay to such institutions the Federal share in effect on the day before such date of enactment. Of the remainder of the amount appropriated in such fiscal year";

(25) in section 803(b)(6)(A), by striking "data";

(26) in section 803(e)(2)—

(A) by striking "Mexican American" and inserting "Mexican-American"; and

(B) by striking "Mariana" and inserting "Marianian";

(27) in section 901(b)(2), by striking "such part" and inserting "such title";

(28) in section 922, by amending subsection (f) to read as follows:

"(f) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994; and

"(B) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(i) $9,000 for the academic year 1993–1994; and

"(ii) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

(29) in the second sentence of section 923(b)(1), by striking "granting of such fellowships" and all that follows through "set forth in this section," and inserting "granting of such fellowships for an additional period of study not to exceed one 12-month period,";

(30) in section 923(b)(2), by striking out the second and third sentences and inserting the following: "Such period shall not exceed a total of 3 years, consisting of not more than 2 years of support for study or research, and not more than 1 year of support for dissertation work, provided that the student has attained satisfactory progress prior to the dissertation stage, except that the Secretary may provide by regulation for the granting of such fellowships for an additional period of study not to exceed one 12-month period, under special circumstances which the Secretary determines would most effectively serve the purposes of this part. The Secretary shall make a determination to provide such 12-month extension of an award to an individual fellowship recipient for study or research upon review of an application for such extension by the recipient. The institution shall provide 2 years of support for each student following the years of Federal predissertation support under this part. Any student receiving an award for graduate study leading to a doctoral degree shall receive at least 1 year of supervised training in instruction during such student's doctoral program.";

(31) in section 923(b), by adding at the end the following new paragraph:

"(3) CONTINUATION OF AWARDS UNDER PRIOR LAW.—Notwithstanding any other provision of law, in the case of an individual who was awarded a multiyear fellowship under this part before the date of enactment of the Higher Education Amendments of 1992, awards to such individual for the remainder of such fellowship may, at the discretion of the institution of higher education attended by such individual, be subject to the requirements of this subsection as in effect prior to such date of enactment. The institution shall be required to exercise such discretion at the time that its application to the Secretary for a grant under this part, and the amount of any such grant, are being considerea by the Secretary.";

(32) in section 924, by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the Secretary may use funds appropriated pursuant to this section for fiscal year 1994 to make continuation awards under section 923(b)(3) to individuals who would have been eligible for such awards in fiscal year 1993 if such section had been in effect.";

(33) in section 931(a), by inserting after the first sentence the following new sentence: "These fellowships shall be awarded to students intending to pursue a doctoral degree, except that fellowships may be granted to students pursuing a master's degree in those fields in which the master's degree is commonly accepted as the appropriate degree for a tenured-track faculty position in a baccalaureate degree-granting institution.";

(34) in the third sentence of section 932(a)(1), by striking "doctoral" and inserting "graduate";

(35) in section 932(c), by striking "doctoral" and inserting "graduate";

(36) in section 933(b), by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be—

"(i) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994; and

"(ii) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(I) $9,000 for the academic year 1993–1994; and

"(II) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of

Labor's Consumer Price Index for the previous calendar year.

"(B) The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

(37) in section 941, by striking "the part" and inserting "this part";

(38) in section 943(b), by striking "foreign languages or area studies" and inserting "foreign languages and area studies";

(39) in section 945, by amending subsection (c) to read as follows:

"(c) TREATMENT OF INSTITUTIONAL PAYMENTS.—An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this part in amounts that exceed the institutional payments made by the Secretary pursuant to section 946(a) may count such payments toward the amounts the institution is required to provide pursuant to section 944(b)(2).";

(40) in section 946, by amending subsection (a) to read as follows:

"(a) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994; and

"(B) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(i) $9,000 for the academic year 1993–1994; and

"(ii) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

(41) in the matter preceding paragraph (1) of section 951(a), by inserting "Pacific Islanders," after "Native Americans,";

(42) in section 1004(a), by striking "part" and inserting "subpart";

(43) in section 1011(d), by striking "part" and inserting "subpart";

(44) in part D of title X, by redesignating section 1181 as section 1081;

(45) in section 1081(d) (as so redesignated) by inserting a comma after "this title)" and after "such institutions";

(46) in section 1106(a), by striking "may receive a grant" and inserting "may receive such a grant";

(47) in section 1142(d)(2), by inserting "program" after "literacy corps";

(48) in the last sentence of section 1201(a), by striking "subpart 3 of part H," and inserting "subpart 2 of part H of title IV of this Act,";

(49) by amending section 1204 to read as follows:

"TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

"SEC. 1204. (a) The Secretary is required to waive the eligibility criteria of any postsecondary education program administered by the Department where such criteria do not take into account the unique circumstances in Guam, the Virgin Islands, American Samoa, Palau, the Commonwealth of the Northern Mariana Islands, and the freely associated states.

"(b) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under chapter 1 of subpart 2 of part A of title IV of this Act.";

*(50) in section 1205, in the section heading, by inserting "**NATIONAL ADVISORY**" before "**COMMITTEE**";*

(51) in section 1205(a), by inserting "National Advisory" before "Committee" the first place it appears;

(52) in paragraphs (1) and (6) of section 1205(c), by inserting "of title IV of this Act" after "part H";

(53) in section 1205(f), by striking "Accreditation and Institutional Eligibility" and inserting "Institutional Quality and Integrity";

(54) in section 1209(f)(1), by striking "the Act" and inserting "this Act";

(55) in title XII, by redesignating section 1211 (as added by section 6231 of the Omnibus Trade and Competitiveness Act of 1988) as section 1212; and

(56) in section 1212(e)(2) (as so redesignated), by inserting close quotation marks after "facilities" the first place it appears.

(k) AMENDMENTS TO THE 1992 AMENDMENTS.—The Higher Education Amendments of 1992 (Public Law 102–325; 106 Stat. 459) is amended—

(1) in section 401(d)(2)(A), by inserting "the first place it appears" before "the following:";

(2) in section 425(d)(1)—

(A) by inserting "the second sentence of" after "(1) in"; and

(B) by striking "in the second sentence";

(3) in section 425(d)(4)—

(A) by inserting "the second sentence of" after "(4) in"; and

(B) by striking "in the second sentence";

(4) in section 426(c), by striking "new subsections" and inserting "new subsection";

(5) in section 432(a)(3), by striking "427(a)(2)(C) and 428(b)(1)(M)" and inserting "427(a)(2)(C), 428(b)(1)(M), and 428B(d)(1)";

(6) in section 446, by striking subsection (c);

(7) in section 465(a), by amending paragraph (1) to read as follows:

"(1) in subparagraph (A), by striking 'and such determination' and all that follows through 'such chapter 1';";

(8) in section 484, by inserting after subsection (h) the following new subsection:

"(i) EFFECTIVE DATE.—The amendments made by subsection (g) with respect to the addition of subsection (n) shall be effective on and after December 1, 1987.";

(9) in section 486(a)(3), by striking "section 1" and inserting "section 103";

(10) in section 1409(b)(1), by striking "the Asbestos Hazard Emergency Response Act" and inserting "section 202 of the Toxic Substances Control Act (15 U.S.C. 2642)";

(11) in section 1422(9), by striking "has placed" and inserting "have placed";

(12) in section 1442(c), by striking "Chairman" and inserting "Chairperson";

(13) in section 1541(g), by striking "educational" and inserting "education"; and

(14) in the subsection (a)(1) amended by section 1554(a), by striking "4" and inserting "6".

(l) AMENDMENT TO THE 1986 AMENDMENT.—Section 1507(a)(12) of the Higher Education Amendments of 1986 (20 U.S.C. 4414(a)(12)) is amended by striking the period and inserting a semicolon.

(m) STYLISTIC CONSISTENCY.—The Act is amended so that the section designation and section heading of each section of the Act shall be in the form and typeface of the section designation and heading of this section.

(n) ACCREDITATION THROUGH TRANSFER OF CREDIT.—(1) An institution of higher education which satisfied the requirements of section 1201(a)(5)(B) of the Act prior to the enactment of the Higher Education Amendments of 1992, shall be considered to meet the requirements of section 1201(a)(5) of the Act if—

(A) within 60 days after the date of enactment of the Higher Education Technical Amendments of 1993, such institution has applied for accreditation by a nationally recognized accrediting agency or association which the Secretary determines, pursuant to subpart 2 of part H of title IV of the Act, to be a reliable authority as to the quality of education or training offered;

(B) within 2 years of the date of enactment of the Higher Education Technical Amendments of 1993, such institution is accredited by such an accrediting agency or association or, if not so accredited, has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time; and

(C) such institution is legally authorized within a State to provide education beyond secondary education.

(2) The Secretary shall determine whether to recertify any institution that meets the requirements of paragraph (1) within 2 years after the date of enactment of this Act.

(3) Paragraph (1) of this subsection shall be effective on and after July 23, 1992.

SEC. 3. PACIFIC REGIONAL EDUCATIONAL LABORATORY.

Section 101A of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311a) is amended—

(1) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking "Center for the Advancement of Pacific Education, Honolulu, Hawaii, or its successor entity as the Pacific regional educational laboratory" and inserting "Pacific Regional Educational Laboratory, Honolulu, Hawaii"; and

(B) by inserting "or provide direct services regarding" after "grants for"; and

(2) in subsection (c), by striking "Center for the Advancement of Pacific Education" and inserting "Pacific Regional Educational Laboratory, Honolulu, Hawaii,".

SEC. 4. DISTRIBUTION OF FUNDS TO POST-SECONDARY AND ADULT PROGRAMS.

Section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting "(1)" before "Except"; and

(ii) by inserting "or consortia thereof" before "within"; and

(B) in the second sentence—

(i) by inserting "or consortium" before "shall"; and

(ii) by inserting "or consortium" before "in the preceding";

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

"(2) In order for a consortium of eligible institutions described in paragraph (1) to receive assistance pursuant to such paragraph such consortium shall operate joint projects that—

"(A) provide services to all postsecondary institutions participating in the consortium; and

"(B) are of sufficient size, scope and quality as to be effective.";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or consortia" after "institutions"; and

(B) in the matter preceding subparagraph (A) of paragraph (2), by inserting "or consortia" after "institutions"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "or consortium" after "institution"; and

(B) in paragraph (2), by inserting "or consortia" after "institutions".

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided therein or in subsection (b) of this section, the amendments made by section 2 of this Act shall be effective as if such amendments were included in the Higher Education Amendments of 1992 (Public Law 102-325), except that section 492 of the Act shall not apply to the amendments made by this Act.

(b) EXCEPTIONS.—

(1) EFFECTIVE ON OCTOBER 1, 1993.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after October 1, 1993: (b)(29), (j)(28), (j)(36), and (j)(40).

(2) EFFECTIVE ON DATE OF ENACTMENT.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after the date of enactment of this Act: (b)(2), (b)(7), (b)(28), (c)(3), (c)(5), (c)(13)(B), (c)(13)(C), (c)(18), (c)(30), (c)(62).

(3) EFFECTIVE 30 DAYS AFTER ENACTMENT.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after 30 days after the date of enactment of this Act: (c)(19), (c)(20), (c)(21), (c)(59).

(4) EFFECTIVE 60 DAYS AFTER ENACTMENT.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after 60 days after the date of enactment of this Act: (c)(31) and (c)(53).

(5) EFFECTIVE ON APRIL 1, 1994.—The amendments made by section 2(c)(43)(B) of this Act shall be effective on and after April 1, 1994.

(6) EFFECTIVE ON JULY 1, 1994.—The amendments made by the following subsection of section 2 of this Act shall be effective on and after July 1, 1994: (b)(25), (c)(2), (c)(13)(A), (c)(29).

(7) COHORT DEFAULT DATA EXAMINATIONS.—The amendment made by section 2(c)(60)(A) shall be effective on and after October 1, 1994.

(8) COHORT DEFAULT RATE DETERMINATIONS.—The amendments made to subsection (a)(3) and (m)(1)(B) of section 435 of this Act shall apply with respect to the determination (and appeals from determinations) of cohort default rates for fiscal year 1989 and any succeeding fiscal year.

Mr. FORD of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. GOODLING. Mr. Speaker, reserving the right to object, and I will not object, but I would yield to the chairman for an explanation of his unanimous consent request.

Mr. FORD of Michigan. I thank the gentlemen for yielding to me and for his cooperation, under his leadership, of the members of his party in bringing this technical amendments bill quickly to the House and Senate and through a conference so that we can assure that people who are waiting for student loan assistance will not be harmed by oversights made in the reenactment of the Higher Education Act in 1992 and in the 1993 amendments.

These amendments would make technical and clarifying changes to the Higher Education Act. We do not change the substance of any of the provisions of the act away from that which was passed by the House and Senate. I again want to thank the gentleman from Pennsylvania [Mr. GOODLING], and all the members on both sides of the aisle on the committee, the gentleman from Wisconsin, Congressman PETRI, the ranking member on the Postsecondary Education Subcommittee, for helping us to expedite these changes.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, and I will not object, but I would like the gentleman from Michigan to explain his unanimous-consent request.

I support S. 1507, legislation making technical corrections to the Higher Education Act. Chairman FORD and I have stood by our agreement to bring a bill back to the House which is purely technical, making only grammatical corrections and clarifying original Congressional intent to the 1992 Higher Education Act Amendments.

During consideration of the 1992 Higher Education Act Amendments, I sought to ensure that quality programs providing short-term education and training would retain eligibility for the Federal Family Education Loan Program [FFELP]. This was achieved by amending section 481(e) to require that programs of less than 600 clock hours would have to demonstrate verifiable completion and job placement rates of at least 70 percent. Congressional intent was to preserve eligibility of all short-term programs until regulations detailing these new requirements were promulgated. While legislative language clarifying this policy is not included in S. 1507, Secretary Riley has assured me that the Department of Education will extend the eligibility of short-term programs until the necessary regulations are promulgated.

S. 1507 also clarifies congressional intent with regard to different loan limits for students based upon the year in which they were enrolled in school. Since enactment of the 1992 Higher Education Act Amendments, questions have arisen as to whether undergraduate students who are enrolled in programs requiring an associate's degree for admission are entitled to third or first year loan limits. This bill clarifies that such students are eligible to borrow as third year undergraduates for both Stafford and SLS loans if they have successfully completed 2 years of any postsecondary program and the prerequisites for admission to the new program include at least 2 years of prior postsecondary education. If the prerequisite is a baccalaureate degree, then the new program is considered a fifth year undergraduate program for guaranteed student loan purposes. S. 1507 allows students enrolled at institutions which require an associate or baccalaureate degree to remain eligible for the higher loan limits.

I would also like to point out two additional provisions which I know are of interest to many members. First of all, at the request of Congressman BART GORDON, this bill includes a provision clarifying the intent of Congress that the Secretary of Education is allowed to only conscript institutions of higher education to participate in the Federal Direct Student Loan Program in order to obtain a representative cross section of participating institutions. This provision corrects the perception that the Secretary could force colleges and universities into the program against their will for reasons other than obtaining a cross sample.

The other provision concerns the Department of Education's cohort default legislation. This bill makes major improvements to the Department's bill. For the first time, institutions will have access to the data Guaranty Agencies send to the U.S. Department of Education, commonly called tape dumps, which are used to determine their default rates. These institutions would thus be able to work out data discrepancies before the Department publishes its rates. In addition, this legislation also sets a precedent in ensuring that most institutions that wish to contest their default rates have a guaranteed right of access to an appropriate sample of the loan servicing and collection information from the guaranty agencies. If errors are found that resulted in an inaccurate calculation of their default rate, then these rates will be revised to reflect this miscalculation. It is our hope that this provision will help resolve many of the court cases that are currently ongoing between the Department of Education and various institutions regarding these important issues.

In my view, Mr. Speaker, this provision strikes an ideal balance of the rights of institutions to have access to this important data, while giving the Department full authority to implement the default rate provisions in the Higher Education Act.

In conclusion, I support passage of S. 1507 so that provisions in the 1992 Higher Education Act Amendments are clarified and corrected to ensure that Congressional intent is clear. I urge my colleagues to support this bill.

Mr. PETRI. Mr. Speaker, I rise today in support of S. 1507, the higher education technical amendments.

S. 1507 as passed by the other body, represents true agreement between the committees of jurisdiction in both bodies with respect to needed technical changes to this Nation's higher education law. It is a noncontroversial bill, making purely technical corrections to the Higher Education Act of 1965, which were necessitated by changes made during the 1992 reauthorization.

These changes fall into one of two categories. They are either corrections in punctuation, grammar, spelling, cross-references, and typographical errors; or they are clarifications of congressional intent. For instance, S. 1507 makes a clarification to changes in the

Byrd Scholarship program brought to the committee's attention by my colleague from Wisconsin, Mr. KLUG, in instances when appropriations are insufficient to fund these scholarships for four years.

It makes an important clarification with respect to different loan limits for students, based upon the year in which they were enrolled in school, and it clarifies that students enrolled in less than 600-clock-hour programs are eligible for students loans if the institutions they attend maintain a 70-percent graduation rate and a 70-percent placement rate, ensuring that quality short-term training programs will continue to exist.

The committee has been working for a year on these corrections, and the legislation before us today is the result of the input received from a bipartisan group including Members of Congress, both on and off the committee, the education community, and the Department of Education. This bill is strictly technical in nature and is noncontroversial, and I urge my colleagues to support its passage.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the legislation just considered.

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

There was no objection.

NEW COLUMBIA ADMISSION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 316 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. 51.

For what purpose does the gentleman from New York [Mr. SOLOMON] rise?

POINT OF ORDER

Mr. SOLOMON. Mr. Speaker, at this point I would make a point of order against the consideration of H.R. 51 on the grounds that it is in violation of House rule XIII, clause 7, as well as section 308(a) of the Budget Act, and I ask to be heard on my point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. SOLOMON. Mr. Speaker, House Rule XIII, clause 7(a) requires that the committee report to accompany any bill and I quote—

> Shall contain an estimate made by such committee of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the 5 fiscal years following such fiscal year

And clause 7(b) of that rule says, and I quote,

> It shall not be in order to consider any such bill or joint resolution in the House if the report of the committee which reported that bill or joint resolution does not comply with paragraph (a) of this clause.

Mr. Speaker, the report to accompany H.R. 51, House Report 103-371, at page 22, notes that a CBO cost estimate, and I quote, "was not received by the Committee from the Director of the Congressional Office prior to the filing of this report."

The report goes on to state that, "pursuant to clause 7 of rule XIII, the Committee notes that the provisions of H.R. 51 impacting on revenues and expenditures do not differ markedly from those of H.R. 4718 in the 102nd Congress."

And the report goes on to incorporate that 1992 cost estimate as the committee cost estimate at pages 22 through page 26.

However, Mr. Speaker, this does not satisfy the requirements of clause 7(a) of rule XIII since the CBO cost estimate does not contain the required cost of the bill for the fiscal year in which it has been reported—fiscal year 1994—and in each of the 5 fiscal years following such fiscal year . . . .

For the report to be in compliance with the requirements of clause 7(a) of rule XIII, there must be a clearly delineated breakdown of the estimated costs for each of the fiscal years 1994 through 1999.

Nowhere in this report is there such a breakdown.

Mr. Speaker, since the rule providing for the consideration of the bill does not waive points of order anywhere in this rule, in its consideration, this point of order is in order pursuant to clause 7(b) of rule XIII; and, Mr. Speaker, I also make a point of order that the report violates section 308(a), as I mentioned earlier, of the Budget Act, which requires certain cost estimates, including section 402 to be direct spending costs. The CBO report, at page 26, only contains the PAYGO estimates through fiscal year 1995. But this year we extended the requirements of PAYGO through fiscal year 2002.

I therefore urge that my point of order be sustained, Mr. Speaker.

□ 1710

The SPEAKER pro tempore. Does the gentleman from California wish to be heard on the point of order?

Mr. STARK. Mr. Speaker, I rise in opposition to the point of order.

A review of the full text of the CBO estimate on page 22 to 26 of House Report 103-371 clearly indicates that it covers the five years required by the rule, and much beyond.

For example, on page 22, the cost to the Federal Government of administering the federal enclave is $40 million annually; that is an indefinite period extending beyond the five years of the rule.

Similarly, Mr. Speaker, other estimates are recurring, as follows:

Congressional representation is $3 million a year, page 23.

Justice services, $45 million a year.

Finally, Mr. Speaker, if you look at the chart on page 26 of the report, you will note that the net cost to the government for every year is zero—costs are offset by savings.

Thus, the committee report complies fully with the rule.

Mr. SOLOMON. Mr. Speaker, the gentleman clearly has not disputed the fact that the cost estimates are not accurate; but nevertheless, I would stand by the ruling of the Chair.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair is prepared to rule.

Clause 7 of rule XIII requires that the report of the Committee on the District of Columbia on H.R. 51 contain the committee's estimate of the costs which would be incurred in carrying out the bill in the fiscal year in which it is reported and in each of the 5 ensuing fiscal years.

On page 22 of House Report 103-371, the Committee on the District of Columbia notes, pursuant to clause 7 of rule XIII, that the provisions of the bill affecting revenues and expenditures are similar to those in an earlier bill, and includes the full text of the Congressional Budget Office cost estimated, dated April 30, 1992, on that earlier form of the bill.

The CBO cost estimate estimates costs and savings as recurring annually and indefinitely.

For example, it estimates the costs of providing services, within and administering the National Capital Service Area as being at least $40 million annually.

It estimates the costs of additional congressional representation as being "$3 million a year", it estimates the cost for the Statehood Transition Commission at less then $ million, and it estimates the savings from the discontinuation of Federal support for local administration of justice and resulting court services as $45 million a year.

In addition, clause 7(d) of rule XIII expressly acknowledges the fundamental accuracy of the CBO cost estimates.

The Chair also notes in response to the point of order under section 308 of the Budget Act that the cost of the new Senators salary as stated in the CBO report would result in a direct Federal spending of $0.3 million annually. Thus the CBO report identifiers new spending authority provided in the bill.

The Chair holds that the committee cost estimate on the bill is not deficient for its being based on the CBO cost estimate where the latter estimate has examined the same subject on an indefinite basis.

The Chair overrules the point of order.

Mr. SOLOMON. Mr. Speaker, I respectfully disagree with the findings of the Chair, but I would not object.

The SPEAKER pro tempore. The Chair overrules the point of order.

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. 51) to provide for the admission of the State of New Columbia into the Union, with Mr. MFUME 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.

Under the rule, the gentlemen from California [Mr. STARK] will be recognized for 1 hour and 30 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 1 hour and 30 minutes.

Mr. Chair recognizes the gentleman from California [Mr. STARK].

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

Mr. Chairman, I ask unanimous consent that at the conclusion of my summary remarks, the delegate from the District of Columbia [Ms. NORTON] may control the time on the majority side.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Chairman, H.R. 51 provides for the admission of New Columbia as the 51st State of the Union.

This is a historic moment for the House of Representatives and for the country, and I trust that we will continue both as members of the committee and staff on both sides of the District of Columbia to debate and work with this issue in the utmost seriousness and dedication to the precepts of the Constitution to bring full citizenship to the 600,000 residents of the District of Columbia.

Passage of the bill before us today will rectify the embarrassment to democracy we perpetuate by denying full representation to 600,000 residents of the District. Passage of this bill is a matter of simple justice.

Title I of the bill provides procedures for admission, describes the territory of New Columbia, and contains various provisions relating to the laws of the new State. Title II of the bill delineates the responsibilities and interests of the Federal Government and its relationship with the new State concerning such matters as payments in lieu of tax and scenic easements. The second title also provides a mechanism for expedited repeal of the 23d amendment. Title III includes operative definitions and describes the composition and responsibilities of the Statehood Transition Commission.

Mr. Chairman, Passage of the bill before us today is a matter of simple justice. Bills to admit Washington, DC. as the 51st State have been introduced in Congress since 1965. Now, 28 years later, we have arrived at a defining moment in the struggle for D.C. statehood with this most historic debate and vote on the floor of the House of Representatives.

Throughout this debate, statehood opponents will complain that the bill is fatally flawed. I assure you, the Committee on the District of Columbia has gone to great lengths to craft a bill which is constitutionally sound and addresses legitimate, practical, and legal considerations. This year alone, a dozen amendments were adopted by the committee to this bill. Passage of this bill is a matter of simple justice.

Mr. Chairman, not many days ago in this Chamber we debated whether or not democracy was to be denied to citizens of Mexico, with more fervor and more concern than we have shown to 600,000 American citizens who are denied full participatory democracy.

The passage of this bill is a matter of simple justice.

Mr. Chairman, you may hear this bill trivialized by zoning requirements and map boundaries, trivialized by issues of the complications of statehood. But I ask each Member, do these trivial objections overcome or justify the continued denial of democracy to 600,000 American citizens? Would you deny democracy to the citizens of Alaska, Wyoming, or Vermont, each of which those States have fewer residents than the District of Columbia?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The gentleman will suspend for just a moment.

The Sergeant at Arms will instruct those Members in the cloakroom to control their noise, that we might be able to continue. That noise is making its way on to the floor of the House of Representatives.

Mr. STARK. Mr. Chairman, with each objection, I hope that you can ask yourselves this question. Does that objection justify saying to American citizens here in the Nation's Capital that you must bear the burdens of Americans' citizenship, send your sons and daughters to fight and die for your country, pay Federal taxes, comply with other Federal laws; but does it justify them saying no, you do not deserve the right to choose your leaders in the House and in the Senate, you are not entitled to full democracy?

I think very clearly the answer to each of those objections is no, it does not. It is indeed again a matter of simple justice.

Mr. Chairman, as we prepare to celebrate Thanksgiving in a few days, let us right this terrible wrong and bestow a feast of democracy and self-determination on the residents of this great city. Approve DC statehood. Stand up for simple justice.

□ 1720

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

Mr. Chairman, I rise in strong opposition to the bill before us today, H.R. 51. The proponents of this bill will present a very emotional plea on behalf of the citizens of the District of Columbia. My colleague from the District will argue that statehood is a matter of civil rights. But as a number of legal scholars have pointed out, voting representation can be achieved through means other than statehood. So this is not a civil rights issue.

Statehood supporters will argue that this is a test of whether we believe in democracy. I submit that it is a test of whether we believe the right to participate in the democratic process belongs only to a few or to everyone. Statehood proponents intend to deny 250 million Americans, who are also citizens of the Nation's capital, the right to participate in the democratic process of amending their constitution. All Americans should have the right to choose whether they want to give 95 percent of their capital away.

There are three constitutional impediments to the admission of New Columbia through simple legislation which will be discussed during the debate. For 30 years, the Department of Justice, under Democratic and Republican Administrations alike, has consistently maintained that the status of the District can be changed only through a constitutional amendment. I want to note that this position has not changed even with the change in administrations.

We will also discuss New Columbia's inability to meet the traditional statehood requirement of economic viability. And we will discuss the substantial problems of the bill itself.

Other than to defend some of the special privileges placed in the bill to create a special and unprecedented relationship between the Federal Government and a State, statehood proponents will not talk much about the bill itself. Let me warn Members. Even if you favor statehood, this bill is full of serious flaws. It does not admit a coequal State into the Union. Parts of this bill are so alarming, you may tend not to believe them. But what we will be describing about the boundaries, about the failure to provide for the needs of the Nation's capital, about the failure to present the State constitution to the voters, and about the dangerous precedents this legislation sets are indeed true.

Here we are in the last hours of this session of Congress. But do not believe for a moment that a vote on H.R. 51 will be lost in the avalanche of NAFTA, the various crime bills, unemployment compensation, and so forth. This is a vote that will come back to haunt you if you do not understand precisely what you are supporting. The

picture painted by statehood advocates that the Federal Government will be cleanly separated from the city in which it resides is distorted. Do not be misled by the slogans and oversimplifications. Please stay tuned for the facts.

Some of the Federal building in New Columbia by H.R. 51: General Services Administration; Federal Deposit Insurance Corporation; Federal Home Loan Bank Board; New Executive Office Building; U.S. Court of Claims; Department of the Treasury Annex; Department of Veterans Affairs; FBI; U.S. Tax Court; Department of Labor [part]; Government Printing Office [GPO]; Federal Energy Regulatory Commission [FERC]; Union Station; Dirksen Senate Office Building; Hart Senate Office Building; Library of Congress Annex; Capitol Power Plant; O'Neill House Office Building; Department of Housing and Urban Development; and Department of Transportation.

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

The CHAIRMAN. The Chair would note that the distinguished gentlewoman from the District of Columbia [Ms. NORTON] now controls the time of the gentleman from California [Mr. STARK].

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

Mr. Chairman, the residents of the District of Columbia seek passage of H.R. 51 and admission to the Union as the State of New Columbia, the only full remedy for their untenable status. Embarrassed to come to the well to argue against democracy and self-government, the opponents will crawl into a tent and on the outside scrawl in graffiti letters the words "U.S. Constitution." Shame on you. They will raise every other argument as well. They will argue that the District is so small that it should not have two Senators, even though the District is larger than three States that already have their two, and the District is the only jurisdiction that pays Federal taxes but lacks representation of any kind in the Senate. The framers, of course, intended the proportionate representation in the House to be balanced by equal representation in the Senate regardless of size. Opponents will argue that the Congress cannot change the size of the District even though it has done so twice, once to preserve slavery for the former Virginia portion of the District. Should we not then, Mr. Chairman, reduce the size once again, this time for freedom, not for slavery's sake? Should we not reduce the size so that the neighborhoods of the eight wards which have no relevance to the Federal presence can be granted equal representation and full self-government?

I especially hope that my colleagues will not succumb to the counterfeit constitutional arguments they will hear. These are unconstitutional arguments, my colleagues. Some would require the District to take a route to statehood using a constitutional amendment, although no other State has ever entered the Union in this way. Most States had such trouble getting into the Union that indeed they could not have entered at all if they had to meet the constitutional requirements of two-thirds of the House and the Senate and three-quarters of the States.

Opponents want to make sure that the odds are stacked against us as they were not stacked against their own States when they came into the Union. Anti-statehood advocates ground their case not on the weight of opinions of constitutional scholars, almost all of whom argue that statehood is constitutional, but on old Justice Department opinions. The opinions of the Robert Kennedy Justice Department and some views from the Carter administration indeed discussed statehood but were, in fact, directed at other issues. Statehood had not been pursued and had not even been requested by the District at that time. The only complete Justice Department opinions were written during the Reagan and Bush years under Presidents who were outspoken opponents of statehood for the District of Columbia. I do regret that we have no current Justice Department opinion and that the review I have requested is still at Justice.

However, we could not wait. We had to go forward when the opportunity was available in any case. It is clear that court precedent allowing the District size to be reduced once before and the overwhelming weight of constitutional scholarship, that the 23d amendment is no bar, make the constitutional arguments mere pretexts for political concerns. Constitutional issues are raised every day in this Chamber, Mr. Chairman. They do not keep Members from doing what is right. Rather, Members argue that this is not the branch of Government that decides constitutional issues. They are right. This is the branch of Government that decides whether States shall be admitted to the Union.

Mr. Chairman, my colleagues may say what they will about admission of the State of New Columbia. But I ask them not to hide behind the framers' document or obvious arguments designed to cover partisan opposition. Rather I ask my colleagues to join the impressive number who have already committed to vote "yes" on the admission of New Columbia to the Union.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RANGEL]

Mr. RANGEL. Mr. Chairman and my colleagues, we will hear a lot of constitutional laws discussed here today. I hope one day we will have the honesty to shatter the hypocrisy that is involved as we discuss whether we are going to treat all Americans as equal Americans.

□ 1730

We would find it very difficult to go into some Communist nation or some nation that did not allow all of its citizens to enjoy democracy as we know it. And yet right here in the United States, we have citizens, many of them whose forefathers came here before anyone except the Indians. We have had generations of people that have fought and died for this country. There have been more deaths per capita in Vietnam than 47 States, and more deaths in the Persian Gulf. They have paid their taxes. They have paid their dues in this society. But, for some reason, we are taking about the Constitution.

I think it goes deeper than this. I think there are reasons that other Americans might feel uncomfortable. But I will tell you this: When our country is being challenged, no one feels uncomfortable with the background of that American that is in that foxhole with them.

Mr. Chairman, I ask us to get above our biases, our prejudice, and do what is right for America, so that when we go into Latin America, when we go into Asia, when we go into Africa, we can allow them to believe that this democracy that we love, this democracy that we cherish, that we are not willing to deny people who love this country, who have fought for this country, who died for this country, to play according to a different set of rules.

I think for those who talk about a day haunting us, it is a day that stains our beloved Constitution and everything that we are willing to fight and die for. If you deny it to one, you are really denying it to yourself and your dear country.

Mr. BLILEY. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. BALLENGER], a member of the committee.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 51, a bill to grant statehood to the District of Columbia. One of the traditional statehood requirements which must be met is that the proposed new State has sufficient population and resources to support State government and to provide its share of the cost of the Federal Government. It is highly doubtful whether New Columbia can meet this requirement.

In 1970, the District ranked ahead of 10 States in terms of population. But since then, the District has declined by 168,000 people or more than 22 percent of its population. The District now ranks ahead of just three States and

will likely be passed by at least one of those by the end of this year. If the trend of the past three decades continues, the District's population will be less than 500,000 by the year 2010, not merely making it the smallest State, but also shrinking it below the size of a congressional district and threatening its economic life.

Throughout the summer, the local press was filled with concern and doubt about the city's finances. In June, the Washington Post ran an article entitled, "Local Executives See District in Peril." In that article, the District was described as "sitting atop a financial sinkhole, its future threatened by steadily dwindling tax revenue, declining public service, and a growing exodus of jobs and taxpayers to the suburbs." The economic future is so bleak that the President of the Greater Washington Board of Trade was quoted as saying. "We're not going to be talking about statehood or no statehood. We're going to be setting back the whole notion of home rule."

In September, the Post ran an editorial which stated, "independence—in the sense of having resources large enough to stand alone without special federal support—isn't realistic."

The Washington Post, in this instance, is in a particularly noteworthy position to understand the District's economic situation. As you can see by this chart of the top 10 private employers in the District, the Post ranks first with 3,687 employees. McDonald's ranks within the top 10 employers.

The District presently survives with this economic base because of the presence of the Federal Government. The District government receives 20 percent of its budget from the Federal payment and another 16 percent from other Federal grants and reimbursements. It is difficult to imagine that the state can survive on an economic base dependent upon the local newspaper, the regional power company, grocery stores, and a chain of fast food restaurants.

Mr. Chairman, the trail to statehood ends right here until economic independence is secure.

Mr. Chairman, I include the chart referred to for the RECORD.

Top Ten Private Employers in the District, January 1992

Business:

	Employees
The Washington Post	3,687
C&P Telephone Company	3,196
Potomac Electric Power Co.	3,124
General Maintenance Service Co.	2,250
J.W. Marriott Corporation	1,920
Riggs National Bank	1,803
Federal National Mortgage Assoc.	1,726
Hyatt Hotels	1,589
Safeway Stores, Inc.	1,576
McDonald's Restaurants (Exact figure unknown)	

Ms. NORTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to rebut the remarks of the gentleman who preceded me, who implied that the District of Columbia, because it was dependent on the Federal Government, could not survive.

Eleven States raise fewer local government revenues than the District of Columbia. I would like to call that roll, if I might, Mr. Chairman: Delaware, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming.

If these States can support themselves, I submit, Mr. Chairman, then so can the District of Columbia when it becomes the State of New Columbia.

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

Mr. BLILEY. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. ROHRABACHER], a member of the committee.

Mr. ROHRABACHER. Mr. Chairman, I thank the distinguished ranking Republican member for yielding time to me.

Mr. Chairman, I rise in opposition to this bill. The gentleman from Virginia has ably explained some of the many serious problems in this bill, and he is absolutely correct when he says that anyone who votes for this bill is voting not just for the principle of statehood for Washington, DC, but for a specific bill with several horrible provisions. I will be spending some time later in this debate to discuss two of these in particular, which together would likely cost the Federal Government billions of dollars. But for now, I would like to explain for my colleagues why it is not just the bill that is flawed, but the concept of D.C. statehood, as well.

Advocates of statehood for the city of Washington, DC, do have a valid point when they complain about their lack of voting representation in the House and Senate. In fact, I agree that citizens of our Nation's Capital should have the same rights as their neighbors across Eastern Avenue, or the citizens of any other city, to be represented by voting members of the House and Senate.

If local statehood advocates would only agree that residents of Washington should have the same rights to legislative representation as residents of other cities, this problem could be solved in short order, with a broad bipartisan majority of both Houses of Congress.

Unfortunately, these statehood advocates won't accept equal rights. They insist instead on having superior rights. They insist on having rights that residents of no other city in this country would dream of asking for. They want to be able to elect two U.S. Senators, and a State government, all by themselves.

Statehood advocates seem to think that this city is somehow especially deserving in that 3 years ago, it was larger in population than 3 States, and that even in the next census 7 years from now it will still be larger than 1 State—Wyoming.

I have to tell you, there is nothing unique in this. Los Angeles County, which until this year constituted half of my district, is larger than 42 States. Orange County, where my district is entirely located now, is larger than 18 States. Even just the city of Los Angeles has more people by itself than half the States in this country. These numbers will only grow by the next census.

Each of these jurisdictions pays far more Federal taxes than Washington, DC, has sent more of its sons to Vietnam and the Persian Gulf, and is far larger in area, as well. If we are going to start handing out two U.S. Senators to cities and counties that are larger than three States, Los Angeles and Orange Counties deserve to be way ahead of Washington, DC, in line.

Yet it appears that statehood advocates are so attached to the overrepresentation they want, that they would rather keep the status quo than accept fair and equal representation.

The fair and equal representation of cities being parts of States, rather than entire States themselves, is, of course, taken for granted in the rest of the country. However, it is also how we have dealt with earlier, similar complaints from residents of the Federal district. The District of Columbia was formed from land belonging to two States, Maryland and Virginia. When I am working here in Congress, I reside in the part of Virginia that was ceded to the Federal Government. Does that mean my neighbors in Arlington have no voting representation in Congress? No, their problem was taken care of many years ago, when their part of the District of Columbia was returned to Virginia. There's no reason why the same solution won't work for those who live in the Maryland part of the District of Columbia.

Returning the city of Washington to Maryland would hardly be overwhelming to Maryland. The city's population would be about one-ninth of the total State. Washington would become the fifth largest jurisdiction in Maryland, after Montgomery County, Prince Georges County, Baltimore County, and Baltimore City.

Under this scenario, residents of Washington would have the same rights as other citizens of States to vote for their State's U.S. Senators (or be elected to the Senate) and to vote for State legislators.

I believe that turning Washington, DC, into Washington, MD, would receive substantial support from Republican Members of Congress, even though it would result in the election of an additional liberal Democrat to the House, and even though it would make it more difficult to elect a Republican Senator from Maryland.

While many assume that Maryland would reject this return of their territory on fiscal grounds, I have no doubt

that retrocession could be accomplished on financial terms that would be attractive to Maryland.

For example, instead of bearing the brunt of a new commuter tax that a separate "State of New Columbia" would impose, Maryland would be able to reap the benefits of taxing Virginia commuters. Certainly, there would be economic benefits from having the Nation's Capital within the state's borders, economic benefits the states competed strongly for 200 years ago. Maryland's Governor Schaefer has with good reason put out the welcome mat, stating that if Washington, DC does not become a state on its own, it would be welcome to rejoin Maryland.

For those who believe that there is simply no way that retrocession could be structured to avoid being a financial drain on Maryland, even after gaining economies of scale for the city's state functions, and restricting the city's other expenditures, I would simply ask: "How then can you think that the State of New Columbia can stand on its own with no one to drain from?"

The answer, of course, is "They can't". The proposed State of New Columbia is nowhere close to being financially viable as a state on an equal footing with the other states of the Union. Even now, as a city, its government is on the verge of bankruptcy.

As a state, the situation would be worse. Under any fair admission bill, the $650 million annual federal payment would be gone, since the justification of aiding the National Capital would be gone. New Columbia would merely be one of the States bordering the capital, not the capital itself.

A new commuter tax could not compensate for that loss. If it could, the city would have accepted my offer to trade the Federal payment for commuter tax authority. In fact, the reality with statehood would be worse. A city commuter tax, which is what I offered in trade, would apply to all the Federal employees who commute to Washington. A State commuter tax would not apply to anyone who works in the Capitol Building, the White House, or anywhere else in the shrunken Federal district left by the statehood bill, so it would bring in even less money.

On top of that loss, the new State would have to spend an extra $50 million per year for a new criminal prosecutor's office, not to mention the extra legislators, and new municipal governments. Also consider how the new State would keep its tax base. Even now, there is a steady loss of businesses, associations and government offices to nearby States. That outflow has limits because the prestige of being in the Nation's Capital will always keep a certain number here. But what happens when Crystal City, VA, is competing, not with Washington, DC but with Farragut Square, New Columbia, for example? The prestige will be gone, and so will the businesses and associations. It would not take long for downtown New Columbia to become a ghost town. Even with casino gambling, the State could not make it to its first birthday without having to declare bankruptcy.

To sum up, D.C. statehood does not meet the requirements of either simple justice or fiscal solvency. Retrocession, on the other hand, puts the residents of this city on an equal footing with residents of other cities, and provides an opportunity for a change that would benefit both the District and Maryland.

I ask my colleagues to join with me to overwhelmingly reject the fantasy of statehood for one city, so that we can move on to a solution that makes sense for both the residents of this city and the rest of the country.

□ 1740

Ms. NORTON. Mr. Chairman, I yield myself 30 seconds.

I want to remind the gentleman from California that every city and every jurisdiction in the United States that pays Federal taxes already has 2 Senators in the Senate of the United States.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of H.R. 51.

Ms. NORTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in full support of this legislation. I pay tribute to the gentlewoman from the District of Columbia on her efforts to bring statehood to the District of Columbia.

I have cosponsored this bill because I believe statehood is the remedy for the incomplete democracy that exists in this city * * * in fact the phrase is an oxymoron.

The District of Columbia is a city that cannot act like a city. City officials are denied final word on their budgets, they are denied the ability to appoint their own prosecutors and judges and the ability to develop strategic taxing plans with local jurisdictions.

Having served in local government for 10 years I can tell you that these powers are the bare minimum for effective local government.

There is also the issue of taxation without representation.

Eighty-seven percent of the District of Columbia's budget comes from locally raised taxes. Yet the Congress and the President control 100 percent of the District's budget and have the right to repeal any of its laws and statutes.

Moreover, District of Columbia residents pay the third highest income tax rate in the country but do not have full representation in Congress.

Mr. Chairman, our forefathers' dedication to the idea of no taxation without representation was not a passing fashion. This remains a central tenet of our society and cannot be ignored.

The residents of the District live under an anachronistic colonial rule which must end. We should uphold the democratic prerogatives of self-government available to all Americans and free D.C. residents from the whims of Congress.

I urge Members of this body to ensure that the fundamental concept of self-government is not lost. Let's pass the New Columbia Admission Act.

I also submit for the RECORD Assembly Joint Resolution No. 3 from the California legislature in favor of statehood.

CALIFORNIA LEGISLATURE,
CHIEF CLERK OF THE ASSEMBLY,
Sacramento, CA, November 15, 1993.

Hon. ANNA ESHOO,
Member of Congress,
Washington, DC.

DEAR CONGRESSWOMAN ESHOO: I have been directed to invite your attention to Assembly Joint Resolution No. 3, relative to extending statehood to Washington, DC.

Accordingly, a copy of this resolution is enclosed for your information.

Very truly yours,

E. DOTSON WILSON,
Chief Clerk.

Enclosure.

ASSEMBLY JOINT RESOLUTION NO. 3—
RESOLUTION CHAPTER 87

Assembly Joint Resolution No. 3—Relative to extending statehood to Washington, DC.

(Filed with Secretary of State September 14, 1993.)

LEGISLATIVE COUNSEL'S DIGEST

AJR 3, McDonald. United States: statehood: Washington, D.C.

This measure would memorialize the President and the Congress of the United States to extend statehood to Washington, D.C.

Whereas, The American Revolution and War for Independence was ultimately declared citing the principle "taxation without representation is tyranny," and there are nearly 650,000 taxpaying American citizens in the District of Columbia who have no federal voting representation in Congress; and

Whereas, Of the 117 countries in the world with elected national legislatures, the United States stands alone in depriving the residents of its capital a voice and a vote in our national legislative body; and

Whereas, District of Columbia residents pay more federal income tax per capita than the residents of 48 states, and more in local taxes than the residents of any state in the country; and

Whereas, The District of Columbia's per capita income is $32,000, exceeding the national average by 42 percent and is well positioned for growth as a leader in a number of service industries, for example, law, business services, communications, and tourism; and

Whereas, District of Columbia residents serve disproportionately in the military; have served in all wars since the War for Independence and during the Vietnam War, has more casualties than 10 states and more casualties per capita than 47 states; and

Whereas, The District of Columbia sent more soldiers to the Persian Gulf than 20 states (more per capita than all but four states), and yet had no voting representation on the floor of the House of Representatives or Senate when Congress approved military involvement; and

Whereas, There is no constitutional prohibition against creating the State of New Columbia out of nonfederal parts of the District of Columbia, and the District of Columbia meets all statehood requirements traditionally imposed by Congress; and

Whereas, The District of Columbia has 639,000 residents, nearly as many or more residents than six states: Wyoming (465,000), Alaska (552,000), Vermont (565,000), North Dakota (641,000), Delaware (669,000), and South Dakota (699,000) with each state possessing two Senators; and

Whereas, Historically, statehood has been granted when three criteria were met: (1) the people, through some democratic process, express their desire to become a state; (2) the people accept the republican form of government required by the United States Constitution and practiced in the United States; and (3) there are sufficient people and economic resources to support a state; and

Whereas, District of Columbia residents have democratically expressed their desire to become a state through passage of a statehood referendum (November 1980); approval of a Constitution by district delegates (May 1982); transmittal of the Constitution and a petition for statehood (September 1983) to Congress; and in the tradition of Tennessee in 1796, election of their own statehood delegation to appeal to Congress to accept their petition for admission to the Union as the 51st state; and

Whereas, Statehood will provide District of Columbia residents with federal voting representation, as well as local legislative, budgetary, and judicial autonomy; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress to extend statehood to Washington, D.C.; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Ms. NORTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of H.R. 51, providing for the admission of New Columbia as the fifty-first State in the Union.

Statehood for the residents of the present District of Columbia is a matter of fundamental civil rights. For too long, those who live in our capital city have paid Federal taxes and fought and died in wars without the basic right of full representation in Congress. With a greater population than some States and with a large and diverse economy, the present District of Columbia is still treated like a colony, with the most routine actions of the local government subjected to a Congressional override.

Mr. Chairman, it is shameful that the citizens of the city which is a symbol of democracy throughout the world do not have the basic right of full representation in the national legislature. Our country was founded on the principle of no taxation without representation, and yet the residents of the District of Columbia have no final voice in the Federal laws that they must live by.

This bill would preserve the intent of the Founding Fathers that territory be set aside as the seat of the Federal Government. Under the legislation, the Mall and Monument areas and most Federal buildings will continue to be administered by Congress. The city's residential neighborhoods, however, where 600,000 people live, will finally have the same kind of local autonomy and Congressional representation that every other American enjoys.

The Constitution specifies that the Federal seal of Government is not to exceed 10 square miles. The Constitution does not prohibit Congress from reducing the size of the Federal capital, and in fact Congress has already done so. In 1846, Congress returned Alexandria to the State of Virginia so that Alexandrians could continue the practice of slavery. If territory could be retroceded in order to keep people enslaved, how much more appropriate is it to admit New Columbia as a State in order to give its citizens all the civil rights of a democratic country.

The residents of the District of Columbia were originally denied representation in Congress because of the assumption that people would only live here temporarily while the Congress was in session. At the end of the eighteenth century, few could probably imagine how this city would grow and diversify. No longer is the Federal Government the only employer in this city. The major part of the economy is made up of businesses, large and small, that are unrelated to the Federal Government. It is incongruous that all of the residents of the District of Columbia, most of whom do not work for the Government, should be barred from Congressional representation while Congressional and Federal employees who live in the Maryland and Virginia suburbs are able to vote for Senators and Members of Congress.

Opponents of this measure dwell on local problems such as crime and budgetary difficulties. These arguments are completely beside the point. Most large cities in this country, unfortunately, have problems with violent crime. One of our largest cities, New York, almost went bankrupt and had to be bailed out by the Federal Government. None of these communities lost their representation in Congress because of these local problems. It is up to the citizens of this city to solve their own problems, and they should be given the same freedom to do so that the residents of every other American city have.

Mr. Chairman, the proposed admission of a new State has frequently caused controversy. Objections were raised against the admission of my own State of Texas because at the time it was a separate republic. The admission of California was controversial because its territory was not contiguous with any existing State. In retrospect, these objections certainly sound frivolous at best. Similarly, it is to be hoped that future generations will find it incredible that the citizens of the greatest democracy on earth were not represented in that country's capitol. I urge my colleagues to join me in passing this vital civil rights measure.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise to strongly support this proposal—for the obvious and important reasons.

That the District of Columbia pays per capita higher taxes than all but two States in this country. And yet they have no voice in writing the tax laws they live by.

The important and serious reasons that these citizens are asked to lay down their lives for their country like all the other citizens and yet they cannot vote.

A less important but certainly amazing and disturbing reason. The United States of America, the oldest democracy in the world, is the only democracy in the world that does not allow the citizens of their capital to vote.

But my real reason for supporting this proposal is the issue of fairness. The root of our democracy. Is it fair to let a woman of the caliber of Delegate NORTON to work so hard for her constituency and not at the end of the day, when the tally is being taken, not to have a vote as the decisions are being made?

Is it fair that each year when the D.C. appropriations comes up, it is held up and held up, for reason after reason. It is used as a vehicle to argue other issues and questions. Is this fair to try to micromanage an area that really comes up to importance of attention only after other things are addressed. How difficult and unfair to the people of the District and their Representative.

These are all good reasons, but ultimately what they boil down to is fairness, the simple fairness that is at the root of our democracy. I do not believe it is fair for the U.S. Congress to micromanage the District's affairs, or to exercise control over the District's revenues.

Mr. Speaker, this is a matter of fairness in another way. The citizens of the District and their elected officials have shown that they want statehood, that they are prepared to make decisions about their destiny, and are ready to move forward with this effort. It is not fair that we should deny the basic guarantee of a democracy—the right to be represented—to people who have been insisting on it and fighting for it for years.

One of the first lessons all of us learned about democracy was the concept of one man, one vote. But for the District today, the rule is many men and women, and no vote—no vote for House, no vote for Senate.

Mr. Speaker, I believe the time has come to end this unfair treatment of the District of Columbia, and I urge my colleagues to support H.R. 51.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON], a member of the committee.

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 51. I would like to say to the Delegate from D.C. that like her, I want every American to have the opportunity to participate in democracy.

Like her, I also stood in this Hall and raised my hand last January and swore to defend the Constitution and to protect the Constitution of the United States.

As a member of the Committee on the District of Columbia and being responsible to a large degree for my vote to make sure that in my view it is constitutional, I would just like to inform her and the other Members here that my opposition to H.R. 51 is not to try to keep someone from voting. On the contrary, I have spent a large part of my life defending democracy and promoting democracy, not only in this country but around the world.

But when I read the words in the Constitution, the document that she and I swore to defend, and the gentleman from Illinois [Mr. HYDE] is much more eloquent on this issue than I, and he will have more to say about it later, but in article I, section 8, the Constitution says very clearly, for all Americans to understand, it says, if I can just quote a few sentences:

"The Congress shall have the power to lay and collect taxes, to borrow money, to establish rules of naturalization, to coin money," and 18 other things here, powers, in all, "to constitute tribunals, the Supreme Court, to declare war, to support armies, the Navy, the Militia."

And when we get to clause number 17, it says very clearly, "To exercise exclusive Legislation in all Cases whatsoever, over the District as may be by Cession of particular States, and accepted by the Congress to be the Seat of Government of the United States of America."

□ 1750

That is very clear to me. That is our U.S. Capitol, and the Constitution, not a statute, gives us the control over the District.

So I agree with the gentlewoman, and I will work with the gentlewoman to find a way to give the citizens of the District of Columbia the right to vote, and in my view, that way is to amend the Constitution, not just have a statute which, I believe, flies in the face of the constitutionality as expressed by the words I just read.

It seems very clear to me that this is an issue that goes beyond what we are constitutionally capable of dealing with here today in H.R. 51.

I would just like to make one other point. That is that there have been a number of other issues that have been and will be addressed by Members of the House here this afternoon, tonight, and tomorrow. One of those issues has to do with something that was brought up by the gentlewoman from the District of Columbia [Ms. NORTON] during debate on the rule. That has to do with the per capita burden of citizens of the District of Columbia.

It is true that it is a relatively heavy burden, third behind only the first two States, Connecticut and New Jersey, which is my home State, of course, where we can see here in column one that Connecticut, the per capita tax raised is about $6,600, almost $6,700. In New Jersey, it is about $6,200. In the District of Columbia it is about $5,700.

When one works all this out to see what it is that the three top States get back in terms of Federal support, we can see also that there is a disparity; that the State of Connecticut gets back 67 cents on every dollar that is sent to Washington.

In the case of New Jersey, we get back 58 cents for every dollar. In the District of Columbia, the number is, for every dollar that the District of Columbia residents send to the Federal capital, they get back $4.92.

I know the gentlewoman is rising to try to explain that is because so many people get paid in Washington, DC. For the purposes of this calculation, not only did we use the total amount of wages paid in Washington, DC, but the total amount of taxes collected on those wages. So if the gentlewoman wants to exclude those two items and divide one by the other, it still comes out to the same number, $4.92.

The chart referred to is as follows:

FEDERAL TAX BURDEN ON HIGHEST PER CAPITA STATES

[Taxes paid and expenditures in millions]

State	Federal per capita tax burden	Total taxes paid	1990 Federal expenditures	Amount received in Federal expenditures for $1 paid in taxes
Connecticut	$6,678	$22,070	$14,739	$0.67
New Jersey	6,239	48,676	28,322	.58
District of Columbia	5,770	3,530	17,353	4.92
Massachusetts	5,577	33,024	29,778	.92
New York	5,178	93,103	70,493	.76
Maryland	5,046	23,809	27,118	1.14
New Hampshire	5,014	5,648	3,559	.63
Delaware	4,953	3,348	2,149	.64
Alaska	4,891	2,724	3,227	1.18
Illinois	4,738	55,198	36,696	.66

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

Mr. Chairman, the gentleman is a member of the Committee on the District of Columbia, and he says he would like to work with me in order to assure that the District of Columbia has its right.

Mr. Chairman, I would ask the gentleman, would the gentleman be willing to work for budget autonomy to the District of Columbia? That is a measure short of statehood.

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

Ms. NORTON. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, the gentleman will be more than happy to work with the gentlewoman to pursue whatever policies may be in the benefit of the District of Columbia and the rest of the citizens of the state that fall within the bounds and the realm of the Constitution which I referred to.

Ms. NORTON. That certainly does, because it is under our home-rule authority.

I would ask the gentleman, would he be willing to vote to eliminate the 30-day layover and 60-day layover period for bills passed exclusively in the District of Columbia?

Mr. SAXTON. Mr. Chairman, if the gentlewoman will continue to yield, the answer is the same. The gentleman will be pleased to cooperate with the gentlewoman on any issues and discuss any issues and pursue any issues that fall within the realm of the Constitution.

I again repeat that H.R. 51, in this gentleman's view, is not one of those issues.

Ms. NORTON. The gentleman would be willing to pursue issues, but not vote for issues, even to increase home rule for the District of Columbia.

Reclaiming my time, Mr. Chairman, I yield 4 minutes and 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman for her generosity in yielding time to me.

In 1971, Mr. Chairman, I had the very high honor and distinct privilege of being sworn into the 92d Congress. Shortly thereafter, I was appointed to the Committee on the District of Columbia. July 6th of that year I introduced a bill, H.R. 9599, to bring statehood to the District of Columbia, so I have waited patiently for 23 years for this moment to come. This is indeed a high honor and an opportunity for us to debate and discuss a very significant issue.

Mr. Chairman, in the remainder of the time I would like to first say what I think this debate is not about, Mr. Chairman.

Clearly it cannot be about taxation without representation. This country fought a war over that issue. We would be clearly hypocritical and contradictory if that was what this debate were about.

Clearly this debate cannot be about enfranchising the residents of the District of Columbia. We have advocated free elections in Central America, South America, Southeast Asia, Southwest Asia, South Africa, Haiti, Angola, Nigeria. To do anything less would be hypocritical, so clearly this discussion is not about that.

This debate cannot be about providing democratic rights for people in the District of Columbia. We have sent some of our finest to fight and die and spill their blood on foreign soil to maintain the integrity of democracy, and to advance the cause of democracy and the right of people to have control over their own destiny through the political process. To stand here and debate in any other fashion, Mr. Chairman, would be totally hypocritical.

The debate is not about these fundamental ideas. That is ostensibly what this country is about. So what is this debate about? It is about how best

to provide those rights to people in the District of Columbia. There have been three options: home rule, retrocession, and statehood. Let us look at them each.

Home rule. We all know that home rule is flawed. We have operated here on the floor of Congress as the supermayor of the super city council. We have operated as the police chief, the fire department, when we should be addressing the national issues of our time. I have always seen, Mr. Chairman, home rule as the beginning of the quest of the residents of the District of Columbia's rights and privileges, not the end; flawed.

Retrocession. Retrocession is simply a word. It is not reality. We all know that Maryland and Virginia no way, no time soon, would ever be interested in this. The District of Columbia would radically alter the politics of both of those States, so the reality is that we are not there.

Finally, by the process of elimination, Mr. Chairman, we come to statehood. The residents of the District of Columbia meet the criteria for statehood. They are committed to democracy. So is their constitution. They have the economic viability and the resources to be a State. That is unequivocal. They meet the test, Mr. Chairman.

The residents have strongly expressed their support for statehood, so they meet all the tests.

Statehood. Home rule, out the window; retrocession, not a reality. We come to statehood by the simple process of elimination. What this debate is about is whether or not 600,000 human beings shall have the right that we have sent people to fight and die over. It is the height of hypocrisy and contradiction, I would suggest to the chairman and Members, to do anything less for the residents of the District of Columbia.

The final comment I would make, this is not a local issue. This should not be in the Metro section of the newspaper. This is a national issue. All America should be outraged that 600,000 people are not provided those legitimate rights.

I would hope at the end of this day, this one opportunity we have, that 218 of our colleagues will see the wisdom of providing the residents of the District of Columbia with the simple right and prerogative that every other citizen has.

Everywhere we go in this country, when we ask a person, "How many Representatives do you have?" they say, "Three: One Member in the House of Representatives, two in the United States Senate." To the District of Columbia, "How many Representatives do you have?" "One," and there is a distorted vote, because every time the gentlewoman from the District of Columbia [Ms. NORTON] chooses to vote, someone gets up and makes us vote twice, an absurd practice, because of the incredible violent reaction to these people having the right to vote.

My hope is that at the end of the day that we will have done our job and made the District of Columbia the 51st State, and I have waited 23 years for this moment. They have waited eons of time.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE], a member of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to point out that 37 of the States that have been admitted, all the States that have been admitted, were article 4 territories. The District of Columbia is unique. It is the only article 1 territory. There is a vast difference.

Also, I do not feel apologetic for talking about the Constitution, although perhaps I should. I listened to the gentlewoman from the District of Columbia. [Ms. NORTON] and I wrote down her words. I hope I took them wrong. She said, "Constitutional issues are raised every day in here, but they don't keep people from doing what is right."

□ 1800

Now that is an insouciant, careless attitude toward the Constitution it seem to me, that document that we are sworn to uphold when we are sworn in. The Constitution is not something to be put up on a shelf, I should think. God knows during the Iran contra hearings all we heard about was shredding the Constitution. It became a document of great sanctity, and so it should.

And so it seems to me in discussing creating a new State out of the District of Columbia, we cannot just brush aside constitutional questions. There are some serious constitutional questions, and these are not redneck conservatives and people who resist change.

Certainly Robert Kennedy was not one such, even though the gentleman from Massachusetts said, "Well, you have found one thing you liked about him." How about Patricia Wald, who is now a judge in the U.S. Court of Appeals? When she testified as Assistant Attorney General in 1977, she said it can only be done by the Constitution, a constitutional amendment.

So I think we are in good company, those of us who take the Constitution a little more seriously.

In 1978 there was a constitutional amendment to make a State out of the District of Columbia. They went that route, and only 16 States ratified it. So that route is suddenly in disfavor, and we do not do that anymore. We try to do it by statute. And I just suggest that there are serious constitutional problems with doing it by statute.

We have the 23d amendment, adopted April 3, 1961, which provides that the residents of the District of Columbia will have three electoral votes. When we get through with H.R. 51 we are going to have 75 people or so, certainly the President, his wife, and his daughter, at least that family, having three electoral votes.

I wonder what some of the other States are going to think about equal protection of the law, about due process of the law.

There are serious constitutional questions involved.

Article 1, section 8, clause 17 says Congress has the power to exercise exclusive legislation in all cases whatsoever over such district as may by cession become the seat of Government.

Now, the imaginative District of Columbia lobby says OK, if Congress has the exclusive power, they can do anything they want with the District, including turn it into a State. There are serious problems there because there may be a reversion to Maryland if that happens because the land was given to the Federal City, and perhaps when we no longer use it it goes back to Maryland. If so, the consent of Maryland is necessary.

This is not a question to be brushed off.

But in addition, if we go for H.R. 51, then what do we do with article 1, section 8, clause 17? We still maintain the exclusive power over the new State. You just cannot brush those things aside. We need to amend the Constitution.

Ms. NORTON. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman's notion that I trivialize the constitutional questions involved. I do not. I regard the constitutional arguments as counterfeit, and I said that this body has the right to decide for itself that this is a constitutional bill, and to go ahead and leave it to a court if it is to be overruled.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, on October 30, 1993, the New York Times editorial said it all and it answered a log of the previous speakers when it said it is hypocrisy, it is hypocrisy that America champions democracy abroad while refusing fair political treatment to the citizens of its own capital.

Before that, on July 21, 1992, the New York Times said the remedy to this hypocrisy, the remedy is to admit the District as the 51st State, as called for in the Democratic platform.

Every school child in America will agree with the New York Times. The gentlewoman from Washington stated it earlier. Every school child in America knows at a very early age that taxation without representation is a slogan on which this country was built. They know that those very proper gentlemen who dressed up as Indians and

staged the Boston Tea Party, the first radicals, the first direct action people in America, that they were seeking representation. They did not want taxation without representation. School children in modern times know that the United Nations and the United States offer as a solution to most of the international problems in the world a referendum, a vote. They demand that people have free elections. They demanded it in Cambodia, they demanded it in Haiti, in El Salvador, free elections, enfranchisement of people. Even in countries where people were not literate, and had to vote for a symbol rather than for a word, we demanded it, and we got elections in India and a number of other places, free elections, enfranchisement.

Thomas Jefferson certainly did not mean to disenfranchise 600,000 people, and certainly John Adams and the other framers of the Constitution did not foresee the disenfranchisement of 600,000 people, 600,000 people who deserve the right to vote. We must abide by the spirit of the Constitution, and we all know what the spirit of the framers stated. That is that everybody, every American citizen should have the right to vote. To do it any other way is hypocrisy.

Mr. BLILEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I could hardly believe what I thought I heard from my colleague and friend, the delegate from the District of Columbia, saying that the Constitution should be only decided in the court. Does she mean we should write laws without respect to the Constitution? I do not think so. I think we should use good judgment and be governed by that Constitution.

To the gentleman who just spoke in the well, I would like to remind him that there are some local officials telling the citizens of the District that statehood will bring lower taxes. And how they intend to keep that promise, of course, is to tax those people who do not live here, but who reside in other States.

Mr. Speaker, I yield 5½ minutes to the gentleman from the Eighth District of Virginia, the gentleman from Alexandria, VA [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank my colleague from the Commonwealth of Virginia for yielding the time.

Let me begin by making it very clear that I have the highest respect for the gentlewoman from the District of Columbia. She is an untiring and unmatched champion for her constituents. She represents them with a mix of aggressiveness, intelligence and great capability. The people of the District of Columbia could not have a better voice in Congress than ELEANOR HOLMES NORTON.

And I also respect the supporters of this bill, but I know this bill is certainly not in the interest of my congressional district, or of my State, nor in the interest of this Nation as a whole.

In their wisdom, our Founding Fathers created a Capital City. It was to be independent from the sovereign States and linked to the Federal Government through a special bond. And in the past 200 years, that relationship may have been strained or strengthened at different times, but the constitutional relationship still remains.

The city houses the Federal Government. It provides emergency services, it paves the streets, it protects its employees.

The Federal Government, in recognizing its concomitant responsibility to the city, employs its residents, contributes a very substantial Federal payment, and houses its correctional facilities on Federal land in outlying States.

The supporters of this new legislation want to create a new State out of the District of Columbia. But the State they would create would be unique unto itself, and much different, much different from the other 50 States.

The State of New Columbia would be about 60 square miles and have a population of about 589,000 people. It has been mentioned that the next smallest State, Rhode Island, has a land area over 1,000 square miles compared to 60 square miles in the District of Columbia.

□ 1810

And granted, Wyoming, the least-populous State, does have somewhat less people, 466,000, than the State of New Columbia would have, but Wyoming has over 97,000 square miles. The State of New Columbia does not have the land area to sustain a State, and that land area is important, because every State in the Union, from the richest to the poorest, from the smallest to the largest, has an independent and diverse private economic base. They each have a tax base that they can independently sustain the expenditures of their State. The District does not.

Almost 40 percent of the District's gross State product comes from government employment. The District receives more than $17 billion from the Federal Government. That amount of Federal money comes out to about $34,000 Federal taxpayer dollars for every man, woman, and child who lives in the District of Columbia.

If the District becomes a State, they will be forced to rely on a continued Federal payment from the United States Government, a privilege which is not granted to any other State, and on an excessive commuter tax on the suburban residents of Maryland and Virginia.

Let us be candid, the ability to impose a commuter tax is the driving force behind the push for statehood. The mayor of the District has claimed that she would immediately impose a commuter tax on Virginia residents if the District became a State. These are taxes levied on nonresidents. They are a fee for working within a certain jurisdiction. The taxes collected would be reduced from the State taxes paid by the nonresident. Mayor Kelly has said she wanted to impose a commuter tax in which nonresidents are taxed as high as District residents. Why? Nonresidents, or as the mayor refers to them, day residents, do not use the schools, do not use the social services, trash collection, or, for the most part, police or fire departments. Why should they pay the same taxes as District residents?

The District's tax rate is 9½ percent for people earning more than $20,000. Virginia's highest rate is 5¾ percent, about half that amount.

The State of New Columbia would gain $1 billion, and that is according to the mayor of the District of Columbia, $1 billion from commuters through these taxes. Virginia would lose over $300 million, money that cannot be spent to educate their children or protect their families.

With this legislation, we are creating a State dependent on Federal assistance and taxes on commuters and incapable of being financially independent or secure.

There is one other issue that I would like to mention in the 30 seconds left, and although my colleague has said that she agrees that no State should house its prisoners in another State, the fact is the New Columbia Act gives control from the Federal Government to the State of New Columbia of about 2,000 acres in another sovereign State, in my congressional district, and that is the Lorton prison.

Now, it is one thing for the District to have to dump its trash in the landfill in Virginia, but to give over the effective control of 2,000 acres of one State into another State has no precedent and should not be any precedent.

I urge my colleagues to vote against this legislation.

Ms. NORTON. Mr. Chairman, I yield myself 30 seconds.

The gentleman has said that the mayor has said she would impose a tax on the commuters to the District of Columbia. May I remind the gentleman that the Mayor cannot impose anything by herself, that the majority of the city council has agreed that we would sit down with our neighbors before attempting to impose any tax. That is not a danger that should cause anybody not to vote for this bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise today with great honor to support the admission into

the Union of the 51st State, the State of New Columbia.

I want to open my remarks by complimenting the gentlewoman from the District of Columbia for her outstanding leadership and advocacy on this issue.

Mr. Chairman, I would like to comment for a few moments about the various reasons why the District of Columbia should be admitted as our 51st State. As has been mentioned, it has over 600,000 residents. It is greater in size than three States, Alaska, Vermont, and Wyoming.

Let us talk about taxes. Its citizens pay more Federal taxes per capita than 48 States. They add $1 billion to the Treasury. The District is the only jurisdiction that pays taxes without having representation in Congress, and that, ladies and gentlemen, is the foundation of this country, that we should not have taxation without representation, but yet we continue to do just that to the District of Columbia. Last year District citizens paid more Federal tax than residents of seven States. The U.S. Capital is the only capital city in the world among democratic countries without representation in its national assembly.

Let me mention that those who argue retrocession concede that taxation without representation is wrong. I will talk about why retrocession is wrong as well.

Not only is this the case, but Congress has absolute control over the District's decisions, so we find ourselves debating parks and the height of buildings, sound control, zoning issues.

As was commented, we should not be a super-city council.

The District contributes to our security. They have, their residents, have fought and died in every U.S. war. They rank fourth per capita among States in the number of soldiers who participated in the Persian Gulf war and fourth in the number of deaths for the Vietnam war.

Let me comment, though, about the remarks made by my colleague from Virginia, and with all due respect, let us not be afraid of the so-called commuter tax.

I represent the Fourth District of Maryland, and I will be our new State's closest neighbor, and so will my constituents.

I do not believe, as a Representative from Maryland, that we will have a commuter tax. I believe that the reality is that if the District of Columbia attempted to impose such a commuter tax there would be such a business exodus that it would not be feasible for the District of Columbia to pursue this route.

So I hope that people will not be scared into saying we should not have a new State because of a commuter tax. That is not going to happen in terms of the political realities.

Finally, let me say something about retrocession. I have been a State senator in the State, for the State of Maryland, and we have voted on this issue. We respect the wishes of the citizens of the District of Columbia. We do not want them to be citizens of Maryland. We want them to have the opportunity to be citizens of a new State, the State of New Columbia.

Mr. BLILEY. Mr. Chairman, I yield 10 minutes to the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this legislation. The District of Columbia constitutes the seat of Government of the United States. It was never intended that the District act as a State. Rather the intention of our Forefathers was to make it a Federal City.

I believe this legislation is unconstitutional. The District of Columbia is an article I territory, established in the Constitution to serve as the seat of the Nation's Government and consequently, the Federal City of every American. The New Columbia Admission Act does more than simply create a new State, it dramatically alters the nature, size, and efficacy of the seat of the Government.

H.R. 51 reserves the National Capital Service Area—a narrow strip of land roughly extending from the Kennedy Center east to the Supreme Court Building and south along the waterfront to Bolling Airforce Base, as the Nation's Capital. Our Nation's Capital would be reduced to a strip of land one-tenth the size of Dulles International Airport.

No previous admission act has ever sought to change the Constitution by simple majorities of both Houses of Congress and a Presidential signature. The right of the American people is being usurped today. The power to change the status of the Nation's Capital is reserved to the people in their right to amend their Constitution.

But this legislation is fatally flawed for another very important reason. H.R. 51 strips the newly configured Nation's Capital of local laws and local courts.

In reconfiguring the Nation's Capital, H.R. 51 fails to provide:

Any judicial system to adjudicate crimes or civil disputes within the Nation's Capital;

Any regulatory agencies for such basic matters as licensing professions, or businesses operating within the Nation's Capital;

Any regulatory scheme under which churches and synagogs located within the Nation's Capital may perform marriages; and

Most importantly, may even fail to provide any code of local criminal and civil law governing the Nation's Capital.

Simply put—under H.R. 51 there would be no local laws prohibiting crimes such as murder, rape, and robbery; no local laws creating tort liability arising from traffic accidents or negligence; no laws or courts regulating marriages and divorces; no local laws creating remedies for breach of contract or providing for the ownership and transfer of real and personal property.

Even if the bill can be read to leave current law in effect in the Nation's Capital—which is doubtful—there would be no courts with jurisdiction to hear cases arising under those laws.

Section 122(a) of H.R. 51 provides that "the admission of the State into the Union shall not affect the applicability to the State of any laws in effect in the District of Columbia as of the date of admission, except as modified or changed by this act or by the State constitution."

Nowhere in the bill is any provision made for any law to remain in effect within the National Capital Service Area, newly designated under section 111(B) of the bills as the District of Columbia and explicitly not included within the territory of the State of New Columbia. The sole exception that the bill provides to the rule that current local law will remain in force within the new State is where that law is modified or changed by the bill itself, or by the new State constitution.

It can hardly be contended that the current D.C. Code would remain fully in effect within the Nation's Capital since most of its provisions would apply to matters outside of the territory of the National Capital Service Area and fall under the jurisdiction of enforcement agencies no longer having jurisdiction within the Nation's Capital.

For example, laws administered and enforced by the currently existing D.C. building and land regulation administration, business regulation administration, housing and environmental regulation administration, insurance administration and occupational and professional licensure administration would, even if technically in force within the Nation's Capital, become dead-letters after statehood. The jurisdiction of those and many other agencies would be limited to territory within the new State. Of course, the Metropolitan Police Force would no longer have jurisdiction within the Nation's Capital.

Nor would Federal laws currently in effect within the special territorial jurisdiction of the United States be in effect within the new District of Columbia. In Johnson verses United States, the Supreme Court ruled that the District of Columbia was not within the territorial jurisdiction of the United States as defined in section 7 of the title 18 of the United States code. Murder, manslaughter, attempted homicide, aggravated and simple assault, rape, and robbery—although expressly

prohibited in Federal lands throughout the Nation—would not be prohibited within the newly configured Nation's Capital under this legislation.

Moreover, since the District of Columbia as newly configured under H.R. 51 is not situated within any State, the Assimilative Crimes Act would not be applicable.

While some provisions of local law currently in effect in the District of Columbia could conceivably remain in force within the newly configured Nation's Capital, whether any particular provision of the D.C. Code remains in force would ultimately be a matter for judicial determination.

Here, too, however, there exists an overwhelming obstacle: H.R. 51 does not provide any local judiciary within the newly configured Capital City. Even if parts of the current D.C. Code could be interpreted as remaining in force within the Capital City, there is no court of competent jurisdiction to provide this interpretation.

Section 12(2) of H.R. 51 provides that "The appropriate courts of the State shall be the successors of the courts of the District of Columbia." Section 103(E) of the bill specifically provides that, "upon admission of the State into the Union members of executive and judicial offices of the District of Columbia shall be deemed members of the respective executive and judicial offices of the State."

So while the local courts and the judges serving in them would continue to exist, they would have no authority over territory or laws outside New Columbia's territory.

And the Federal judiciary will not have jurisdiction over cases involving local crimes or civil suits in the newly configured District of Columbia. Section 1363 of title 38 of the United States Code expressly excludes from the Federal question jurisdiction of Federal courts, cases arising under "laws applicable exclusively to the District of Columbia." If any provisions of the current D.C. Code would remain in force within the National Capital Service Area after statehood, they would be laws exclusively applicable to the District. As such, Federal courts would lack jurisdiction to hear cases arising under them.

At this point my colleagues may question the necessity of courts and prosecutors in the Nation's Capital—after all, this will be a very narrow strip of land. Between October 1, 1991 and September 30, 1992, the U.S. Capitol Police made 1,070 arrests; 222 of those arrests were felony arrests. The Uniform Division of the Secret Service, which police the White House, foreign missions and embassies made 772 arrests in this same period. Arguably, some of these arrests were made outside of the area which will be included in the new District of Columbia, but these statistics do not even include the arrests made by the United States Park Police which also have jurisdiction over the area.

Under H.R. 51 there would be no prosecutors to prosecute these cases and no courts in which to try them.

Another problem with H.R. 51 is that besides making no provision for funding, administering or governing the reconfigured District of Columbia, and providing no laws or courts of proper jurisdiction; H.R. 51 grants judicial jurisdiction to the New Columbia State courts over crimes committed outside of its territory.

Section 123(A) (1) and (2) of the legislation provides for the continuation of all judicial proceedings in the District of Columbia courts on the day of admission in the courts of New Columbia in spite of the fact that so many of those proceedings may well involve matters that took place on territory that is not part of New Columbia—for example all those crimes committed in the National Capital Service Area.

There is serious question as to whether Congress possesses the power to give State courts jurisdiction over crimes not committed within the State's boundaries.

An even more questionable provision is section 123(B) which grants New Columbia jurisdiction over crimes committed in the District of Columbia—both the old District and the new one—but for which no writ, action, indictment, or proceeding is filed before admission.

Here you have a situation where the New Columbia prosecutor would be charged with filing charges and pursuing the case of a mugging that took place on the steps of the Capitol Building under laws that may no longer even exist, before New Columbia judges, in New Columbia courts.

The questions about competent jurisdiction, applicability of laws and a host of other matters that would be raised by a defense attorney under such circumstances lead one to conclude that H.R. 51 is seriously flawed in the way it deals with the reconfigured District of Columbia—the Nation's Capital.

Whether anyone committing a crime in the territory that will become the new District shortly before admission or in the District of Columbia after admission could be successfully prosecuted is very much subject to doubt.

Congress cannot seriously consider legislation which potentially leaves its National Capital without laws, certainly leave it without local courts and transfers jurisdiction over civil and criminal cases to State courts whose competent jurisdiction does not encompass the place where the actions originated.

I urge my colleagues to oppose this bill.

□ 1820

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise today in strong support of H.R. 51, the New Columbia Admission Act.

Mr. Chairman, I would first like to say that this debate is a tribute to the gentlewoman from the District of Columbia [Ms. NORTON]. I consider it a great privilege to serve with her on the Committee on Public Works and Transportation. I can truthfully say that, in all my years in the House, I have never known a more talented, principled, and effective legislator.

Mr. Chairman, the people of the District of Columbia are American citizens. They pay Federal taxes, and they have fought and died to defend this country. No less than any other American, they share a dedication to the principles of justice and equality that have made this the greatest Nation on earth.

More than 200 years ago, we fought a revolution over those ideals. We fought against taxation without representation. We fought against the tyranny of laws passed by a legislative body in which we had no voice and no vote. That revolution changed this Nation and the world.

Yet today, this Congress regularly subjects one group of Americans to those same indignities—simply because they make their homes in the Capital City of the world's greatest democracy.

Mr. Chairman, it is time for this House to resolve to bring that injustice to an end.

This Nation is based on the principle that free men and women are capable of governing themselves—and that they have the inalienable right to do so. How can we continue to preach that message to the worldwhile ignoring it only blocks away from our own Capitol?

At the close of this debate, the House of Representatives will vote. Each of us will be accountable to our constituents for that vote. Yet of the 434 Representatives who will cast that vote, not one of us will be accountable to the people most affected—the people of the District of Columbia.

For my part, I can do nothing less than vigorously support their right to a full and equal place in the life of this Nation, and I urge my colleagues to join me in voting to pass H.R. 51.

□ 1830

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON], the president of the Freshman Class.

Mrs. CLAYTON. Mr. Chairman, I thank the gentlewoman for allowing me to participate.

Mr. Chairman, I rise today in support of House Resolution 51, the New Columbia Admission Act. All representative democracies world-wide ensure the participation of the citizens of the Nation's Capital during the election of representatives to their national legislature—except the United States. Our Nation, the protector of democracy across the globe, still denies some of its own the freedom it has championed at almost any cost—the right to have a voice in government. All Americans enjoy the liberty of electing representatives to the governing bodies of our Nation—except those Americans that live within the District of Columbia. The time has come to rectify this sad truth.

The battle cry during the Revolutionary War was "No taxation without representation"—and much blood was shed in the pursuit of that end. However, the startling fact remains that the 600,000 residents of the District of Columbia are taxed without proper representation. The District of Columbia paid over $3.1 billion dollars in Federal taxes—more than 8 other States—do the citizens of the District of Columbia not deserve the same rights as all other citizens of the United States?

The history surrounding this issue illustrates the necessity of statehood for the District of Columbia. Washingtonians were denied the right to participate in Presidential elections until 1964—only 28 years ago. Only with the passage of the Home Rule Act in 1973 did citizens of the District of Columbia have the ability to choose their mayor and city council; up to that time, those municipal officials had been appointed for them. It is ironic that we, Members of the United States House of Representatives, freely elected by our constituences—willfully deny such an opportunity to the residents of the District of Columbia. It is the proper and just thing to do—so when the time comes—vote in favor of H.R. 51.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I am sorry to disagree with my colleagues who have spoken very eloquently on the need for full representation of the District of Columbia in this body.

I have a great feeling for what they are saying. My great-grandfather came to this city in the late 1830's. My grandmother was born here in 1860. My Mother was born here in 1894. When I went here for my junior year in high school, my grandmother, recalled very vividly Lincoln's assassination, and the pride she had as a young girl when her father, my great-grandfather, had a chance for a brief period to vote in local elections in the 1870's in the District of Columbia.

There is no question that we have had a major problem with the voting rights of citizens of the District, and we still do. Home rule should have occurred a century or so earlier. It did not. It is slowly occurring.

Mr. Chairman, there is a solution to having a Representative in Congress with full voting power, but the solution is not this legislation. The comments made by the various gentlemen on both sides of the aisle from Virginia and the gentleman from Illinois [Mr. HYDE], cannot be swept under the rug.

This legislation is clearly unconstitutional. It does not take a law degree and a court to decide if that is what it is, and we did take an oath to live by the Constitution.

Mr. Chairman, the simple solution is what has been suggested many times. As we gave the Virginia portion of the District of Columbia back to the State of Virginia in 1846, we should give with the exception of a small Federal core of the major buildings and monuments of this city the District of Columbia portion what was ceded to form that District from Maryland back to the State of Maryland.

States are not artificial creations. Whether they evolved as colonies, whether they evolved as territories, they had natural boundaries in their mountains and their rivers. They had an economy. They had a culture. They had a series of aspects that made them states with identity. Marylanders were different than Virginians.

From time to time, my own State of California has wanted to divide into two or three states. I am opposed to that, just as I am opposed to this legislation which seeks to create a State out of an artificial construct known as the District of Columbia.

Again, the solution is let the citizens who are legal residents of the District of Columbia vote in the State of Maryland. They will have an opportunity to elect their own Members of the House and they can help participate in the election of two Senators from the State of Maryland.

Then there will be full representation in accord with the Constitution.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise today to speak in favor of D.C. statehood.

As a resident of both Los Angeles and Washington, DC, I am acutely aware that my neighbors in both cities have strong national and local concerns. The difference is, however, that while my Los Angeles neighbors elect Members of Congress who, through the power of their vote, can determine and protect their personal interests and future quality of life, my D.C. neighbors are currently being denied that basic right of full representation.

As a result, D.C. residents find that they must abide by national and even local policies which have ultimately been decided by those other than themselves. Every law and budget, for example, approved by the District must survive the over-riding veto power of a U.S. Congress composed of voting Members from everywhere else in the United States but Washington, DC.

The situation is so absurd that the District cannot even reschedule its own garbage collection without having to ask the U.S. Congress for permission to do so.

It is patently unfair for Congress to micro-manage District affairs, denying true and full voting District representation. I wonder how many of us in Congress would appreciate having to live under the situation with which the residents of DC must function daily.

I suspect few of us would willingly embrace such an unfair concept. Why then do we expect the residents of the District to continue to remain powerless?

Mr. Chairman, the matter of the State of New Columbia is one of fairness and equal representation. The time has come to recognize the citizens of the District by providing them the full voting representation afforded by statehood in our great Nation. I urge my colleagues to vote "yes" on H.R. 51.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise today in opposition to H.R. 51. Article I, section 8, clause 17 of the U.S. Constitution designates a seat of Government under the exclusive control of the Federal Government, outside the boundaries of any State. The intent of the Framers of our Nation's Constitution was to establish a Federal city independent from the control or undue influence of any individual State. They did this because of their experiences with the problems of having the seat of Government under the jurisdiction of an existing State. Our Founding Fathers, specifically James Madison, knew of the overriding necessity for national deliberations and policies to be made free and without influence from a provincial tincture.

This is clearly written into the U.S. Constitution. The only way to change this is through a constitutional amendment which must be ratified by three-fourths of the States, not through a statutory change from Congress.

It is inexplicable to think that Members of this body would seek to circumvent the same system which gives this body its power.

There are several practical things wrong with this legislation. The advocates of D.C. statehood argue that they pay taxes to a Federal Government in which they are not represented. I know of no other city or district in this Nation which has a Delegate Representative, a full House committee and a full Senate subcommittee assigned to address its particular interests.

The District of Columbia, in addition to the Federal payment, receives funding under many other Government programs. The District of Columbia receives $4.92 in Federal resources for every $1 its residents pay in Federal taxes making the District of Columbia a donee entity. Indiana receives 82 cents for every $1 Hoosiers pay to the Federal Government, making Indiana a donor State.

And let us not forget, a requirement of a State is that it must have sufficient population and resources to support State government and to provide its share of the cost of the Federal Government. Authors of this bill have creatively come up with provisions to ensure that the State of New Columbia indefinitely receives subsidies from American taxpayers. We would literally be paying New Columbia for the privilege of becoming the 51st State.

The District of Columbia lacks the fundamental characteristics of a State. New Columbia would lack sufficient economic resources independent of the Federal Government. The District's largest private employer is the Washington Post. The 50 States share a diversity of industry which sustains their economies. They are all encompassing of both urban and rural economies, farms, office workers, manufacturing, and service industries, each with room for expansion in terms of land, population, and economic base. The District of Columbia lacks such characteristics.

Mr. Chairman, I think it is clear that not only is this bad legislation, legislation which is clearly against the intent of our Founding Fathers and circumvents the U.S. Constitution. I urge my colleagues to stand up for the intent of our Founding Fathers and the interests of their constituents and preserve the Nation as set out in the Constitution by voting against this bill.

□ 1840

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of civil rights for all Americans, and I rise in favor of statehood of the District of Columbia.

There is no disputing that this is a civil rights issue. If people in the District of Columbia want nondiscrimination policy in employment and housing, they should have it. If they want to enact a law to allow gay and lesbian couples to adopt, they should have it. If they want a domestic partnership law, they absolutely should have it. Mr. Chairman, it is a violation of the rights of gays and lesbians who live here for the Federal Government to treat them differently than other American citizens. Mr. Chairman, it is a violation of a D.C. woman's right to reproductive choice for the Federal Government to extend its hand into her private life. It is a violation of the civil rights of over 600,000 people to deny them a Governor; to deny them full representation in the Senate and the House of Representatives; and to prevent them from governing themselves.

Mr. Chairman, I urge my colleagues to cast their vote for civil rights tomorrow. I urge them to vote for D.C. statehood.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico [Mr. ROMERO-BARCELO].

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROMERO-BARCELO. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, I rise this afternoon in strong support of H.R. 51, the New Columbia Admission Act. Mr. Speaker, today's vote in support of H.R. 51 is another in a series of Congress' gradual extension of full citizenship to various segments of this society. With each vote, Congress has moved closer to the More Perfect Union envisioned by the Framers of the Constitution. Chief Supreme Court Justice Warren Burger wrote that this Constitution is not perfect today, even with its amendments. Nonetheless, it was designed to satisfy the peoples' yearning to be free.

The people in the District of Columbia have sent a clear message to this body that they are yearning for freedom. They deserve freedom, today, my colleagues, we must pass H.R. 51 and give them that freedom.

In 1978, Congress granted the District of Columbia voting rights. Only 6 years earlier, the equal rights amendment passed the Congress, which would have eliminated gender as a basis for any decisions made by a State in the United States.

Unfortunately, the States did not ratify the equal rights amendment, but it has become the basis underlying many statutes and court decisions.

One year before, Congress allowed 18-year-old citizens the opportunity to vote. Congress proposed this extension of citizenship in March 1971 and it was ratified by the States in July 1971.

An important and highly debated extension of full citizenship was proposed by Congress in August 1962 and was ratified in January 1964. The 24th amendment eliminated the poll tax, abolishing the most repugnant tool of the racist South that prevented poor and African American citizens their most important right—the right to vote.

Two years before Congress proposed the act of citizenship for African Americans, it proposed to all D.C. residents another indicia of full citizenship, the right to vote for President.

Women in this Nation were extended full citizenship in August 1920, 1 year after Congress proposed the 19th amendment, mandating that the Government grant women the right to vote as a full citizen should.

In a measure that allowed the Nation to become full partners in the election of its leader, Congress proposes popular election of Senators in 1912, and ratified the measure in April 1913.

Mr. Chairman, our former colleague, D.C. Delegate Walter Fauntroy said that D.C. statehood is the unfinished agenda in the drafting of the Constitution of the United States.

Today, I urge my colleagues to finish the job. Our Declaration of Independence says "to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Admitting the State of New Columbia into the Union proves that we really believe in Government with the consent of the governed.

Mr. ROMERO-BARCELO. Mr. Chairman, every day when I walk into this hall I live the frustration of disenfranchisement. I am not able to vote. I represent 3½ million citizens in Puerto Rico.

Today I heard arguments, many of them technical, other legal, and other constitutional, and I would like to step aside from those arguments and address the issue and not the details, and the issue here is:

Can the United States, can this Nation, which is the example and the inspiration of democracy throughout the world, which inspired the revolt in Tiananmen Square in China, which inspired all nations in Eastern Europe to revolt against the tyranny of Communism and Russia itself, can this Nation allow a situation where 600,000 of its citizens are disenfranchised, denied the right to vote and their representation?

The issue has been discussed from the point of view of no taxation without representation, and that is a very, very valid argument, but there is an even more valid argument. It goes right to the basis and the definition of democracy itself. Six hundred thousand U.S. citizens are being governed without their consent, and that is a gross violation of the most fundament tenet of democracy. The definition of democracy itself is government with the consent of the governed, and how can there be a democracy where the governed have not consented to be governed? And this happens in the Nation's Capital. Can Congress refuse to seriously address this issue?

This is why we ask for a vote in favor of H.R. 51: a vote for H.R. 51 is a vote for democracy, and, if for some reason there were not to be a favorable vote tomorrow, then let us determine that this is not the end of the issue, but the beginning.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, the absurdity in this debate shines through by virtue of the fact that the gentlewoman from the District of Columbia [Ms. NORTON] that is managing the time, when we resolve out of the Committee of the Whole, will not even have a vote on whether or not the District of Columbia should become a State.

I have sat through all the debate this evening and countless other debates over the years regarding D.C. statehood. One of the things that is argued

is that there is no economic viability here. Well, that is just absurd. Among other things there is economic viability in the hotel and lodging industry, there is economic viability in the number of individuals in this city who earn $488 per week, there is economic viability in the 20 million tourists that come to this city.

Now I have heard arguments, which I conceive as specious, that we should retrocede. Well, let me ask my colleagues, if we make a city a State, there are those who propose that we should retrocede into Maryland. Can we not then, as a Congress, make that same city into a State as we are requesting here? I find it more than absurd that we see these specious arguments over, and over, and over again regarding retrocession.

Mr. Chairman, the people of the District of Columbia pay taxes to the Federal Government but receive none of the benefits of Federal representation. Its citizens are the only people in the United States who pay taxes but are denied full representation in Congress. It is contrary to the beliefs upon which this great Union was created that one group of people is expected to contribute to the Union, but then are not given the same benefits as the other members of the Union, and there is absolutely no justification for the disgusting budget display that the non-voting Representative of the District of Columbia must undergo every fiscal year.

□ 1850

While the constituents of the gentlewoman from the District of Columbia [Ms. NORTON] are forced to pay taxes, she must grovel in Congress to have even a small voice in deciding how those very few funds are spent. And I am referring to funds raised directly from her constituents, not the meager Federal supplement that the city receives to compensate for costs of providing security services for Federal representatives, foreign dignitaries, and government officials.

This is surely a giant miscalculation of how the framers of this Union viewed the seat of Government. There are 546,000 citizens of the United States who are not represented, and it is overdue time that we make the District of Columbia the 51st State of the United States.

Mr. Chairman. I rise today to express my support for H.R. 51, Congresswoman NORTON'S legislation to give statehood to the District of Columbia. I advanced support of statehood for the District in my campaign for Congress, and, I promised the people of the District. I would support same.

H.R. 51 reduces the Federal seat of Government to include the area around the Monuments, the White House, most Government buildings and the Capitol itself. Under H.R. 51, this area would become Washington, DC and will remain the Nation's Capital under exclusive jurisdiction of the Federal Government. The remaining neighborhoods, wards 1–8, will constitute a new State.

Mr. Chairman, the people of the District of Columbia pay taxes to the Federal Government but receive none of the benefits of Federal representation. Its citizens are the only people in the United States who pay taxes but are denied full representation in Congress. The people of the District of Columbia are as deserving of the same representation as every other citizen of the United States!

It is contrary to the beliefs upon which this Union was created that one group of people is expected to contribute to the Union but then are not given the same benefits as the other members of the Union.

And there is absolutely no justification for the disgusting budget display that the non-voting Representative of DC must undergo every fiscal year. While Congresswoman NORTON's constituents are forced to pay taxes, she must grovel in Congress to have even a small voice in deciding how those very funds are spent. And I am referring to funds raised directly from her constituents—not the meager Federal Supplement that the city receives to compensate for the cost of providing security services for Federal Representatives, foreign dignitaries, and Government officials.

The sight, during each debate, of Members from across the country who can't even begin to understand what it means to live in a major city, seeing them dictate to the voters of DC how they may and may not spend their own money, strikes me as patently unfair.

This is surely a giant miscalculation of how the Framers of this Union viewed the seat of Government. There are 546,000 citizens of the United States who are not represented. I find that unpalatable and hope that all of my colleagues will join me in rectifying this gross abuse by passing H.R. 51.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Chairman, as a new Member of Congress, I seldom rise to speak on matters, preferring instead to observe and learn the ways of this body. I have no illusions as I stand here today that I will affect the outcome of this debate. But on occasion, I am outraged by attitudes and positions that seem unjust to me.

For 22 years I practiced law, trying to stand up for people's rights to participate and be involved in a democracy. And here we have in this situation 600,000 people who are citizens of this country, with no representation in this country. We can fight and cajole other nations about the democratic principles for which our Nation stands and our Constitution stands and how we believe in justice and the right to vote, and yet deny our own people their legitimate right, right here in this country. Not only in this country, but right under the seat of this country's government.

District residents pay Federal taxes. They have an economy that is larger than 19 States. Yet we say to them, you are not citizens for the purpose of the right to vote.

Mr. Chairman, I ask for support for D.C. statehood.

Mr. Chairman, I rise in support of H.R. 51 and I rise in support of statehood for the District of Columbia.

The facts are abundantly clear. District residents pay Federal taxes at a higher rate than all but three States; yet they are denied full representation in the Congress.

The District of Columbia has an economy larger than that of 19 States; yet its residents are denied the basic American right of self-government.

This Congress, the entire Federal Government and indeed, this Nation, reap the benefits of the use of the District's land and profit from the abundant tax revenue, talent and productivity of its residents.

Perhaps opponents of D.C. statehood find this situation convenient; but it is also unjust. It is a vestige of institutionalized second-class citizenship and I urge my colleagues to join with me in removing it from our Nation's capital.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Chairman, I rise today in support H.R. 51, the New Columbia Admission Act. During the past week we have heard numerous members of this body rail away at other members involved in political wheeling and dealing. Well now, those who cried foul are choosing to ignore this, that act seeks to redress the fundamental inequity of a 200 year old political deal.

A deal which has resulted in the more than 600,000 citizens living in our Nation's capital to suffer taxation without representation.

A deal which will continue to deny citizens of our Nation's capital what has been entitled to them since birth.

A deal which compromises the most basic rights under which our Nation was founded.

A deal that is now supported by some in the House, not for constitutional purposes, but rather selfish, beliefs.

The debate on D.C. statehood is about the civil rights, indeed the human rights, of American citizens. In October, the Statehood Solidarity Committee petitioned the Organization of American States [OAS]. That petition charges this House of Representatives, the Senate, and the Executive with denying Washingtonians the human right to participate in national government through duly elected representatives.

Mr. Chairman, that human rights violation would also be a violation of the OAS Charter. The OAS Charter, to which the United States is a signatory, states, "Every person having legal capacity is entitled to participate in the government of his country, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free."

Mr. Chairman, I believe in democracy. I do not believe in democracy

with exceptions. Some of my colleagues have approached me to say that "statehood for the citizens of the District of Columbia is a good idea, but * * *" And then they go on to explain that it would violate the original conception of the Founding Fathers. There are an abundance of explanations and excuses that follow the word "but." In that dependent clause preceded by the word "but" they defend democracy with exceptions. I say to them, the day of exceptions is gone.

Mr. Chairman, the Founding Fathers had no conception that African-Americans would one day be full-fledged citizens. The Constitution expressly provided that they were to be deemed three-fifths of a man. We African-American citizens know that constitutional conception and implementation are two different things. The founders of this Nation did not contemplate the disenfranchisement of 600,000 American citizens.

This House is at center stage. Do we believe in democracy with exceptions, with excuses, with dependent clauses that contain any old explanation or excuse? Or do we believe that all American citizens are entitled to full representation in this body and in the Senate? The test of that conviction will determine our vote.

Mr. Chairman, all over the world, we are a force for democracy—except in our own capital. I find that ironic. Among the great triumphs of this decade we celebrate progress toward enfranchisement for Africans in South Africa, Palestinians on the East Bank. Amongst the setbacks of everything we hold dear has been the rebuff of our attempts to restore Aristides to his duly-elected position and our inability to get China moving toward some recognition of basic human rights. We know what we stand for as a nation. Why do we have so much difficulty with that when it comes to 600,000 citizens in our Nation's capital.

I know there is a reason. Finally, the District is our play toy. Let's play local government we say, and some of us get a bizarre gratification from being able to play super-Mayor. We get the chance to be the legislators for a town where we live, but don't have to stand for election. We get a sense of importance because people in the District have to treat us like local gods when no one else does, certainly not our own constituents. What it boils down to is this: we would deny fellow ctizens the vote, because we prefer the zone system for taxis, and the perks that come from disenfranchising others. District voters have sent us a message—they will not be held hostage; they are not on a plantation.

Mr. Chairman, I am calling on my colleagues in this House to please vote to support New Columbia. It is a new day.

The CHAIRMAN. The Chair would advise Members controlling debate time that the gentleman from Virginia [Mr. BLILEY] has 47 minutes remaining, and the gentlewoman from the District of Columbia [Ms. NORTON] has 45 minutes remaining.

Mr. BLILEY. Mr. Chairman I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, statehood will not work, and it is not fair. It will not work constitutionally. Today, we have not heard one rebuttal for the impressive constitutional arguments that have been offered.

It will not work economically. This area cannot even function as a city without the $620 million Federal payment, and that is acknowledged by the fact that the plan that is being presented to us is dependent on the Federal payment being continued.

It will not work practically. An area like this cannot ask to have the National Guard patrol its streets one week, and then expect that a call for statehood will be taken seriously a week later. It just will not be taken seriously, because it is not practical. The area is not even functioning as a city.

This plan that we have been offered does not even function well and will not even function at all. The boundaries make it so that if the new State of Columbia would depend on a commuter tax; a person that worked in a building, if his desk was in one part of the building, he would be liable to pay the commuter tax; if his desk was in another part of the building, he would not be liable to pay the commuter tax.

The plan that has been presented is not practical, it will not work, but it is not fair either. Statehood is not fair. Statehood as a solution to the equal representation problem is not fair to the rest of the people of the United States. The people of my State have over 50 times the population of the people of this area, and they are represented by two U.S. Senators. If the District of Columbia gets two U.S. Senators, Orange County should get eight U.S. Senators, because we have over four times the population of this area.

No, the fact is, statehood is being presented not to solve the equal representation problem, and that really is an issue that should touch people's hearts.

□ 1900

Statehood is being suggested as a solution to this problem in very emotional terms, as if this is our only alternative other than to deny equal rights to 600,000 Americans that live here, because this is part of a power grab to provide two U.S. Senators to the Democratic Party. That is what this is all about. That is why retrocession, which we have offered as an alternative, just like the constitutional argument, is being just totally dismissed without any real look at it or discussion as an alternative.

Retrocession offers to us a chance to give these people their civil rights, people who deserve to have equal representation in Congress. And it is fair to the rest of the country, and it is constitutional, because that is what the Founders took, that property, originally from the State of Maryland. They took it from Virginia. We gave that back to Virginia.

If people think that the representation of these people is a meaningful issue, they should look at retrocession seriously rather than dismissing it.

Ms. NORTON. Mr. Chairman, I yield myself 10 seconds.

I say to the gentleman from California that Orange County already has 2 Senators. Their names are Senator FEINSTEIN and Senator BOXER.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I am not one to make predictions, but it was ironic that I hear from my good friend, the gentleman from California, remarks that this whole issue is somewhat politically motivated to provide two additional Senators in our Democratic ranks. Interestingly enough, historically that was also the concern politically as some of the people thought that giving the State of Hawaii statehood was that it was going to provide 2 Republican Senators. And exactly the reverse of that happened to the State of Alaska, when it became a State.

I just want to make that as an observation. We do not know what the predictions are going to be in terms of political affiliations. I think we ought not to make those kinds of predictions.

Mr. Chairman, I rise today in strong support of H.R. 51, a bill which will being the process to create the 51st State of the United States, the State of New Columbia.

The gentlewoman from Washington, DC, Ms. NORTON, is absolutely correct in her assertion that the federal government treats Washington, DC, like a plantation. Since the United States moved its Capital here in 1800, the taxpaying residents of Washington, DC, have been denied full representation in Congress and have been treated in a subservient manner reminiscent of a day long ago when slavery was still institutionally acceptable.

The issue here today is the same issue faced by our Nation's Founding Fathers who so bravely fought against the forces of imperialism, dictatorship, oppression, and the forces that, to this day, perpetuate the notion that taxation without representation is acceptable—as long as its practiced on someone else. I do not believe that anyone in this Chamber today would tolerate this situation if taxpaying citizens of your State were subject to the same conditions we impose on U.S. citizens of Washington, DC.

Washingtonians have long been denied constitutional rights that citizens from the several States of our Nation at times take for granted. United States citizens from Washington, DC, were not allowed to vote in Presidential elections until 1964. And it was not until the home rule law of 1973 that they could elect a mayor and establish an elected city council. I can appreciate what it means to be governed by appointed officials. Sometimes such political appointments are familiar with your needs, and sometimes you get appointees who have no knowledge or appreciation of your needs—and that hurts.

Some oppose DC statehood on the grounds of the Constitution. As required by the Constitution, this bill retains the existence and independence of Washington, DC—but reduces it only to those areas required by the Federal Government to function effectively. This includes the areas surrounding the Capitol, the White House, and most government buildings. This will become Washington, DC, and will remain the Nation's Capital, under the exclusive jurisdiction of the Federal Government, as constitutionally mandated. The neighborhoods of the District which are not related to the Federal presence, will constitute the new State of New Columbia.

There is nothing new about this. Twice before in our history, Congress has changed the size of Washington, DC. In 1791, Congress increased the size of the original area with no objection from the 20 framers of the Constitution, among them, James Madison, who served as a Member of Congress. Then in 1846, Congress reduced the size of the Capital by one-third when it ceded that part to the State of Virginia.

I have heard some argue that we should just return the District back to Maryland. This is a ridiculous argument. To return the District to Maryland would require Maryland's consent and recent polls have shown that only 7 of 189 Maryland State legislators support retrocession. In addition, DC residents voted only for statehood, and retrocession would violate their right to self-determination.

Mr. Chairman, some have even argued that DC is too small to be a state. Constitutional qualification has never been based on the size of the territory, but that population is an essential factor. Today, the District of Columbia has more people than three States—Alaska, Wyoming, and Vermont. When Alaska was admitted as a State, it had a population of only 206,000. The District's population today stands at more than 600,000.

Mr. Chairman, what about taxes? This is one of the focal points of this debate. In 1991–92 the District of Columbia paid approximately $4 billion in Federal income taxes. This is more Federal taxes than those paid by residents of Alaska, Delaware, Idaho, Montana, North Dakota, South Dakota, Vermont, and Wyoming.

Mr. Chairman, taxation without representation was the cry that was heard throughout the world and which started the revolution that formed a great Nation. It is the height of hypocrisy for us to claim to be the champions of democracy when we deny 600,000 U.S. citizens who reside in the District of Columbia meaningful and full representation which is currently absent in the Senate and in the U.S. House of Representatives.

Mr. Chairman, I am reminded of a statement made by the late Martin Luther King, Jr., when he said, and I quote, "* * * cowardice asks the question, is it expedient? And then expedience comes along and asks the question—is it political? Vanity asks the question—is it popular? Conscience asks the question—is it right?"

Mr. Chairman, let us do the right thing today. Give our fellow U.S. citizens from the District of Columbia full representation in the Congress by establishing the State of New Columbia.

Mr. Chairman, I urge my colleagues to support H.R. 51.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. COX].

Mr. COX. Mr. Chairman, I thank the gentleman for yielding time to me.

Our fellow citizens of the District of Columbia deserve voting representation in the House of Representatives and in the U.S. Senate. But making the small city of Washington, DC, into a State is the wrong way to do that. I oppose making this small city a State, not only because, as my colleague, the gentleman from Illinois [Mr. HYDE] has so eloquently described, it would be unconstitutional to do so by statute. I do so not only because it has no industrial base, a shrinking population, no tax base, and no significant territory and, thus, fails the test for becoming a State. I do so also because giving two Senators to a city with a population one-fifth the size of my county, which is itself a suburb of Los Angeles would do great violence to the principle of one person one vote.

We have heard tonight that the principles of democracy suggest that this small city should itself be made into a State. In fact, democracy would be insulted by so disenfranchising the people of California, whose 31 million people must share about two Senators. By the likes of the D.C. statehood advocates, who claim to support one person-one vote, California should be entitled, therefore, to more than 50 Senators.

We are long passed the 18th century exigency that gave rise to the great compromise of our Constitution, whereby popular democracy was sacrificed in order to induce 13 independent States to give up their sovereignty and sign a Federal compact. Even then, in 1787, our Founding Fathers were aware that giving each State two votes in the Senate would violate our first fundamental principles and our beliefs in representative democracy, because small States would gain as much power as large and heavily populated States.

That is why many of them, even then, in 1787, opposed it.

In his scholarly book on the Constitutional Convention, the Washington Post Supreme Court correspondent, Fred Barbish, notes that James Madison was intense on this subject. Madison believed that denying popular representation in Congress was impure.

If America's was to be a government by the people, then the people, not the States, should be represented. Madison believed that it would be unjust to let States rather than people vote.

Why should, he asked, the power of 700,000 people, which was the 18th century population of Virginia, equal the strength of 59,000 people, which was then the population of Delaware? This, he believed, and he was right, was antidemocratic. It was a fundamental violation of the principle of one man-one vote.

But there would have been no Constitution without compromise, even if the compromise meant compromising away our democratic principles. And so on a hot Monday in June 1787, the Constitutional Convention in Philadelphia voted on a motion to give each State, rather than people, one vote in the Senate.

Then six States voted aye; six States voted no; and the 13th State, Georgia, split. One of the Georgia delegates, Mr. Baldwin, voted aye. The other, Mr. Houston, voted no. The Convention was deadlocked.

To break the deadlock, a committee of compromise was formed, men like George Mason of Virginia, Elbridge Gerry from Massachusetts, and John Rutledge of South Carolina worked over the Fourth of July while the Constitutional Convention adjourned.

Finally, this committee of compromise composed what we today know as our bicameral legislature, in which we have proportional representation in this House, the House of Representatives, and State representation in the Senate.

The Senate half of this arrangement was, of course, antidemocratic. But the delegates to the Constitutional Convention were certain that it was necessary in order to win agreement from sovereign States to give up their powers to a Federal Government. But because letting States vote violated Democratic principles, this compromise did not go down easily.

Madison and many other of the delegates opposed it bitterly. According to Barbish, Madison was still concerned about it more than a year later when he wrote in the Federalist Papers that the Constitutional Convention was

"compelled to sacrifice theoretical propriety to the force of extraneous considerations."

□ 1910

So it is that today this antidemocratic feature remains in our Constitution. In 1787 it was a necessary compromise against our commitment to the principle of one person-one vote, but today, in 1993, there is no longer a need to do violence to our democratic principles. There is no longer a need today, as there was in the 18th century, to do violence to our democratic principles in order to extend the franchise and in order to extend representation in this House and in the Senate to the people of the District of Columbia.

Those who believe in one person-one vote cannot, and importantly, need not in the 20th century seriously dilute the votes of Americans in the 50 States. To paraphrase James Madison, why should 600,000 people in the District of Columbia have the power of 31 people in California? Why should this tiny enclave of DC rank with New York, Pennsylvania, Ohio, Texas, and California?

Mr. Speaker, on July 9, 1846, Congress gave the southern portion of the District of Columbia back to the State of Virginia, from whence it came. Mr. Speaker, this Congress should return the residential northern portions of the District of Columbia to Maryland, from whence they came. That will give the American citizens in the District of Columbia proportionate representation in this House. That will give them two votes in the Senate. It will do so without violating our sacred principle of the one person one vote.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, our country was founded on the principle that government should be representative. At the beginning, that principle was observed in an incomplete way. Most Americans were excluded from representation then; many people in this Chamber today would not have met the Constitution's qualifications for representation. But we have grown as a nation since then. We have learned that we cannot say we honor the principles of representative government unless we extend representation to everyone.

No one here today would say that the Constitution was right to exclude women from representation; no one would say it was right to exclude people on the basis of their race or status. I find it sad and disturbing that this body has still not seen fit to acknowledge that it is equally wrong to deny our fellow citizens their right to participate in representative government because of the place of their residence.

Some of the arguments we are hearing against statehood strike me as remarkably thin. We have heard that we must preserve a seat of government that is free from the institution of democracy. But this statehood bill does preserve that independent zone. The Constitution does not say that that zone must include Georgetown or Deanwood or Congress Heights. It does not say that the residents of Chevy Chase north of Western Avenue must be represented, while their neighbors to the south must not.

The proposal to solve the dilemma by ceding part of the District back to Maryland at least acknowledges that the citizens of the District are being wronged, but ultimately, it is just as unfair and just as undemocratic as continued denial of representation. Maryland and the District have been separate from each other longer than most of the States. When the District was split from Maryland, Ohio was still joined with several other future States in the Northwest Territories. The western States were all still foreign territory. Would we suggest that some of those States should be forced back together against their will? Would we say that now that the Civil War has ended, it is time for West Virginia to come back to Virginia? If the people of the District want representation, they deserve the same representation that the residents of much newer territories were given.

I ask my colleagues today: If you truly believe that all Americans deserve representation, how can you continue to justify denying it to the citizens of the District? If you truly believe the citizens of the District deserve representation, how can you deny them full representation in both the House and the Senate? Do not tell us that intellectual and historical dilemmas must continue to stand in the way of representation. It is time that we complete our process of growth, and extend representative government to all Americans. I ask that you support the bill.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the final passage of H.R. 51, the New Columbia Admission Act, which would provide for admission of the State of New Columbia into the Union as the 51st State.

The 600,000 Americans residing in the District of Columbia are denied the right to send people to Congress who can vote on taxes or decide questions of war and peace, while at the same time expecting them to shoulder the burdens of citizenship, including the obligation to pay taxes and to fight and die for their country. Mr. Chairman, this is un-American.

Disenfranchisement is not in keeping with a representative democracy which is what the United States of America is supposed to be. No other democracy in the world denies voting representation to the citizens of its capital.

I am asking my colleagues to rise above politics and imagine yourself a citizen of the District, with limited voting representative in Congress, watching as Congressmen questioned not just the vote you had cast in your city, but your entitlement to tax dollars that you had paid to local government for local use. How angry would you be at this second-class citizenship? Let us vote for H.R. 51 and statehood for the District of Columbia.

In closing, let me commend Delegate ELEANOR HOLMES NORTON for her work on behalf of the District. ELEANOR, you have done a wonderful job for your constituents, and they are lucky to have you.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I am enormously proud to represent the very great State of Vermont—a State which has a magnificent history and which, today, is making a major contribution to the well-being of this country in so many respects. And we are doing all of that, and more, with a population of less than 600,000—a population smaller than Washington, DC's.

Mr. Chairman, how can I in good conscience say that it is appropriate for Vermont to have two seats in the U.S. Senate, a Congressman who can vote on all the issues, a governor and legislature with full decision making power for the people and then say that the people of the District of Columbia, with a population larger than Vermont's, should not be able to enjoy those same rights.

Mr. Chairman, this debate is about one thing, and one thing alone. And that is whether the people of Washington, DC, are entitled to be full citizens of this country or whether they are not entitled to be full citizens. To me the answer is obvious and I intend to vote "yes" for statehood for the District of Columbia.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, this area cannot be admitted to the Union as a State unless it does so on an equal footing to all other States.

Mr. Chairman, the delegate from the District of Columbia has insisted that the State of New Columbia desires only equal treatment, not special treatment. As she said in a floor speech on October 13:

> We do not want to admit the District of Columbia as New Columbia without according it what is available to every other State, a payment in lieu of taxes that meets certain qualifications. That is all that we would expect.

However, section 203 of this bill provides New Columbia a special payment

"in order to compensate the State for unavailable tax revenues and other effects on the revenues of the State resulting from the significant presence of the Federal Government within and nearby the State." That is language that sets up a special payment available to no other State, just like the current Federal payment.

I offered an amendment in committee to strike this special payment provision, and to insert its place language clarifying that the State is entitled to payments in lieu of taxes on the same basis as every other State, and nothing more, thus carrying out the stated purpose of the delegate. However, that amendment was defeated on a 4–7 party line vote, with the opposition led by the delegate from the District of Columbia.

In case any Member might think the State of New Columbia should be entitled to something special, let me reiterate that no other State gets a payment in lieu of taxes for Federal buildings, even though they provide police and fire protection for them.

Mr. Chairman, I include this chart, which sets forth the proportion of Federal ownership of land:

Federal ownership of land; States with higher Federal ownership than proposed New Columbia

	Percent
Nevada	82.27
Alaska	67.80
Utah	63.78
Idaho	62.57
California	60.92
Wyoming	48.77
Oregon	48.17
Arizona	43.32
Colorado	34.06
New Mexico	33.11
Washington	28.98
Montana	27.73
Louisiana	22.65
New Columbia (proposed)	21.8

Source: "Public Land Statistics 1990," U.S. Department of the Interior, Bureau of Land Management, table 4, pg. 5.

New States are supposed to be admitted on an equal footing with all the other States. Equal means equal, and not a special payment no other State can qualify for. None of our States gets a payment for Federal buildings within its boundaries, much less nearby its boundaries, as is provided for in this bill. Even those in favor of statehood should be embarrassed about voting for a statehood bill that provides such blatant favoritism for another State over their own State. Section 203 is reason enough for any Member to vote against H.R. 51.

□ 1920

Ms. NORTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to read into the RECORD some of the organizations who have passed resolutions in support of the District of Columbia: the entire Leadership Conference on Civil Rights, which has designated D.C. statehood its No. 1 legislative priority for the 103d Congress, the American Baptist Churches, the AFL–CIO, the Philip Randolph Institute, the American Jewish Congress, the Church of the Brethren, Conference of United States Women, Common Cause, and the criminal law and individual rights section of the D.C. bar. I will read in other names at a later time.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, let me begin first by commending the gentlewoman from the District of Columbia for her tireless struggle to fully and finally enfranchise the residents of the future State of New Columbia. Several of my colleagues from the State of California have spoken against H.R. 51. Let me also now speak as a colleague from the State of California.

My State is this Nation's largest State by population, by economy, and by diversity, and one of the largest States in this Nation by land mass. It has 52 of the 435 Representatives in this House, yet only 2 Members in the Senate.

Yet I will tell Members right now that I welcome with open arms the one Representative and the two Senators from the State of New Columbia. I do so because the issue here is not merely size or wealth. The real issue boils down to participation and representation for all Americans.

We as Americans have no right to deprive any fellow American of equal rights when we demand of them equal responsibilities. The gentlewoman's struggle, our struggle is just, it is constitutional, and perhaps most importantly, my friends, it is time.

I urge all of my colleagues to support H.R. 51.

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

Mr. Chairman, I want to revisit an item that I brought up during the course of the debate on the rule, and that has to do with borders of the State of New Columbia and what would be the Federal enclave.

My chairman said, and the gentlemen from Massachusetts earlier said, what difference does it make. Well, it makes every difference. I mean, if you are not going to respect a Federal enclave, why have any of it? Just put it all in the State of New Columbia. If you are going to recognize the Federal interest, you should be consistent and recognize all of it.

Now how did this come about? It came about because first, in 1986, one of the previous times that we considered statehood in the committee, the National Capital Planning Commission said we should do a survey. Well, 7 years have passed by and there has been no survey.

And on November 3, in committee, the amendment was offered and adopted that deleted the words "affronting and abutting," and then proceeded in this legislation to name the street that it goes up and down and around and across throughout the city. And what we end up with is a hodgepodge and a lot of omissions.

GSA, the new Federal Executive Office Building. People say what is the difference. Well, it means that these people would be subject to taxes in New Columbia. These people working over here for the same White House will not be subject to those taxes.

The Veterans' Administration, courts, and Members see the list over here. The FBI. And the most egregious of all you have here, the Department of Labor, in which it goes this wing is in New Columbia, the middle is in the Federal enclave, and the other wing is in New Columbia.

And then we zigzag around, and we are coming up over here beside the Russell Building, and we manage to put Dirksen and Hart both in New Columbia.

That is ridiculous, and for that reason alone, not even counting constitutional questions and the financial questions, for that reason alone H.R. 51 is fatally flawed. It ought to be voted down and sent back to the committee.

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

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman from the District of Columbia for yielding me the time, and also for her leadership in bringing H.R. 51, the New Columbia Admissions Act, to the floor. I am proud to rise as a cosponsor of the legislation, and as an advocate for self-determination for the people of the District.

Mr. Chairman, I serve as a member of the D.C. Appropriations Subcommittee, and I have seen firsthand both Representative NORTON's leadership and talent, but also the interest and enthusiasm among the District residents for statehood. The time has come for us to grant those people the right to determine their future and to address the challenges of the future as the 51st State of the Union.

□ 1930

Mr. Chairman, earlier I was dismayed to hear one of our colleagues say that the District of Columbia did not have the resources to become a State. I was dismayed, and I respectfully disagree. These citizens and their local government pay the fourth highest per capita tax rate in the Nation and are responsible for over $3 billion in revenue to the U.S. Treasury, speaking from a financial standpoint.

From a governmental standpoint, the District has a representative form of government. The District has the resources to support a State government, and most importantly, Mr. Chairman,

the people of the District of Columbia are its greatest resource in reaching statehood.

They want that freedom. Let us give them the respect they deserve.

I commend the gentlewoman from the District of Columbia [Ms. NORTON] for her leadership and her tireless work on behalf of statehood for the District.

I hope our colleagues will support her and the residents of the District by voting yes on H.R. 51.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, at this time I certainly want to commend my colleague, the gentlewoman from the District of Columbia, for the magnificent representation that she affords her constituents, the way that she has brought this issue to the floor so that it could be debated before the American people and, in fact, before the world.

Let me say, Mr. Chairman, that I found the remarks of the gentleman from Vermont very interesting. I thought that they knocked down a lot of the statements that had been made on the other side. The only thing I have a concern is that I certainly hope it does not begin a movement for a constitutional amendment to remove Vermont from the Union based on population.

Let me say that we have heard all of the excuses and all of the obstacles that have prevented the residents of the District of Columbia from achieving their goal of first-class citizenship presented again here today.

As the leader of the free world, we have to do better by 600,000 U.S. citizens living in the District of Columbia. Disenfranchisement is not in keeping with a representative democracy.

The District's locally generated revenues exceed those of 20 other States, but taxation without representation at the present time is alive and well in our Nation's Capital.

The District has a viable economy that enables it to meet and sustain the full force of self-government for the past 30 years. Federal payments have amounted to less than 20 percent of the city's budget.

What further commitment to democracy does the Congress require of the District?

My colleagues, since 1871, Congress has wrestled with the issue of status for the District of Columbia. As with all disenfranchised people, there comes a time when the chains of oppression must be broken. The residents of the District of Columbia are U.S. citizens who are entitled to enjoy the fruits of full participation in democracy. The residents of the District pay Federal taxes, and they pay local taxes. They vote in Presidential elections. They elect a mayor and a council and they fight and die for our country under the Commander in Chief in times of war.

My colleagues, there is nothing in the Constitution that bars a State from existing within the District. We have the authority from the Constitution to create any democratic form of government that we so choose so long as a Federal enclave remains.

The overall objective of statehood for the District is, as stated by the President, to control one's destiny. As a Delegate from the Virgin Islands, I can certainly empathize. To be denied a voting Representative in the body that rules on one's affairs is, to the very least, a handicap.

I urge my colleagues tomorrow on this issue to vote a resounding "yes" for H.R. 51.

Mr. BLILEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, proponents of statehood knew that they would lose hands-down if they did not maintain some sort of Federal control on the height of buildings here in Washington, DC, in this area in the Nation's Capital. Thus, we have section 205 of this bill which creates a new mechanism to regulate building height in which the Federal Government would take an easement over the entire State of New Columbia.

There are at least three flaws with the scenic easement proposal each of which are, in my judgment, fatal. That these flaws exist is not just my opinion, but the opinion of Prof. Richard Epstein, who is regarded as one of the nation's premier authorities on takings law.

First, the scenic easement attempts to accomplish indirectly what everyone agrees Congress cannot accomplish directly, namely, to deprive the State of New Columbia of the sovereign power to regulate building heights. If the Federal Government cannot do this directly by passing a statute, then I fail to see how it can do so by acquiring a property right. Either way, the sovereign power of the new State is intentionally impaired, again, not entering under equal footing, which is what every State must enter the Union, on equal footing.

Even if this proposal did pass constitutional muster, however, its cost to the Federal Government could be staggering. Section 205 delegates to the Secretary of the Interior the power to develop procedures for determining the extent to which private landowners would be compensated for the scenic easement that is being taken by the Federal Government.

Our committee received testimony that private owners would be entitled to no compensation, but it is hard to see how a property right can be of value to the Federal Government, but be of no value to owners from which it is taken. The argument that the Federal Government has always prohibited high buildings will help, because everyone understands that statehood changes the rules of the game.

In fact, by giving the Secretary the power to compensate landowners, the bill effectively abandons the no compensation theory. Can anyone seriously doubt that the right to vertical development in the District would be a very valuable commodity indeed, a very valuable right?

But supposing that the easement is constitutional and that the Secretary, somehow, finds that no compensation is warranted, H.R. 51 would set a precedent that would allow the Federal Government to take property rights in cities like San Francisco or Seattle without compensating private owners. I would think that any Member who is concerned at all about the encroachment of Federal power on their States and localities would want to do everything they could to avoid endorsing such a precedent for such vastly expanded Federal power.

Mr. Chairman, the horrible implications for the Constitution, the Federal Treasury, and for State and local rights of section 205 should be sufficient for any Member to vote "no" on H.R. 51.

Again, statehood does not work; statehood is not fair; this bill does not cut it.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, today I rise to proudly voice my support for H.R. 51, the New Columbia Admission Act.

Since 1800, the residents of Washington, DC, have been the only taxpaying U.S. citizens denied equal representation in Congress. Denying the residents of the District of Columbia to send representatives to Congress who can vote on taxes or decide questions of war and peace while at the same time expecting them to shoulder the burdens of citizenship—including the obligation to pay taxes and to fight and die for their country—is wrong.

Many statehood opponents argue that the voteless status of the District descends directly from the intent of the Framers of the Constitution. Unfortunately, there are a number of things for which the Framers of our Constitution did not provide. Such as, African-Americans having citizenship in this country, let alone the right to vote and certainly did not provide for me, a 30-year-old African-American and other African-Americans ever being a Member of Congress.

It is hypocritical to call for the spread of democracy throughout the world, yet refuse to extend it to the citizens at home of the District of Columbia. It is a question of fairness and equal protection under the Constitution. There is no Member of this body who can truthfully provide a legitimate argument to deny statehood to the District of Columbia, not one.

Initially, many of my colleagues put forth the argument that the District did not have enough residents and it was too small. Well, the fact of the matter is, the Constitution does not provide that the size of a territory is a criterion for statehood. The District of Columbia has more residents than three States, Alaska, Wyoming, and Vermont. Those States combined have nine Representatives in Congress. While the District of Columbia has only one nonvoting Member, that is unfair, unequal, and unconscionable, to say the least.

I charge each Member to look to the instrument which we all hold so dear and one which we frequently refer to and see if there's any language that would deny the District of Columbia statehood. Furthermore, no constitutional amendment is necessary to enact this legislation. History provides that only the approval of Congress and the signature of the President is necessary. Our President has had the courage to support this legislation and now it is incumbent upon us to support this extremely important legislation as well. I urge you to vote "yes" on H.R. 51, the New Columbia Admission Act.

The citizens of the District of Columbia are not on trial tonight. The conscience of this Congress is on trial and its interpretation, including fair play and substantial justice.

□ 1940

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

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of H.R. 51. Is it not ironic that the citizens who live closest to the capital and whose lives are most directly affected by what occurs in this building have no voting representation here.

Mr. Chairman, the cornerstone of the principles of representative democracy is to not only participate in democratic elections in order to select representatives but to have this representation matter. When we elect representatives, these representatives have the capacity to represent, to consider, to weigh, to make a decision over legislation which affects them.

Mr. Chairman, this is what Congress is charged with today, and this is what the people of the District seek: full representation and participation in this body as well as the other.

I urge Members of this body to acknowledge and respect the overwhelming desire of the people of the District of Columbia to participate in the Nation's affairs in the same way their neighbors do, their fellow U.S. citizens, and indeed the desires of all the territories far beyond this continent's shores should also be considered when forms of self-government are being discussed and analyzed.

Mr. Chairman, it is unfortunate that many arguments against the District of Columbia statehood focus on financial arrangements and Federal benefits because if so-called self-sufficiency were the real issue, we should apply this standard to the entire country and determine which States should have their representation limited, modified, or altered based on their financial condition, based on their ability to pay.

Mr. Chairman, it is demeaning of U.S. citizenship nearest to this building, for the residents of the District, that is at stake, that is the essence of this legislation; not financial relationships, not the size of your wallet, but it is the heart of our citizenship that is under discussion. The Congress must help resolve the question of citizenship in its remaining territories, and I believe it is Congress' responsibility to guarantee this process for the District of Columbia now and grant the District of Columbia full citizenship and participation in national affairs through the State of New Columbia. How can we be a democracy if we do not allow all citizens of the United States, all people under the sovereignty of that flag, to practice the inalienable right to self-determination.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, we have heard a great deal over the past couple of hours about this issue of taxation without representation, and there are many local officials here who have been telling residents of the District of Columbia that we are going to see lower taxes if statehood is brought about. And, Mr. Chairman, I respond by asking do these people know how they intend to keep their promise? Quite frankly, they insist that the people who live here will have lower taxes because they will tax people who do not live here and who will not be represented in the State legislation of New Columbia.

Mr. Chairman, the point has been made that citizens in the District pay federal taxes but that citizens in other territories do not. Do citizens in the other territories cast any electoral votes for President? No, they do not. Does the right to cast those electoral votes provide some representation in the federal government? Yes, of course it does.

We are all aware that the House has a Committee on the District of Columbia and a subcommittee in the Senate which has the responsibility for District matters. When this very bill was reported out of the District of Columbia Subcommittee, do you know who chaired that subcommittee mark-up, who voted, and who voted the proxies of other members? The Delegate from the District of Columbia.

So the proponents must concede that the District does have representation in its national government. The question is whether the District is entitled to the same representation as are the 50 states, and then, how that representation can be achieved through constitutional means.

The issue immediately before us is a bill which seeks to vault over three constitutional impediments through simple legislation. We are not voting on a "principle" or a "concept" about representation. We are voting on a bill which has been before the Congress for 10 years.

If you truly want to grant full representation in the House and give this city with a population of less than 600,000 people two U.S. Senators, let's defeat this awful bill now and let the advocates get to work on building a consensus method of achieving it.

The CHAIRMAN. The Chair wishes to advise Members controlling the debate time that the gentlewoman from the District of Columbia [Ms. NORTON] has 24½ minutes remaining, and the gentleman from Virginia [Mr. BLILEY] has 25 minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 51, the D.C. Statehood bill.

The people of Washington, D.C. are no different than the people from any other State, yet, for purposes of citizenship, they are treated differently.

They must bear the burdens of citizenship, but they do not fully enjoy the benefits of citizenship.

Like all other citizens, they fight and die on foreign soil, in defense of this Nation. They pay Federal and local taxes to support the District and U.S. governments. And, they are subject to the laws which govern us.

Unlike all other citizens, however, the people of Washington, D.C. cannot vote for Representatives in the House nor Senators in the Senate. They are different. They are denied the most basic right of this country.

Mr. Chairman, I would ask Members to consider how they would feel and what they would do if the citizens from their districts were in the position of the citizens from Washington, D.C. Such could very well have been the case.

When we transcend the muddy waters of history, we are reminded that generous offers came from all the original States to have the seat of government located on their land.

Indeed, for a 10-year period, from 1790 to 1800, the seat of Government was temporarily located in the city I represent, Philadelphia, PA.

If land from Maryland and Virginia had not been accepted by the founding fathers as the permanent seat of Government, citizens who today live on Market or Walnut Street in Philadelphia would be up in that gallery.

If our first President, George Washington, had not surveyed the property situated on the Potomac River, the citizens of Richmond, VA, well represented by Mr. BLILEY, could be up in that gallery today.

Instead, because of historical coincidence and Government oversight, the people of Washington, DC are forced to assemble up there and appeal to the Members of Congress for rights that all others take for granted.

Dr. Martin Luther King, Jr., on one occasion reminded us that, "injustice anywhere is a threat to justice everywhere."

If we allow the injustice of second-class citizenship to continue in the Nation's Capital, we imperil the very democracy many have given much for.

Some who have all their rights and are complete citizens will suggest to the Members of this House that the Constitution of the United States denies D.C. residents those same rights.

It is paradoxical to argue that the very document that gives us rights, somehow takes rights away from others. The Constitution is not exclusive. It is inclusive. D.C. statehood fits within its principles.

There were dark days in this Nation's history when African-Americans were considered less than whole citizens. We corrected that. Women were not equal. We fixed that.

Each time the Constitution was expanded to include those previously left out. It is a living, breathing document. It tolerates change and rejects clinging to the past when fundamental rights are at stake. Some who have full citizenship rights will say, "give the District back to Maryland." Again, the Constitution reflects wisdom.

Returning the District to Maryland, or retrocession as it is called, can not be accomplished, according to article 4 of the Constitution, without the consent of Maryland, and Maryland will not consent.

Some who are complete citizens will say, "The District is too small to be a State." The genius of the Constitution, again, is instructive. Small States are afforded the same rights as big States.

Washington, DC is larger than three of the current small States—Alaska, Wyoming, and Vermont—and when Alaska was admitted, its population was only ⅓ the size of the District of Columbia's population.

Some, whose rights are fully protected by the Constitution, will argue that the 23d amendment somehow stands in the way of D.C. statehood. That argument has been soundly dismissed by a parade of constitutional scholars.

Mr. Chairman, I urge my colleagues to rebuff phobia and embrace faith. D.C. statehood will not destroy this Nation, it will help to rebuild it. As full citizens, District residents will display pride and honor.

The people of Washington, DC. now pay more in Federal taxes, per person, than all but two States. They feed the Federal Treasury in excess of a billion dollars a year.

Young men and women from Washington, DC have been present with our forces in Vietnam, the Persian Gulf, Somalia, and off the shores of Haiti.

In fact, whenever we send troops to protect democracy around the world, the District of Columbia is represented, and, very often, disproportionately.

D.C. statehood does not mean the end of the District of Columbia. The new, smaller enclave will continue to serve the needs of the Federal Government. The Constitution permits a smaller Capital for this Nation.

The people of Washington, DC, unlike the narrow majority in Puerto Rico, want statehood status. And, most Americans, Democrats and Republicans, want D.C. citizens to be treated the same as anyone else.

Mr. Chairman, a noted Justice of the U.S. Supreme Court once warned us, "Thou shalt not ration justice." If we fail to pass this bill, we will maintain a system of partial rights for some.

Justice should not be for some and not for others. The Constitution does not permit that. The word justice does not mean "just us" in the 50 States. Justice means equity, fairness, right, truth.

Justice demands that we pass this bill. The Constitution will endure nothing less. Mr. Chairman, but for the grace of God and an aberration of history, you or I or any of us could be in that gallery today.

□ 1950

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. RUSH].

Mr. RUSH. Mr. Chairman, I rise today as a strong supporter of H.R. 51, the New Columbia Admissions Act. I want to commend my colleague, the distinguished gentlewoman from the District of Columbia for her unwavering dedication and steadfastness on this issue.

As a cosponsor of this legislation, I am proud that we have arrived at this historic moment. There is perhaps no single issue involving democratic rights facing this Nation today which is more important than statehood for the District of Columbia.

Of the 115 nations with elected national legislatures, only the United States and South Africa deny representation in the legislature to citizens of their Capital City.

Since 1800, residents of the District have been denied their proper representation in Congress. Mr. Chairman, 193 years later, the residents of the District of Columbia are still not free.

How can we champion democracy abroad, when we deny the most basic of rights to the 600,000 citizens of our Nation's Capital.

The residents of the District are only seeking what each and every one of us already have and maybe sometimes take for granted—the right to self-determination.

Mr. Chairman, I urge my colleagues to support equality in our Nation's Capital, support self-determination in our Nation's Capital. Support H.R. 51, the New Columbia Admissions Act.

Mr. BLILEY. Mr. Chairman, I am going to close for this side for this evening, with the understanding that 15 minutes will be reserved for tomorrow, as was explained by the Majority Leader tonight.

The SPEAKER pro tempore (Mr. MFUME). So then the gentleman is yielding back his time?

Mr. BLILEY. No, Mr. Chairman, I am going to use some of this time, but do not let me go beyond.

The SPEAKER pro tempore. The Chair will advise the gentleman when he gets to 15 minutes remaining in order that we might be able to stay in compliance with the agreement.

Mr. BLILEY. Mr. Chairman, H.R. 51 has been praised as a great exercise in democracy. But it is a blow to democracy. The rights of 250 million Americans to participate in the process of amending their constitution is being denied. Congress is usurping power it does not have. The power to change the status of the Nation's Capital is reserved to the people in their right to amend their constitution.

The blow to democracy is felt in the District as well. Prior to the introduction of statehood legislation, the citizens drafted and ratified their own constitution to live under as citizens of the new State. But the right to determine their own constitution has been taken away from them under H.R. 51.

On October 13, in a lengthy statement on the House floor, the Delegate from the District of Columbia responded to public statements by the Washington Post that New Columbia would not be economically independent. Despite her eloquent challenge to that conclusion, the city's budget crisis and the continuing decline in population speak louder than her words.

In her October 13 Special Order, the Delegate from the District also stated that, "* * * half of us would drop off the statehood bandwagon * * *" if New Columbia could exceed the current building height limitations. The District Delegate claims to have resolved this problem by having the Federal Government take a property interest in every parcel of land in New Columbia the day before its admission. The Delegate further claims this taking can be done at no cost because such property is essentially worthless. I have grave doubts that a court would find that such property had no value. Since there is no hold harmless provision in this legislation, the United States could be on the hook for millions, if

not billions, of dollars, of compensation to New Columbia's property owners.

Even more importantly, I believe that this scenic easement amounts to no less than an unconstitutional condition on the admission of New Columbia and that it would be removed from the law by the courts. Ultimately, there would be no restrictions on building heights and there would be no legal method whereby Congress could impose one. Moreover, the taking provision sets a dangerous precedent which would set off lawsuits which could rage well into the 21st century. If the Federal Government can take property in New Columbia without compensation, it may take it elsewhere. States as well as private citizens should be alarmed at this sneak attack on property rights.

On the question of a taxpayer subsidy to New Columbia, the legislation continues to insist on special treatment. This bill authorizes a wholly new and unique Payment-in-Lieu-of-Taxes to New Columbia. Not only does this new PILOT pay New Columbia for Federal land not even in the State; but, it does so to the exclusion of any other State-including Virginia and Maryland which are just as "nearby" Washington, DC as is New Columbia. The District Delegate says that the Federal payment has been abolished—that is not true, it has simply changed its name. A separate and special payment to New Columbia is provided for in this bill. I must continue to object to such special treatment for New Columbia.

For several years, I have pointed out the flaws in this bill, but none of them compare with the outrageous manner in which the boundaries were redrawn just earlier this month. If you did not hear about this in my previous remarks, you had better come look at the map of what is left of Washington, DC. New Columbia has hijacked two-thirds of the Senate Office Buildings, the O'Neill House Office Building, the Capitol Power Plant, the New Executive Office Building, five cabinet level departments and the FBI building. The boundary of New Columbia literally runs through the Department of Labor. New Columbia has stolen the national treasures of Fords Theater, the National Portrait Gallery, and the National Museum of American Art. New Columbia has kidnapped tens of thousands of Federal employees. This is not an accident. In offering the amendment in Committee, the Delegate stated that under the previous language, there was "more area in the Federal enclave than is intended or necessary." Do not be fooled by the simplistic explanation that Washington, DC has merely been shrunk in size.

IT HAS BEEN DESTROYED

The boundaries in this bill make a mockery of what our nation's capital is meant to be. We have just returned the Statue of Freedom to her place on top of this Capitol building. If H.R. 51 passes, she will have her back turned to the Nation's capital and she will be overlooking only one State rather than the symbolic place where all 50 have come together.

Reducing the Nation's Capital to 3,000 acres, one-tenth the size of Dulles International Airport, is not merely inconvenient, it is unconstitutional.

Mr. Chairman, for 30 years, the Justice Department, through Democratic and Republican administrations alike, has consistently maintained that the status of the Nation's Capital can only be changed through a constitutional amendment. Statehood advocates have not been able to refute the works of Robert Kennedy, Patricia Wald, and all of the others.

I oppose this legislation for its unconstitutional method of admitting part of the Nation's Capital as a State and for its failure to create a State of equal stature and sovereignty with the other States. I urge its defeat.

□ 2000

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has yielded back all but 15 minutes of his time; is that correct?

Mr. BLILEY. Correct.

The CHAIRMAN. The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON] and advises her that she has 19½ minutes remaining.

Ms. NORTON. Mr. Chairman, I yield myself all but 15 minutes which I would reserve until tomorrow.

The CHAIRMAN. The gentlewoman is recognized for 4½ minutes.

Ms. NORTON. Mr. Chairman, the ranking member continues, like a broken record, to protest that the boundaries would be irrational when he knows full well that a bipartisan amendment in committee calls for the drawing of the boundaries by a special study after passage.

Moreover, Mr. Chairman, the Constitution is raised time and time again for this constitutional scholar to hear.

It is interesting to note that the opposition invokes the power of the Constitution to strike down any and every law of the District of Columbia to usurp its budget, to rearrange its life in any way it sees fit, but believes that the Congress cannot reduce the size of the District of Columbia, can do everything to the residents but not reduce the size of the District of Columbia.

I commend the gentleman from Virginia [Mr. BLILEY] to the words of the Constitution, and the plain meaning of the document reserves exclusive legislation in all cases whatsoever, and every constitutional scholar which has looked at this language has indicated that of course it would not take a constitutional amendment for the Congress, for example, to move the District of Columbia, if there were more, to someplace else, to reduce its size, as it has already done.

Moreover, beware, Mr. Speaker, that the Members on the other side of the aisle who say they want to find some democracy for the District of Columbia have, each and every one of them, opposed increasing home rule for the District of Columbia. I could not get the Member, when I questioned him in a colloquy, to say that he would support giving to the District of Columbia the right to have final say over his own budget, and each and every one of them have voted against this in committee before, and they have not, and they have not indicated, and they have always voted against giving the District of Columbia the power to have final say over its own laws.

These Members not only opposed statehood, Mr. Chairman, they oppose democracy in the District of Columbia.

Mr. Chairman, I have had to sit here and hear these Members who come from States that pay less taxes per capita than we do, assert that we could not support ourselves. The chart, the chart here, indicates precisely who we are. Fifty-one point nine percent of the residents over 25 years of age have college and higher education. Twenty-four thousand dollars and some is the 1991 per capita. That is 28 percent higher than the national average. The 1991 average of wages and salaries of employed persons in the District was 10,000 and some greater than the national average. Sixty-six point three percent of District residents aged 16 years or over are in the labor force. I defy the opposition to show me better statistics than that in their own districts.

I say to my colleagues, "I have heard all you have had to say, my friends, and so has this Chamber in years gone by."

When Alaska sought to come into the Union, Senator Bush said that he opposed it because Alaska citizens would be empowered to elect two Senators whose votes would well decide an issue of crucial importance to the future of the United States. We have heard it all, my colleagues. When Colorado came into the Union, it was opposed by a Senator from California who said it was a weak sister that is proposed to be added to the American Union. They do not have a very large population. Let us be light in our burdens laid on them, and let us pay all of their expenses and give them a good sendoff. When Alaska came into the Union, Senator Russell of Georgia said he was opposed to statehood for Alaska for the simple reason that in his own conscience he did not believe that that territory was prepared economically for statehood or that it can support a State government. When Arizona sought admission, Mr. Burnham of New Hampshire spoke for 3 days against

statehood criticizing the wide usage of the Spanish language in those States.

Oh, we have heard it in one form or fashion, and we have heard it, as well, this evening in this Chamber. But I believe that the good people of the United States do not support the present condition of the residents of the District of Columbia. I believe they would want us to vote as I am asking my colleagues to vote this evening, to make the District of Columbia the 51st State of the United States of America.

Mr. MFUME. Mr. Chairman, I rise today in support of the bill H.R. 51 and urge my colleagues to vote in favor of it.

This legislation gives the people of the District of Columbia the rights that they deserve as American citizens. These people are not asking for any special privileges. Rather they are asking for the opportunity to enjoy the rights that many Americans today take for granted; the right to congressional representation and the right to live under the laws that the majority of the people have enacted without outside interference.

The residents of the District of Columbia are entitled to the same standards of citizenship enjoyed by every other American. More than 100 countries worldwide afford residents of their capital cities voting representation in the national legislature; we are the only Nation in the world with a representative, democratic Constitution that denies the basic right to its citizens.

The abuse of taxation without representation sparked the revolution that created this Nation. Now, 200 years later, the citizens of the District of Columbia are still being subjected to this same abuse. The District pays taxes to the Federal Government at the fourth highest per capita rate in the country, providing over $3 billion annually to the Treasury. Yet DC residents have absolutely no say in how these funds are used.

As we all know, the area that now comprises the District of Columbia was originally part of Maryland; Maryland ceded the land so that the Nation could have a capital in 1801.

As a lifelong resident of Maryland, and as a Member of the Maryland delegation to Congress for the last 7 years, I have long been an observer of District politics. While I have not always agreed with the positions endorsed by the District's City Council or by the electorate, I have been impressed nonetheless with the manner in which the people of the District have conducted themselves.

Perhaps more than any other group in the Nation, the people of the District of Columbia have the opportunity to stay informed of current events and of the issues that are important to this Nation and to the world. It is also true that the majority of the people of the District are reminded daily of the importance of the Constitution, the Bill of Rights, and of the political history that has helped to make this Nation great.

As a Member of the Maryland delegation and as a Representative from Baltimore, which is linked to the District by more than proximity, I would like to make it clear to my colleagues that I have no fears or trepidations about what the people of the District will do if they are granted statehood.

Rather, as I said earlier, I support their request for the right to congressional representation and to direct their own policies and budget. The bill before us, H.R. 51, is fair to all involved. The bill contains language that ensures that the State of New Columbia will enter the union on equal footing with other States and will be afforded equal treatment as well. The payment in lieu of taxes provisions in this bill are no different than those already available to other States, as well as local jurisdictions.

The issue at hand, really, is whether or not we are going to allow political fears and paranoia of a few Members to stand in the way of the civil rights of approximately 600,000 American citizens.

The population of the District of Columbia exceeds that of three other States in the Union; the people pay higher Federal taxes per capita than 48 of the 50 States. The District has a productive economy which will enable it to meet the costs of full self government. Citizens of the District of Columbia serve in the armed services in proportionally sizable amounts, and all of the constitutional requirements of statehood are currently being met.

Congress clearly has the authority to admit States through simple legislation, as it has done with 37 other States, and to enact a bill reducing the size of the Federal district over which the Constitution gives Congress control.

Admitting the State of New Columbia is the only means available to us to fully right the terrible wrong this Nation has perpetrated against 600,000 of its citizens. Contrary to what statehood opponents claim, retrocession of part of the District of Columbia to Maryland is a wholly impracticable option. A recent survey of the Maryland legislature showed that only a tiny handful of the members of that body would support retrocession.

Mr. Chairman, colleagues, the people of the District of Columbia deserve statehood. I am confident that they will not abuse this right nor will they use it to the detriment of others. It is not fair for others to deny the people of the District their civil right because they have chosen to prejudge them in a critical manner. A vote for statehood will give the Nation's Capital full self-government, and ensure for all its citizens the democratic rights our Constitution guarantees.

Mr. Chairman, I urge my colleagues to support H.R. 51 and to support the people of the District of Columbia.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 51, the New Columbia Admission Act. I would like to commend my distinguished colleague from the District of Columbia, ELEANOR HOLMES NORTON for her efforts in bringing this legislation to the floor and addressing the critical issue of statehood for the District of Columbia.

H.R. 51 would admit into the Union as the 51st State, the territory now known as the District of Columbia under the name of New Columbia. In addition, it will provide for the election of one Member to the U.S. House of Representatives and two Members to the U.S. Senate. Under current laws governing the District of Columbia, its residents bear all of the responsibilities of citizenship including payment of taxes and military service. However, they do not share its most cherished right, full representation in Congress.

Mr. Chairman, with 600,000 residents, the population of the District of Columbia is larger than the States of Wyoming, Vermont, and three times that of Alaska. Residents of the District pay higher Federal tax than residents in all except 4 of our 50 States. Of the 115 nations in the world with elected national legislatures, the United States stands alone in denying representation to residents of its Capital. In addition, residents of the District of Columbia have served in all American wars and have ranked 5th per capita in the Persian Gulf and 4th per capita in casualties in the Vietnam war. This political inequity is inexcusable.

Opponents argue that the State of New Columbia would be at a financial disadvantage without Federal payments. However, for the past 30 years, the Federal payment has never exceeded 20 percent of the city's budget. Moreover, Washington, DC's economy enables it to meet the costs of self-government. The business services are competitive with the rest of the United States. Legal services rank higher than 41 States, and finance, insurance, and real estate rank higher than 14 States. With 20 million tourists visiting the District each year, tourism is also a great source of revenue.

Mr. Chairman, the District meets the traditional three-part congressional test for statehood—residents have expressed their desire for statehood, accepted a representative form of government and possess sufficient population and resources to support a State. Granting statehood to the District of Columbia is simply a matter of fairness. Without statehood, the residents are denied their fundamental rights as American citizens.

By fulfilling all of the obligations of citizenship, District residents should be allowed the same rights enjoyed by all other Americans. The New Columbia Admission Act would grant residents these rights and I strongly urge my colleagues to support H.R. 51.

Ms. VUCANOVICH. Mr. Chairman, I rise in opposition to H.R. 51, as reported by the Committee on the District of Columbia. Let me say at the outset that my opposition to this bill stems from the special treatment that would be accorded the State of New Columbia and its residents, rather than from any partisan desire to squelch legitimate claims for representation.

But, my colleagues, H.R. 51 is viewed from the hinterlands, beyond the beltway, as an improper way to achieve congressional representation at the expense of the Federal taxpayer. Let me tell you about my State of Nevada. The rich silver veins discovered in 1859 on the eastern flank of Mount Davidson, known as the Comstock Lode, fueled an influx of miners and prospectors into the Nevada Territory. Soon businesses followed, sprouting up to support the needs of the burgeoning population of the territory. The silver produced from the Comstock's mines was an important contribution to the young United States, then gripped in the throes of a great Civil War.

President Lincoln was seeking a second term in 1864 and reelection was by no means assured as a war-weary Nation approached the November election date. On All Hallow's Eve, October 31st, 1864 Nevada was admitted

into the Union, and in January 1865 its three electoral votes were counted in President Lincoln's favor. So, yes, one might argue Nevada was brought into the Union on behalf of a political goal—helping to assure that the Nation would stay intact under the enlightened leadership of Abraham Lincoln. We're proud of it. Our State's motto is "Battle Born."

But remember, Nevada's industries, in particular metal mining, was contributing new wealth to the Nation. Nevadans produced something the rest of the country, and indeed the world, wanted and would pay for. Like all of our 50 States, from the most urban to the most rural, Nevada has natural resources worthy of exploitation for the benefit of our country. We have a bumper sticker in Nevada that says: "If it isn't grown, it has to be mined." While Congress often seems to forget the need to foster and develop basic industries in this country, we have not forgotten this need in the West. Sure, there is a place for service sector jobs but they cannot alone carry a State or Nation that seeks to maintain the standard of living we enjoy.

Mr. Chairman, like it or not, the Federal Government is a service. It takes money from citizens, it doesn't make money for citizens. Where is the productive labor and natural resource base upon which to underpin the economy of New Columbia? There is little or none, of course, so the supporters of statehood for the District propose to continue the heavy subsidy that exists today, but call it a special Federal payment-in-lieu-of-taxes program made necessary by the large continuing presence the Federal Government would have in New Columbia.

My colleagues, I represent the congressional district with the largest percentage of Federal land ownership in the entire United States. The chart shown earlier lists Nevada as 82.77 percent federally owned. If lands held in trust for Indian tribes were included, the Federal ownership figure is about 87 percent, and my district covers 99.7 percent of Nevada. In other words, my constituents know something about living with a landowner that doesn't pay local or state taxes. Yes, we receive PILT payments each year thru the appropriations process, but it is a far cry from having lands on the county assessor's tax rolls. *Public Land Statistics 1991* reports Nevada received just over $6.7 million for the Federal lands within its borders, about 11.6 cents per acre. That same year the District of Columbia received PILT money at the rate of 48.6 cents per acre to defray lost tax revenues. Of course, the D.C. appropriations bill handed the District's government many more Federal Dollars on top of the meager PILT reimbursement, because the District is a Federal enclave.

Well, I stand here today to say that my State feels as if it is such an enclave itself. When we seek to put the land within our borders to productive use, the Federal Government always has a big role to play. And all too often this body acts to say no to grazing, mining, timber cutting, oil drilling, and other productive uses of our land. On the other hand, when the Nation needed a place to study for deep geologic disposal of nuclear waste where did it look? You got it—the Great Basin of Nevada, among the most seismically active zones in the country. Good science? Of course not. But we have only four votes out of 535 in Congress. An easy slam dunk in 1987 and again in last year's Energy Policy Act.

What am I trying to say to supporters of statehood for the District? Well, basically, it's this. Nevadans have little sympathy for the plight of a new State that would be less than 22% federally owned. We are not asking for a Federal handout on the basis of a federal taking of a scenic easement over the State of Nevada, albeit that is basically what Federal land management policies now dictate. We see no reason to grant New Columbia such special status, when we know better than any the trials of dealing with a Federal landlord. Therefore, I urge the citizens of the District of Columbia to seek an alternative route to Congressional representation. I urge a No vote tomorrow on H.R. 51.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise today completely in support of the rule on H.R. 51, the New Columbia Admission Act. One need only watch this body debate the local affairs of the District of Columbia to understand the need for D.C. Statehood. I am sure that the residents of my State of Illinois would find it difficult to stand by and watch as others who have no allegiance to their community decide the laws that govern their actions and the distribution of their tax dollars. I personally find it difficult to watch deliberations on District of Columbia local affairs knowing that not only do the citizens directly affected by our actions not have a say in these discussions but that any decisions that have been made by their elected officials can be instantly reversed.

President Clinton stated it best, he said;

> The District of Columbia now has more people than 5 States, pays more taxes than 10 other States, and sent more soldiers to fight in the Persian Gulf than 20 other States. And yet every time they turn around, Congress can overturn anything they do through their elected officials.

I believe that our Founding Fathers would be appalled to know that nearly 607,000 taxpaying American citizens are without full voting representation in the United States House of Representatives and Senate.

Some who do not support Statehood for the District suggest that perhaps we can just allow residents of this city some limited representation without statehood. They argue that we should retrocede the District of Columbia to Maryland. Although that would give District residents a vote it would certainly dilute the vote of the citizens of Maryland who are used to electing their own Senators to articulate their specific concerns. In addition, the citizens of the District of Columbia like the citizens of other States, have a unique history and sense of community. It seems unnecessary to erase a community's identity when there is a better way to accomplish the goal of providing voting representation.

With all due respect to the great state of Indiana, I know for a fact that the citizens of my State would rise up if the Congress suggested that they be suddenly merged into Indiana. After all, they are strongly attached to their identity as residents of Illinois.

Mr. Chairman, on April the 15th of every year when the rest of the country is called upon to pay its Federal taxes, the residents of the District of Columbia must comply. At this time they are treated with equity. On January 15th in 1991 when this Congress decided to go to war in the Persian Gulf as on other dates when this country has declared war, the young people of this city were treated as equals. For the life of me I cannot understand why on the first Tuesday in November every year when other citizens of this country elect their representatives and Senators, residents of the District of Columbia are treated unequally.

Mr. Chairman, the request of the citizens of the District of Columbia is reasonable, fair and squarely in the democratic traditions of our Nation. We should vote yes on H.R. 51 and give these Americans their rightful representation in this government. I urge my colleagues to end the last vestiges and to do the democratic thing. Vote yes on the rule.

Mr. PORTER. Mr. Chairman, in order to ensure the independence of the new central government from undue state influence or control, the Constitution included a provision to create a district outside of any State and under the exclusive control of Congress as the seat of the new government.

The framers of the constitution did not envision a large population living in this district, however, over the last two hundred years, the district has changed dramatically. Approximately 589,000 people reside in D.C., which is more than in most congressional districts and more than in several entire States. These residents pay over $1 billion annually to the Federal treasury yet have only one nonvoting delegate to the House of Representatives. Their lack of representation should be addressed. But not by this legislation. Rather, we ought to consider retroceding the land to Maryland.

In 1990, Congress introduced the idea of rejoining D.C. with Maryland, except for a small Federal enclave made up of only major Federal buildings. Congress took this very same action in 1846 in returning the western portion of the District of Columbia to Virginia.

As Maryland's second largest city, the District would have at least one voting representative in the House and representation by the State's two Senators. The city would also benefit by participation in the Maryland educational system. At the time retrocession was proposed in 1990, the Governor of Maryland William Donald Schaeffer endorsed the proposal and agreed to assume responsibility for the District.

I am cosponsor of legislation introduced by my colleague, RALPH REGULA of Ohio, which would adopt the retrocession solution. His bill should have been allowed as a substitute for the Norton bill. Unfortunately, the Rules Committee allowed no amendments to the Norton bill and foreclosed the sensible Regula amendment.

Miss COLLINS of Michigan. Mr. Chairman, I am proud to support H.R. 51, the New Columbia Admission Act of 1993. I support statehood for the District of Columbia because I support granting full rights of citizenship to all Americans.

We are today debating basic rights of a class of Americans, a class that we have treated as separate and unequal. We are endowed by our creator with certain inalienable

rights. These rights must apply to all Americans, regardless of where we live.

No good reason has been put forth to reject this legislation. Our great nation was created on the principles of personal liberty and self-determination, and in 1993, 206 years after our nation's Constitution was ratified, it is disgraceful that this group of people do not have their full rights of citizenship.

Citizens of the District of Columbia live with the whims of a majority of legislators with whom they have no true voice. Not only are they subjected to taxation without representation, they are subjected to legislation without consultation. The United States is the only Nation in the world with a representative, democratic Constitution that denies voting representation in the nation legislature to citizens of the capital.

Meanwhile Congress retains veto power over laws passed by the District and its budget. Citizens of the District are the only Americans forced to live under this paternalistic federalism. D.C. residents are not provided the rights guaranteed all Americans in the 10th amendment, which reserves all power not granted by the Constitution to the States and, more importantly, to the people.

Let's stop treating the citizens of the District of Columbia like people who do not know what is best for them. Let's end the double standard. Let's end congressional supervision and meddling in D.C.'s affairs. Let's give the people their full rights and responsibilities as citizens of this democratic land. Let's pass H.R. 51.

Mr. BONILLA. Mr. Chairman, just a few short months ago all of us took an oath of office to uphold the Constitution. Today we have before us a bill which stands in violation of that oath. The Constitution clearly states that "no new State shall be formed or erected within the jurisdiction of another State" and the District of Columbia stands on land ceded to the Federal Government by Maryland.

Not only is this bill unconstitutional, it is unwise. Washington, D.C. is a city, not a State. Providing statehood for the District devalues the vote of each and every American outside of Washington, D.C. How can it be right for the City of Washington, D.C. to have the same number of Senators as the State of Texas. Clearly, it is not right. How can it be right for the American people to lose control of the governance of their national capital. Clearly, it is not right.

Today's debate is missing the most fundamental question—the rights of the 250 million Americans who live outside Washington, D.C. The rights of all Americans to know that their capital reflects the moral values which built this Nation. Make no mistake about it, if statehood is granted there will be no means to protect the integrity of the Nation's capital as a symbol of our democracy.

The threat posed is real, not rhetorical. The city's highest elected official has already called for legalized gambling in Washington, D.C. Who is to say that there won't be a call for legalized prostitution in the future. Does any member truly believe that the American people want to see casinos across the street from the Supreme Court, slot machines across the street from the Vietnam Memorial and brothels across the street from the White House. The American people deserve better than this and want us to stop it. But make no mistake about it. If statehood is adopted we will not be able to stop this defacement of our democratic institutions.

Today, let us remember our responsibility to safeguard the integrity of democracy's capital. The Constitution provides that the Congress shall have the power "to exercise exclusive legislation in all cases whatsoever, over such district" referring to Washington, D.C. My colleagues, join me today in upholding the Constitution and protecting the rights of the 250 million Americans outside of Washington, D.C. Vote no and reject D.C. statehood.

Ms. NORTON. Mr. Chairman, I reserve the final 15 minutes of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RUSH) having assumed the chair, Mr. MFUME, 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. 51) to provide for the admission of the State of New Columbia into the Union, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, CAMPAIGN FINANCE REFORM

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-402) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, 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. 3400, GOVERNMENT REFORM AND SAVINGS ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-403) on the resolution (H. Res. 310) providing for consideration of the bill (H.R. 3400) to provide a more effective, efficient, and responsive government, which was referred to the House Calendar and ordered to be printed.

HEALTH SECURITY ACT OF 1993—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, the Committee on Ways and Means, the Committee on Education and Labor, the Committee on Armed Services, the Committee on Veterans' Affairs, the Committee on Post Office and Civil Service, the Committee on Natural Resources, the Committee on the Judiciary, the Committee on Rules, and the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today to the Congress the "Health Security Act of 1993."

This legislation holds the promise of a new era of security for every American—an era in which our Nation finally guarantees its citizens comprehensive health care benefits that can never be taken away.

Today, America boasts the world's best health care professionals, the finest medical schools and hospitals, the most advanced research, and the most sophisticated technology. No other health care system in the world exceeds ours in the level of scientific knowledge, skill, and technical resources.

And yet, the American health care system is badly broken. Its hallmarks are insecurity and dangerously rising costs.

For most Americans the fear of losing health benefits at some time has become very real. Our current health insurance system offers no protection for people who lose their jobs, move, decide to change jobs, get sick, or have a family member with an illness. One out of four Americans is expected to lose insurance coverage in the next 2 years, many never to be protected again. Altogether, more than 37 million Americans have no insurance and another 25 million have inadequate health coverage.

Rising health care costs are threatening our standard of living. The average American worker would be making $1,000 a year more today if health care accounted for the same proportion of wages and benefits as in 1975. Unless we act, health care costs will lower real wages by almost $600 per year by the end of the decade and nearly $1 in every $5 Americans spend will go to health care.

Small businesses create most of the new jobs in America and while most want to cover their employees, more and more cannot. Under the current health care system, cost pressures are forcing a growing number of small business owners to scale back or drop health insurance for their employees. Small businesses spend 40 cents of every health insurance dollar for administration—eight times as much as large companies. And only 1 in every 3 companies with fewer than 500 workers today offers its employees a choice of health plan.

Our health care system frustrates those who deliver care. Doctors and

nurses are drowning in paperwork, and hospitals are hiring administrators at 4 times the rate of health care professionals. The system places decisions that doctors should be making in the hands of distant bureaucrats. Its incentives are upside down; it focuses on treating people only after they get sick, and does not reward prevention.

Clearly, our challenges are great. This legislation is sweeping in its ambition and simple in its intent: to preserve and strengthen what is right about our health care system and fix what is wrong.

Our needs are now urgent. A Nation blessed with so much should not leave so many without health security.

This legislation draws upon history. It reflects the best ideas distilled from decades of debate and experience.

It reflects the sense of responsibility that President Franklin Roosevelt called for when he launched the Social Security program in 1933 and recommended that health care be included.

It reflects the vision of President Harry Truman, who in 1946 became the first President to introduce a plan for national health reform.

It reflects the pragmatism of President Richard Nixon, who in 1972 asked all American employers to take responsibility and contribute to their workers' health care.

And it reflects the ideas and commitment of generations of Congressional leaders who have fought to build a health care system that honors our Nation's commitments to all its citizens.

Today America stands ready for reform. For the first time, members of both parties have agreed that every American must be guaranteed health care. An opportunity has been placed before us. We must not let it pass us by.

This legislation builds on what's best about the American health care system. It maintains and strengthens America's private health care. It extends the current system of employer-based coverage that works so well for so many. It protects our cherished right to choose how we are cared for and who provides that care. It invests in improving the quality of our care.

This legislation recognizes that America cannot, and need not, adopt one model of health care reform. It allows each State to tailor health reform to its unique needs and characteristics, as long as it meets national guarantees for comprehensive benefits, affordability, and quality standards. It establishes a national framework for reform, but leaves the decisions about care where they belong—between patients and the health care professionals they trust.

Under this legislation, every citizen and legal resident will receive a Health Security Card that guarantees the comprehensive benefits package. People will be able to follow their doctor into a traditional fee-for-service plan, join a network of doctors and hospitals, or become members of a Health Maintenance Organization. Like today, almost everyone will be able to sign up for a health plan where they work. Unlike today, changes in employment or family status will not necessarily force a change in health coverage.

The self-employed and the unemployed will receive their health coverage through the regional health alliance, a group run by consumers and business leaders, that will contract with and pay health plans, provide information to help consumers choose plans, and collect premiums. The largest corporations—those employing 5,000 workers or more—will have the option of continuing to self-insure their employees or joining a regional alliance.

The legislation is financed by three sources: requiring every employer and individual to contribute to paying the cost of health care; raising excise taxes on tobacco and requiring small contributions from large corporations, which form their own health alliance; and slowing the growth in spending on Federal health care programs. Enormous efforts have been made to ensure that the financing is sound and responsible.

The Health Security Act is based upon six principles: security, simplicity, savings, quality, choice, and responsibility.

Security. First and foremost, this legislation guarantees security by providing every American and legal resident with a comprehensive package of health care benefits that can never be taken away. That package of benefits, defined by law, includes a new emphasis on preventive care and offers all Americans prescription drug benefits.

Under this legislation, insurers will no longer be able to deny anyone coverage, impose lifetime limits, or charge people based on their health status or age. The legislation also limits annual increases in health care premiums, and sets maximum amounts that families will spend out-of-pocket each year, regardless of how much or how often they receive medical care.

The legislation will preserve and strengthen Medicare, adding new coverage for prescription drugs. To meet the growing needs of older Americans and people with disabilities, a new long-term care initiative will expand coverage of home and community-based care.

The legislation also provides residents of underserved rural and urban areas with better access to quality care. It also offers incentives for health professionals to practice in these areas, builds urban-rural health care networks, and protects those doctors, hospitals, clinics, and others who care for people in underserved areas.

Simplicity. To relieve consumers, business and health professionals of the burdens of excess paperwork and bureaucracy, this legislation simplifies our health care system. It requires all health plans to adopt a standard claim form; creates a uniform, comprehensive benefits package; and standardizes billing and coding procedures.

Savings. The legislation promotes true competition in the health care marketplace. It increases the buying power of consumers and businesses by bringing them together in health alliances. Health plans will no longer succeed by trying to pick only healthy people to insure; they will have to compete on price and quality. This competition will be backed up by enforceable premium caps.

This legislation also criminalizes health fraud, imposing stiff penalties on those who cheat the system. And it takes steps to reduce "defensive medicine" and discourage frivolous medical malpractice lawsuits by requiring patients and doctors to try to settle disputes before they end up in court, and by limiting lawyers' fees.

Quality. The legislation empowers consumers and health care professionals by providing information on quality standards and treatment results. It calls for new investments in medical research, including heart disease, bone and joint disease, Alzheimer's disease, cancer, AIDS, birth defects, mental disorders, substance abuse, and nutrition. To help keep people healthy, rather than only treating them after they get sick, the legislation pays fully for a wide range of preventive services and offers new incentives to educate primary care doctors, nurses, and other family practitioners.

Choice. Through comprehensive reform, the legislation gives Americans a new level of control over their health care choices. It ensures that people can follow their doctor and his or her team into any plan they choose to join. It transfers the choice of health plan from the employer to the individual, and guarantees a choice of health plans, including at least one traditional fee-for-service plan. Doctors and health professionals may participate in multiple health plans if they wish.

Responsibility. Under this legislation, every employer and individual will be required to pay for health coverage, even if that contribution is small. It extends the current employer-based system for financing health coverage—a system that now serves 9 of every 10 Americans who now have health insurance. To ensure affordability, small businesses, low-wage employers, and low-income individuals and families will get substantial discounts.

This legislation will strengthen our economy. Our current system is so much more costly than any other system in the world, and the American people should not be asked to pay huge new taxes in order to afford health care

reform. This plan raises no new broad-based taxes, but spends our health care dollars more wisely. It levels the playing field for small businesses, making it possible for them to insure their families and employees. It eases the tremendous burden of rising health costs on big business, helping them to compete for global markets. And by bringing the explosive growth in health costs under control, it sets us in the right direction of reducing our national debt.

The legislation restores common sense to American health care. It borrows from what works today, letting us phase in change at a reasonable pace and adjust our course if needed. It builds on what works best—and makes it work for everyone. Our task now is to work together, to leave behind decades of false starts and agree on health care reform that guarantees true security. The time for action is now. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 20, 1993.*

PERMISSION FOR INCLUSION OF EXTRANEOUS MATERIAL IN EXTENSION OF REMARKS SECTION OF THE RECORD FOR THE REMAINDER OF THE FIRST SESSION OF THE 103D CONGRESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that for the remainder of the first session of the one hundred and third Congress all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extension of Remarks."

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

There was no objection.

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THREE STEPS TO PROTECT THE DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, a November 18 memorandum attached to a letter concerning the recent so-called Penny-Kasich budget amendment, signed by the Chairman of the Joint Chiefs of Staff, Gen. John M. Shalikashvili, and the Secretary of Defense, Les Aspin, states the following:

The Department of Defense:

Must base the budget on national security requirements;

Must be able to count on a level of resources that will not be disrupted by a dramatic shift in the economy;

Should maintain readiness when the national security is in danger, despite concern over the deficit; and

Should not make ill-advised cuts that will reduce our ability to respond to challenges to that security.

To this, I say hallelujah, as this is an apparent reversal of the administration's previous position concerning the Defense budget, as set forth in a statement by Vice President AL GORE in his National Performance Review, "Defense had launched a Bottom-Up Review to meet the President's 1994–97 spending reduction strategy."

In all of this budget discussion, Congress and the Administration can get bogged down in numbers and miss sight of the purpose of our national security structure—to defend the interests of our Nation. Sure, there are budgetary constraints, but the budget should not be the driving force, and this Pentagon memorandum reflects new thinking concerning the defense of our country.

In June, President Clinton told the West Point cadets that the military had been cut as much as it should be. I agree, and I have been critical of the so-called Bottom-Up Review issued by the Pentagon concerning force structure earlier this year. This review can in no way fulfill the national security strategy of being able to successfully fight two major regional contingencies. This Bottom-Up Review is as useful to our national security as wings would be as useful to a pig. The peace-keeping efforts piled thereon further throw the national strategy out of balance.

Thus, the national defense budget must be leveled out—no more real cuts, or else we will have a truly hollow Armed Services. Our Nation, the bastion of freedom in this world, must ever be prepared to fulfill the role assigned to us in this world, and, if need be, to be successful in our national security strategy.

Thus, I suggest that we in this body take steps to protect the Defense Budget from the pressures and assaults and keep our guard up—else we will regret not doing so at some future date. It was Disraeli who once said "expect the unexpected."

Therefore, three steps should be undertaken to protect the ability of our Armed Services to provide the necessary defense.

First, the Defense Budget should be stabilized. The Defense portion of the overall budget should be treated the same as the domestic portions—the base line should include an inflation factor to keep the purchasing power the same.

Second, the integrity of the defense budget should be preserved. This must be done by providing firewalls around the defense part of the budget and not allow defense dollars to become part of the trading game.

Third, there should be an end to imposing the costs of domestic programs upon the defense budget. Defense funds are wrongfully diverted to, among other areas, the FAA, the Coast Guard, NASA, conversion, and foreign aid [Russia]. This is an improper internal erosion of the funds for our soldiers, sailors, airmen and marines—going to nondefense programs.

Therefore, our country, both the administration and the Congress, should get rid of this Bottom-Up Review plan and adequately provide funds for our national security. For my part, I will do my best to follow through with what is right and necessary for the men and women who wear the American uniforms—they are our sons and daughters, our nieces and nephews, our grandsons and granddaughters. They deserve the best we can give them. When they are needed, we expect them to perform their duties as professionals and we expect them to be successful. We should stand behind them and properly fund their efforts.

IN DEFENSE OF THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this special order out this evening, and I underscore to the wonderful staff here that it is a 5-minute and not a 60-minute special order. I should first say that we have spent the last 6, 8, or 10 months, and possibly even longer than that—actually for me it goes back several years—taking time in the evening to talk to our colleagues and the American people about the North American Free-Trade Agreement. I am happy to say, as we are here on the last Saturday of the 1st session of the 103d Congress, that we are not going to be talking as much about the North American Free-Trade Agreement as we have in the past. But I want to express my appreciation to all of the wonderful people who are sitting behind me, and people who are downstairs, and the people who work in the cloakrooms, who have stuck with us through all of those.

I would like to take just a couple of minutes, Mr. Speaker, to respond to a couple of items that were raised this morning during the 1-minutes on the North American Free-Trade Agreement. There were a couple of our colleagues on the other side of the aisle who were strong opponents of the North American Free-Trade Agreement who stood here in the well and started talking about those of us who were supporting measures which we are going to be considering in the next couple of days to bring about major spending cuts, and they tried to claim that those of us who supported the North American Free-Trade Agreement in fact are not interested in how we pay for things, how we bring about the responsible effort to cover the costs that

will be imposed. And that clearly was a fallacious argument. Because those of us who were strong proponents of NAFTA did so for many reasons. But one of them is the fact that we are going to be able to see economic growth create a situation which will actually increase revenues to the Federal treasury.

Now, while some opponents of the North American Free-Trade Agreement tried to claim that there would be a tremendous tax increase in the NAFTA, they were wrong. Anyone who voted against the North American Free-Trade Agreement actually voted against a $1.5 billion tax cut. Why? Because while there were an additional $1.08 billion in customs fees, as the gentleman from Texas [Mr. PICKLE] knows, they came out of his committee, and airline fees, the tariffs, which are a tax, are going to be reduced by $2.5 billion over a 5-year period.

Mr. Speaker, those fees, as the gentleman from Texas [Mr. PICKLE] knows, are temporary, and we will actually see a net, because we have the $1 billion in those fees and $2.5 billion in tariffs or taxes that will be reduced, a net tax cut of $1.5 billion over that 5-year period.

At the same time, there are many who talked about the cost of cleaning up the border, as if the border problem had something to do with the North American Free-Trade Agreement. The problem that exists there exists there today, and it has nothing to do with the NAFTA. So there is going to be a cost in cleaning that up.

But the Congressional Budget Office provided an assessment of what we will see in increased economic growth in the United States, and they have projected that there will be an increased growth of $72.5 billion in the gross domestic product here in the United States. As such, with that increase in the GNP, we are going to see, over a 5-year period, based on the Congressional Budget Office projection, an increase in revenues to the Federal treasury of $13.59 billion. Why? Because of the expanded economic growth, which is going to be creating jobs and putting these people who may not be working today onto the tax rolls, paying taxes, which will be coming to the Federal Treasury.

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So I believe that it was very disingenuous for those who said that some of us who want to bring about meaningful spending cuts only talk about it now but do not want to be fiscally responsible as it relates to the North American Free-Trade Agreement. We all know that the NAFTA is not going to create a tremendous surge in jobs overnight. It is not going to create a situation which is going to have this great benefit immediately. But clearly, we are going to see steady economic growth as a byproduct of this job creation.

I would also like to say, Mr. Speaker, that we demonstrated, with the vote on the North American Free-Trade Agreement, 75 percent of the Republicans, 40 percent of the Democrat Members of this House joined together in a bipartisan way. I believe we Republicans showed that a program which was envisioned by Ronald Reagan, negotiated by George Bush and supported by President Clinton, we can provide bipartisan support and we can avoid gridlock on our side.

President Clinton has campaigned, talked about a number of other items which I hope very much we can put into place in a bipartisan fashion here in the House. Line item veto authority was, of course, one of his key items. Congressional reform, which I happen to be working very closely with my colleagues on. We are going to be going into our markup on that tomorrow afternoon.

Welfare reform, dealing with banking regulations, which have held up the small business expansion that is necessary, and capital gains tax reduction.

I hope very much, Mr. Speaker, that we can deal with these items in a bipartisan way.

THE SOCIAL SECURITY ENTITLEMENT REFORM AMENDMENTS OF 1993

The SPEAKER pro tempore (Mr. RUSH). Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 30 minutes.

Mr. PICKLE. Mr. Speaker, it is my belief that all Federal entitlement programs need to be re-examined in light of the promises that they are making to today's workers and the financial burden that these programs may impose on their children when they become workers. I do not feel that across-the-board spending caps are the best way to go—that path is much too arbitrary for me—but I will not pretend that I have a prescription for how to deal with each entitlement program. As a former chairman of the Social Security Subcommittee in the House, my approach is to start with what I know something about, namely social security. I strongly believe that no effort to realistically address the future burden of entitlement promises will produce meaningful results unless social security is on the table. I, therefore, have introduced legislation today to restrain the long-range cost of social security with the hope that it will start people thinking about how to alter the full spectrum of our entitlement promises.

The major provisions in this H.R. 3585, legislation would:

1. Raise the age for receipt of full social security benefits to 70, while retaining age 62 as the first age at which retirement benefits can be received. This would be phased in over 24 years, beginning in 2006;

2. Provide cost-of-living adjustments every 2 years, based on 2 years' worth of inflation, except when inflation exceeds 4 percent per year. This would be effective beginning in the year 2000;

3. Liberalize benefits for widows, widowers, and other recipients, age 80 and older. This would be phased in, beginning in the year 2000; and,

4. Lower the age for receipt of Supplemental Security Income [SSI] benefits from 65 to 62. This would be phased in over 12 years, beginning in the year 2000.

There will be those who will say that my timing is wrong, that there already is too much on the legislative table, and that we can wait until early in the next century to consider whether there even is a problem with Social Security. In 1983, in the midst of almost overwhelming political chaos and with the prospect that full Social Security checks would stop going out within a few months, we passed major amendments in the Social Security program to restore the system to a sound financial footing. In 1979 and 1980, shortly after I become Chairman of the Social Security Subcommittee, our committee began holding hearings to examine the system's problems. We were told then that we were moving too soon, that things could get better, and that we were creating a problem rather than solving one. We felt then that time was not an ally, and that those telling us that we were moving too soon were really telling me not to rock the boat. Well, I will probably be told that again, but I think it is time to face the social security dilemma once more.

So that no one misinterprets my intention, I will state again, as I have many times in the past, that I am committed to the basic principles of Social Security and to the system's preservation. However, I break with conventional wisdom in that I do not believe that preserving the current status quo a hundred percent is the way to meet those commitments.

The promises made by entitlement programs will be difficult to honor in the future.

Let me say first that I still feel good about what we did in 1983 to restore Social Security to a sound financial footing. The Social Security Amendments of 1983 were absolutely necessary. The system was in big trouble, and we made enormous changes. It was not easy or all that politically popular, but it had to be done, and for 10 years now the system has been not only financially secure but has been building up a huge surplus. And it may be that those changes will carry us for many more years. That is what many Social Security actuaries tell us anyway. We may need a reallocation to the disability fund in the near future, and we may

need to alter how we administer that program, but the actuaries project that the Social Security system overall will be solvent for more than 4 decades. Possibly until 2036.

So why am I not content? Why do I think things need to be changed?

The reason is that I do not think the Social Security skies ahead are all that clear. Admittedly, there is no emergency. Insolvency is not looming over the system as it was in 1981, in 1982, and again in 1983. In each of those years we had to take steps to keep the checks flowing. We had a need, a cause, something to push us. Today we don't, at least not one that is apparent, and the fact that we don't may be unfortunate in that it leaves us without a vehicle to make changes we need to make for the long run. The way I see it, the cost of Social Security will rise substantially beginning with the retirement of the post World War II baby-boom generation in 2008. That is only 15 years away! This rising cost, along with that of other entitlement programs, is likely to impose a large tax burden on the children of the boomers. Regardless of whatever balances the actuaries say the Social Security system will have out there, the cost of the system will have to be paid for with resources extracted from the economy. The system may appear on paper to be solvent until 2036, but it cannot stand alone and be removed from the economic hurdles that must be overcome to assure our well being. Social Security is not some independent spaceship floating freely in the economy. Its viability, like that of the Government generally, depends on the vitality of the economy.

A realistic assessment of every entitlement program is necessary.

While the public's focus of concern is now rightfully on the rising cost of health care and on how it is driving up Federal health expenditures, the fact is that Social Security is the largest form of Federal expenditure—our largest entitlement program—and Social Security cannot be ignored. Even if President Clinton, and we here in the Congress, can successfully confront the Nation's health insurance dilemma and curb the excessive spiral in health care costs, we will still be left with an enormous burden in sustaining our entitlement programs arising out of the demographic changes that will befall us within two decades. Because of their numbers, when the baby boomers become retirees they will greatly raise the cost of all the benefits promised by the multitude of entitlement programs we have put in place. Unless we openly and candidly face up to the dimension of the future promises that the entitlement programs represent, these programs will sap and erode the vitality of our economy.

At some point we must face up to this fact: that if these promises are to be kept in the fashion now contemplated under current laws, the tax burden on the children of the baby boomers—my grandchildren—will be untenable. Curbing health cost inflation will not do the job alone. It is a much bigger task. It will require a realistic re-assessment of every entitlement program, and that will not occur unless it first happens with the sacred cow of all entitlement programs: namely Social Security.

Means-testing Social Security is not an answer.

Means-testing seems to be the popular sound bite today. It's very appealing in its message that if we just limit what we pay to rich people, the problem will be solved. While I can certainly see the lure, I'm not one who favors it, at least with respect to Social Security. I believe it misses a much bigger point—that Social Security has survived and been successful because it is not means-tested. Support for the system requires that people feel they earned a fair stake in it, rich and poor alike. Means-testing would kill it. It may sound good at the moment, but it will leave a bad ring in the ears of the American public when they are told that, in order to get something they paid for, they must now show they need it.

I ask any of those who advocate a means test how they actually would do it. Are we going to march 43 million people into Government offices twice a year and ask them to divulge their financial worth to some bureaucrat? Are we going to ask them to bring in their tax returns and their bank statements? Are we going to ask them how many cars they own, what kind of gifts they made to their kids, what kind of trusts they have set up, who they received gifts from, what their jewelry is worth and so on? Is this really a practical way to deal with people who have worked and paid taxes under this system all their lives? What fragment of evidence is there that leads us to think that means testing Social Security will be acceptable with our constituents? If our retirees today cannot live with a Social Security earnings test that affects only 3 million of them, what will 43 million of them say when we tell them that all their income is going to be taken into account? And their assets too?

No, I don't think the American public is ready for means testing of their Social Security benefits.

However, future Social Security costs do need to be restrained.

I do think we need to bring down the future cost of the Social Security system.

Under current projections, the system's cost will rise from about 11.6 percent of payroll today to 15.4 percent of payroll in 2025, and then to 16.6 percent in 2035. In today's dollars, this would amount to $140 billion annually. Medicare could rise from 5 percent today to 20 percent in 2035. Medicaid will also grow as the baby boomers' need for nursing home care goes up as they age. Interest on the public debt, civil service and military retirement, veteran benefits, Supplemental Security Income, and a whole host of smaller entitlements will add to the levy. When all are considered, their toll could consume more than half of every dollar earned by our future workers—the children of the baby boomers.

Scaling back Social Security in the future is necessary but the changes should not impact current recipients.

I don't think we can change Social Security as rapidly as some would have us do. I think cutting benefits for today's retirees, which would be the only way to bring about large immediate savings, is unfair and politically untenable. And turning Social Security into a privatized system is not in the cards. I question whether it would be all that desirable in any event. But I do think that taking steps to moderately scale back the promised benefits of the next century is practical and necessary. And we cannot wait until then. We cannot wait until 2008, when the first baby boomers reach the entry point for social security to tell them that society cannot afford to pay them the benefits they were promised. People have to know what's coming; they have to be able to plan ahead. Uncertainty leads to distrust, and distrust leads to chaos. So, I believe we must start today. If we do, we can give those baby boomers 15 years notice. If we do, the change can be gradual. If we do, we can demonstrate our ability to govern for the long run. If it turns out we are wrong and have the good fortune to prosper beyond what we can reasonably expect today, some future Congress can always reverse what we do. There should be little doubt that it is easier to give people something than to take it away.

This bill is a wake up call to those wishing to preserve the system.

I have no illusions about the immediate prospects of my bill. I know it will not fare well with the advocates. They may criticize it and stomp on it simply because it reduces benefits in the long run. I see this bill as a wake up call, because I think eventually it or something like it will be acceptable with their constituencies, who are our peers. Our peers, despite the overtures that their representatives make to us, are concerned about the future of their children and grandchildren, and they do not want these enormous entitlement programs to choke off their future well being.

But, Social Security needs to be changed even if viewed in isolation from other entitlements.

While the bill I have introduced is motivated by this concern about entitlements generally, it also is directed at solving the specific long-range problems of the Social Security system.

The latest forecast, made by the Social Security trustees last April, shows that the system has an actuarial shortfall of 1.46 percent of taxable payroll over the next 75 years as a whole. In simple words, it has a shortfall equal to 10 percent of its cost. This is bigger than the Congress and the trustees have traditionally viewed as prudent. It falls outside of the bounds of what is considered to be a reasonable deviation from actuarial balance. While the trustees recently have employed a more refined test of whether the system is in a favorable or unfavorable condition, generally speaking if its projected outgo is more than 105 percent of its projected income, it is not considered to be financially sound. Because of the size of the imbalance projected in their latest report i.e., the system's costs are 110 percent of its income, the Social Security's own Board of Trustees concluded that "appropriate options to strengthen the long-range financing of these funds should be developed."

The Social Security Amendments of 1983 improved the system's financial condition, but the economy and birth rates have not kept up with expectations.

Ten years ago when we passed the Social Security Amendments of 1983, the trustees and actuaries told us that the system was in long-run balance and would be solvent until at least 2060. I believed that then—it was a fair projection—however, many things have changed, and we should face up to them. Foremost among them are changes that have taken place in the economy. At the time of enactment, and based on the performance of the economy over the preceding 30 years, average wages were assumed to grow annually by 1.5 percentage points more than prices. Wages are important to the system because the revenue to finance social security is taken from them. Price growth-inflation—is similarly important because it heavily influences the spending side of the system. Simply put, the more that wages grow faster than prices the better off Social Security will be. Today, based on experience of the 1970s and 1980s, the trustees are assuming that wages will grow by only 1.1 percentage points more than prices each year, which largely reflects the drop in productivity that has occurred over the past few decades. This change has had an adverse impact on the actuaries' projections.

Another important change adversely affecting the outlook is in the Nation's birth rate. Generally speaking, the higher the future birth rate, the more workers there will be to support the system. Although the Nation's birth rate dropped sharply after the baby boom subsided in the mid 1960s, in 1983 the actuaries were assuming that it would rise again over the following decades and eventually reach a point where the average number of births per woman would be 2.1. However, experience over the past two decades now suggests that this assumption also was too optimistic. Today, the long-range assumption is that an average women will experience 1.9 births.

Yet another important change occurred in the assumptions made about the prevalence of disability. Over the past decade, the number of people filing for and receiving social security disability benefits has substantially exceeded the projections made in 1983—to the point now where the disability fund is likely to become insolvent within a year or two. While this can be dealt with through a small reallocation of retirement taxes to disability, the higher incidence of disability over the past decade has prompted the actuaries to raise the projected future cost of disability accordingly.

These three changes and numerous other smaller ones, all taken together, have gradually altered the long-run outlook for the system since we fixed it in 1983. They present us today with a picture of potential insolvency—for the retirement and disability parts of the program combined—occurring in 2036 and an average deficit—10 percent of the cost of the system—that is too large to ignore.

This bill would eliminate the long-range deficit largely by raising the age for full benefits to 70.

The bill I am introducing would deal with the problem by raising the so-called "social security retirement age" to 70. This does not mean I expect people to wait until age 70 to receive benefits. As under current law, people would still be able to collect retirement benefits at age 62 and aged widows' and widowers' benefits at age 60. The legislation simply raises the age at which "full" benefits can be paid. In view of the improvements in life expectancy that have occurred since the program was enacted in 1935, and which are projected to continue into the future, I believe that asking people to wait a few years longer to receive full benefits is sound and reasonable policy in light of the financial burden that the continuation of current law would impose. For those who cannot do so, because of poor health, job loss, or job burn out, the program will still be there at younger ages, but only at slightly lower levels as benefits are actuarially reduced for earlier retirement. At age 62, a worker retiring in 2030 would get 60 percent of his or her full benefit, in contrast to 70 percent under current law.

One important aspect of the bill reflects my belief that people retiring in the next 10 to 12 years should not have their retirement plans disrupted, so I would not change the "retirement age" provisions of current law until 2006. Under current law, a worker reaching age 62 in 2006 would not be able to collect full benefits until age 66, and that age would prevail as the "full benefit age" for the next 12 years. In 2017, the age for full benefits is scheduled to begin rising again until it reaches age 67 for those reaching age 62 in 2022. The bill would do away with the 12-year hiatus period where the full benefit age stays at 66, and would continue the gradual increase in the age that starts in the year 2000 (under current law) until it reaches age 70. The full benefit age would reach 67 for those who become eligible in the year 2011, 68 for those becoming eligible in 2017, 69 for those becoming eligible in 2029.

Changing the basic disability benefit level goes hand in hand with raising the age for full retirement benefits.

This bill also would alter social security disability benefits. Under current law, disability benefits are awarded up to age 65. People who become disabled after that point must take retirement or survivor benefits—the underlying assumption being that they are already at a point in their lives when one might reasonably assume that retirement would have taken place. The social security program does not pay disability benefits as an indemnity simply because an impairment exists. The premise always has been that disability benefits are a replacement of earnings lost due to the onset of a disabling condition. However, when disability is alleged or occurs between the ages of 62 and 64, the assumption that the benefits are replacing earnings lost due to the disability becomes more difficult to support. Many workers, who have impairments but not severe enough to qualify for disability, leave the workforce and begin collecting social security as early retirees. Others simply retire because they have no job or they are "burnt out." Some 60 percent of retirement benefits taken each year are from people who are age 62, and people who collect at that age must take an "early-retirement" reduction. A person found disabled at age 62, on the other hand, will get full benefits, which effectively gives them a 25-percent higher benefit than the early retirees. This difference can potentially follow them for the rest of their lives.

Under current law, when the age at which full benefits reaches 67, an age-62 retiree will collect 70 percent of the full benefit, while the worker disabled at that age will collect the full amount. What this means is that the age-62 disabled worker would get 43 percent higher monthly benefits (30/70=43 percent) than the age-62 retiree. I believe this is unfair and will create an enormous incentive for early retirees to file for disability when they file for retirement even if their chances of getting it are remote.

The disability program today already is overburdened and ready to burst because of the large number of claims

being filed and the complex process through which disability decisions are reached. If the age for receipt of full benefits were raised to 70, workers retiring at age 62 would take an even larger reduction than under current law because they retired "early," whereas the disabled worker would take *no reduction at all*. The advantage in obtaining disability benefits at age 62 would be 67 percent.

Permitting this situation to occur, or even permitting the potential 43 percent differential under current law to occur, would be unfair to those early retirees who cannot meet social security's criteria for disability, and it would create an administrative monster for the Social Security Administration and the State agencies responsible for making disability decisions. The possibility that the vast majority of workers retiring before age 70 would simultaneously file for disability cannot be dismissed. Therefore, the bill I have proposed would preclude disability benefits from being awarded at age 65 or later (as is the case today) and would peg the basic level of disability benefits to that which would be payable to a worker retiring at age 65. What this means is that, as the age for full benefits rises above 65, the basic level of disability benefits would decline as a percent of full benefits. Eventually, when the age for full benefits reaches 70, disabled workers would receive 71 percent of the full benefit amount, the same amount a worker who elects retirement benefits at age 65 would receive. This will result in a maximum difference in benefits between disabled workers and age-62 retirees of only 18 percent, which would be much smaller than the 25-percent difference that occurs today and the 43-percent difference that would occur in the future under current law.

To offset some of the adverse impact that this change would have on younger disabled workers, whose earnings potential might have been cut short by their disability, the bill would eliminate the provision enacted in 1980 that reduces the number of low years of earnings that a disabled worker under age 47 can drop. What this means is that all disabled workers could get a full 5 years of low or no earnings dropped from the computation of their benefits, regardless of their age. For younger disabled workers, this means their benefits would be derived from a higher level of "average earnings" than is permitted today, which would partially or substantially offset the impact of pegging the basic disability benefit level to the reduced age-65 retirement benefit.

Moreover, the bill would not change the benefits provided to a young family of a disabled worker since in the aggregate the same maximum family benefits would be paid. The disabled worker's own benefit might be reduced, but those paid to the worker's spouse and child would be increased accordingly, leaving them in the same position as current law.

The delayed retirement credit would be frozen at the 1994/95 level.

The bill also would alter the so-called delayed retirement credit. Today, workers who delay receiving social security until after age 65 can receive an increase in their eventual benefits of as much as 4 percent a year for each year that they wait past age 65 (up to age 70). If they wait until age 70, this credit can effectively raise their eventual benefits by 20 percent. Under current law, the credit will grow gradually to 8 percent per year over the next 14 years. When the full benefit age reaches age 67 in 2027, a worker waiting until age 70 will be eligible for a delayed retirement credit of 24 percent (3 years' worth at 8 percent per year). However, because the transition to the larger credit was not coordinated with the increase in the full benefit age to 67 when these measures were drafted in 1983, the credit payable at age 70 will actually peak at 132⅔ percent for someone who attains age 70 in 2009. In effect, under current law there will be a "windfall" for some future workers that will arise because of the manner in which the larger credit is being phased in.

The bill I have proposed would implicitly phase out the credit as the age for full benefits rises to 70. At that point the scale of benefits for retirement from ages 62 to 70 would produce an actuarially fair increase for waiting until age 70 to collect, which is in fact the ultimate goal of phasing in a larger delayed retirement credit under current law. In addition, the bill would freeze the credit at 4.5 percent a year (i.e., the level scheduled to take effect in the 1994–95 period) to minimize the potential windfall effect of the uncoordinated phase in enacted in 1983.

Beginning in the year 2000, cost-of-living adjustments (COLA's) would be given on a biennial basis, except when inflation exceeds 4 percent a year.

COLA's are a vital and unique part of the social security system. However, they are also an expensive feature. In concert with raising the full benefit age, the bill would attempt to reduce future social security costs by providing COLA's on a biennial basis, rather than every year, beginning in the year 2000. The COLA provision was not designed to guarantee an annual benefit increase. The fact that we have permitted the system to do so since 1984 has caused people to lose sight of the COLA's basic purpose, which is to assure that social security benefits are not eroded over time by inflation. It also should be recognized that the COLA provision was not even enacted until 1972, some 37 years after the original Social Security Act was passed in 1935. In prior periods, benefit increases could come 5 or 6 years apart. In the 1940s, recipients went 10 years before benefits were increased (inflation of 75 percent or so was matched by a benefit increase of 77 percent in 1950). The point is that it is the amount of inflation that is most important, not the frequency of adjustment.

It is my feeling that the current policy of annual adjustments is too generous for the long run. It affords a COLA even if the inflation rate is as low as one-tenth of one percent. My bill would alter the current practice by providing COLA's every other year based on a two-year period of inflation. If, for instance, the cost-of-living rose by 3 percent a year, a COLA of 6 percent would be provided every other year. In effect, the bill does not skip or ignore inflation, it simply adjusts benefits less frequently for it. The only exception I would make is if inflation heated up to a level of more than 4 percent a year, in which case I would provide the COLA annually as is done today. In order to avoid any sudden changes in the expectation of recipients, this provision would not take effect until the year 2000. I realize that many recipients on the rolls today would be affected eventually, since they will still be recipients in the year 2000. But the delay should give them time to prepare.

The bill contains other measures to mitigate its impact on poverty-prone recipients.

I recognize that these changes could be painful prescriptions for some older people. We know that the least well-off segments of the social security population are surviving spouses, particularly widows, people age 80 and older, the never married, and to some extent, those who retire early because of job loss or partial disability. Married recipients and people who continue to work to advanced ages tend to be among the more fortunate. The bill would make a number of changes in an attempt to mitigate the impact of the retirement age and COLA changes on those groups with higher poverty rates. Two improvements would be made for surviving spouses. One would eliminate the reduction a widow or widower must take because his or her deceased spouse had retired early on social security. This reduction can be as much as 18.5 percent today. A second measure would lessen the amount of the reduction that a widow or widower must take because he or she filed for benefits early. Today, this reduction could be as much as 28.5 percent (for someone who files at age 60), and under the age-related provisions of the bill, it could be as much as 40 percent. Under this second measure, the maximum reduction an age-80 or older widow or widower would take would be scaled back and eventually limited to 10 percent. This would done over a 25-year period beginning in the year 2000.

In addition to those receiving widows' and widowers' benefits, many older social security recipients are poverty-prone singles living on their own social security benefit—they have lost their spouses but their own benefits are higher than what they would get as a survivor, or they have never married or are divorced. As a means of helping them, the bill provides a general 5 percent increase to all recipients who attain age 80.

Most important for the poverty-prone early retirees, the bill would reduce that age at which SSI "aged" benefits could be paid from 65 to 62. This would be phased in over 12 years beginning in the year 2000, with the first age of eligibility dropping by 6 months every two years (i.e., in the year 2000, SSI benefits could be paid at 64½; in 2002, they could be paid at age 64; and so on).

The bill is intended to restore confidence among the baby boomers by making promises to them.

The change contemplated under the bill are based on the premise that the tax burden on future generations cannot rise to the level that the current promises of entitlement programs would create. This bill is based on the premise that the children of the baby boomers should not have to shoulder a level of taxation that we ourselves are not willing to pay today. Thus, the changes it would make are designed with the purpose of sustaining the social security system, and restoring actuarial balance, but with the level of social security taxes currently scheduled in the law. Confidence in the future of social security and other entitlement programs can only come from making realistic promises to the baby boomers and their children.

This bill also is premised on the belief that year-to-year changes to entitlement programs through the budget process is a bad way to make policy. It is too short sighted. By definition, it ignores the long view. Piecemeal changes will only erode public confidence.

But the bill does require a bold and politically painful leap today. It says that we cannot wait until 2008 or 2010 to make changes. Waiting until then would lead to abrupt changes. It would mean pulling the rug out from under people and disrupting their lives. We have time to prepare the baby boomers, and for them to prepare themselves, if we legislate today. If we do, we can avoid having to make changes under duress or in a crisis atmosphere. If we wait until 2010, we may be caught between two age groups already pitted against one another. I believe that taking the leap proposed in this bill would show that we can govern, and not just to meet next year's deficit target, or to meet deficit targets for the next 5 years. Planning for the future means that we have to look out a generation's worth to truly understand what we need to do.

□ 2040

PROBLEMS IN THE AMERICAN ECONOMY

The SPEAKER pro tempore (Mr. RUSH). Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, what I would like to do is yield to the gentleman from New York State [Mr. HINCHEY], and afterwards I will say a few words, and then we will participate in a dialogue.

Mr. HINCHEY. Mr. Speaker, I thank my colleague from Vermont, [Mr. SANDERS] for yielding me this time.

Mr. Speaker, I would like to take this time to discuss some problems in our economy and some of the things that we might do to address those problems in terms of needed investment.

I would like to introduce that by observing that at the turn of the last century, the Parisian born Italian economist Vilfredo Pareto, recognized in his field for the contribution he made in applying mathematics in economic theory, earned his greatest reputation, not for that contribution but for his magnum opus Mind and Society, an extraordinary work in sociology. Perhaps the most impressive lesson of that 4-volume work was his devastating delineation of the strong component of the nonrational in all our institutions.

Not only did he identify the irrational in economic institutions but in the activities of government as well. Looking at the present state of affairs, here and abroad, I think that both economists and those involved in government would agree that the situation has not changed much in the hundred years that have passed.

Professional economists tend to work strictly within the limits of their own specific scientific discipline; we, as legislators, must measure an issue by many criteria, sometimes involving several fields of science, frequently without being expert in any. We come to our job with certain preconceptions as to what Government can and should accomplish. That the preconceptions of officeholders have no necessary connection with scientific validity was demonstrated by former President Reagan on more than one occasion during his 8 years in office.

Someone has defined politics as the art of the possible, but often, to judge by the pace of results, it might be redefined as the art of making the possible impossible. Certainly there would be some justification for so characterizing the budget debate of 1993, which saw laudable goals for reinvestment whittled down to insignificance.

On November 5, in the business section of the New York Times, there was an article announcing "Market Plunge Threatens Yearlong Rally." I will quote from two paragraphs that were of particular interest to me:

> The first problem for the traders and investors in the last several weeks has been the fear of rising economic growth. Without looking at longer-term trends, traders and investors often instinctively interpret growth as a threat of rising inflation, which erodes the fixed returns in the bond market.
>
> That fear has increased with reports showing stronger growth in the third quarter and auto sales data indicating more growth in the fourth quarter.

There is nothing unusual in finding this kind of statement in a business publication. It is a description of the marketplace at work, as seen by investors and traders. Somehow or other, however, it has a disturbing quality in that it seems to imply that investors and traders are afraid of economic growth. I am referring to the words, "traders often instinctively interpret growth as a threat of rising inflation, which erodes the fixed returns in the bond market."

This is an over simplification of their position, of course, and they would say that what they are really concerned about are the dangerous side effects that can occur when economic growth becomes too rapid.

In so doing, however, they are conceding that in some circumstances, they can be adversely affected by a growing economy. And an argument can be made—and has been made—that much of recent monetary policy was designed to protect their interests at the expense of an increase in the Nation's productivity.

I respectfully suggest that it is not the welfare of the top 5 percent of the families in this country that is threatened by economic stagnation. It is the rest of us who cannot afford to buy the tax exempt bonds that pay for America's indebtedness.

According to the Congressional Budget Office, between 1977 and 1988, the poorest 10 percent of our population had a tax increase of some 20 percent while the top 10 percent had an overall decrease of 5 percent. The very wealthiest 1 percent had a decrease of nearly 20 percent. During the same period that same very wealthiest group had a 50-percent increase in income, and the top 10 percent an increase in income of about 17 percent. On the other hand, the lowest 10 percent of families had 13-percent decline in income and the second, third, fourth, fifth, sixth, seventh, and eighth deciles also had declines in income of between 2 and 8 percent.

Another study by the United Nations Development Program looking at the top 21 industrialized nations found that only Australia has a higher rate of income inequality than the United States.

That such figures do not speak well for the American economy is obvious.

It is imperative that we recognize the importance of this factor as we seek to increase the Nation's productivity. The disparity in income between those at the top and those at the bottom of the ladder is a cancer that will ultimately sap the vitality of our economic system exacerbating the social problems that are already plaguing our society.

Those of us in Government have a responsibility to the total electorate not just the top of the pyramid. The top cannot long exist without a solid base.

It is as clear today as it was in 1932 that industry itself is not in a position to pull itself up by its own bootstraps. It is still burdened by the excessive, speculative investments of the 1980's. The malaise has become deep rooted. It needs more than over-the-counter medication. Elected officials can no longer afford to ignore the growing consensus that exists among economists that a massive infusion of investment capital is needed not only to increase productivity but to restore existing facilities and upgrade the quality of our work force. As in 1932, this is a role that only Government can do in an organized and effective way.

President Clinton in his 1992 campaign identified the need for public investment, and included provisions for this in his budget proposal. Unfortunately, largely for political reasons, that part of his proposal was emasculated, although the equally laudable effort at deficit reduction was more successful.

A group of over 300 American economists in 1989 issued a statement in which they pointed out that:

> Just as business must continually reinvest in order to prosper, so must a nation. Higher productivity—the key to higher living standards—is a function of public, as well as private, investment. If America is to succeed in an increasingly competitive world, we must expand efforts to equip our children with a better education and our workers with more advanced skills. We must assure that disadvantaged children arrive at school age healthy and alert. We must prevent drug abuse and dropping out among teenagers. We must fix our bridges and expand our airports. We must accelerate the diffusion of technology to small and medium sized business.

At the beginning of 1993 it was estimated that domestic spending must be increased by a minimum of $60 billion—more than 1 percent of the gross national product that year—just to keep from widening the investment deficit further. That $60 billion increase was not presented as an optimum figure but reflected the general perception as to what was politically credible in a voter climate that had become hostile to anything that seemed to suggest higher government spending.

The governments in competitor nations have already invested more in their futures, despite their own economic problems. The United States has been investing less, setting the stage for further declines in living standards and competitiveness. For the period 1980–1989, the United States public sector, Federal State and local, invested 1.6 percent of the Nation's economic output in physical capital. Japan invested 6.3 percent and Germany 4.4. This represented a widening of the gap between ourselves and those competitors as compared with early post-war periods. Closing that gap is of crucial importance.

Investment did increase substantially during the Bush administration but failed to reach levels that had been achieved prior to the cuts that came during the Reagan years. While the fiscal year 1994 investment level will represent only a small decrease since fiscal year 1993, we can only express disappointment that there was no increase.

The administration must redress this problem by developing a more aggressive public investment program, and in a timely fashion.

Now we have finally reached a national consensus on the need for deficit reduction, and are committed to a specific deficit reduction plan. With this sea-change in the Nation's fiscal policy, there should be greater receptivity to a well conceived public investment program. This is particularly important because there is a consensus among economists that deficit reduction alone will contract, not expand, the economy, at least in the near future. The CBO estimates that eliminating the deficit over a 5- to 10-year period would slow growth by about 0.5 percent and rob the economy of 500,000 new jobs each year. Two private forecasting companies, DRI/McGraw Hill and the WEFA group, recently reached similarly bleak conclusions. The University of Michigan and the Economic Policy Institute also reached the same pessimistic conclusion. Therefore, we must go further than simply saying that this is a propitious time for undertaking a public investment program. It is imperative that we do so if we expect to bring about an early improvement in the Nation's economic growth. Moreover, I think there is agreement that Federal investment can be undertaken in a way that does not require a significant impact on the budget.

There still are those who resist the idea of the government taking on the role of shaping the direction of investment and usurping the function that they feel belongs to the private sector. The truth of the mater is that the private sector has rarely been willing to accept the risks or expend its limited resources in the kind of research and development in which the government has had the foresight to invest. Whole industries owe their existence to the willingness of the government to invest huge sums in projects that otherwise would never have got off the ground. The nuclear energy industry, with its spinoffs, is probably the most recognized if unfortunate example. The computer industry also owes an enormous debt to governmental support. Earlier the Tennessee Valley Authority and other New Deal pubic projects for roads and bridges provided the infrastructure so essential to the growth of our automobile, electrical, and rail and truck transportation industries. And today, global communications networks and satellite systems owe their existence and rapid growth to the kind of pioneering work done in space by NASA. Government programs in health, research, in oceanography, in demography and cartography, and in other areas, have been put to use by the very business community that too often likes to complain about the intrusion of the government into private sector affairs.

America's infrastructure has been neglected for a generation now, and the Competitive Policy Council's Subcouncil on the Infrastructure, in its August 1993 report, has pointed out that:

> * * * maintaining a viable infrastructure is essential for the country to retain current levels of business development and attract new business. The congested and deteriorated highways and inadequate links from truck to rail or rail to marine terminals reduce productivity and drive up the cost of goods and services. The real issue is not just fixing up potholes; it is competitiveness.

The right mix of public investment outlays can start to pump money into the economy almost immediately. Road and bridge maintenance projects, for example, could put 25,000 people to work on jobs that require a relatively low level of skills, but the multiplier effect of those jobs could be more beneficial to the economy than what might be accomplished through new construction work. Such jobs are particularly important because our less skilled workers are most vulnerable in the transition that is taking place in industry throughout the industrialized world today.

Other areas where public investment can bring long term rewards are in research and development of new processes involving high technology, where each breakthrough can spawn not one but sometimes several industries.

Possibly even more important is a substantial investment in human capital. Not only are we confronted with the task of upgrading the skills of American workers and improving their educational level so that we are more competitive on the world market, but we have the larger task of reversing such problems as youthful delinquency and crime, drug addiction, and a breakdown of normal behavioral patterns—problems that are not only graphically recorded in our movies but that those movies have in some instances contributed to. The end of World War I brought with it sweeping changes in the way society behaved, but not so sweeping as those set in motion by World War II. Perhaps the most profound change was brought about by the

entrance of women into the labor force in ever-increasing numbers. Both parents in most families now must work to support the home. Family life, as it was known at the beginning of the century, has all but disappeared. The problem is compounded by the growing prevalence of single-parent families. There is a great need for innovative governmental programs that will provide a mechanism for ensuring that tomorrow's work force is not crippled even before it reaches the age for formal education.

One proposal already put forth would assign the following outlays over a 5 year period:

1. It would assign outlays of $25 billion for highways and bridges, transit, rail, airports, water treatment facilities, environmental cleanup, and next generation infrastructure. All these are areas which have obviously direct bearing on the productivity of our economy. That America's infrastructure is badly in need of upgrading requires no great professional acumen. We are all aware of it.

2. It would assign another $15 billion annually for children's programs, a national training system, aid to poor school districts and dislocated worker training.

3. It would assign $30 billion annually for revenue sharing, payroll tax cuts, and a homebuyer tax credit.

4. It would also assign an amount equal to additional defense cuts to civilian R&D, worker adjustment, aid to communities, and market creation.

Such a program is designed to create 5.7 million job-years over the 5-year period; increase in GDP by $345 billion; increase real wages by $207 billion; and reduce the deficit by $26 billion.

There will be some who will consider such a program too modest to meet the urgency of the need; others, who will consider it too problematic in its benefits. Nevertheless it is proposals such as this that must be studied and debated in Congress, without becoming bogged down by ideological roadblocks that are so frequently erected whenever new ideas are broached.

We in Congress must be receptive to proposals that are put forth and not dismiss them summarily simply because they are new and untried or seem at first view not to accord with our own preconceptions.

For example, another proposal that impressed me was prepared for the Jerome Levy Institute by Edward V. Regan, "Investment and Economic Growth," in which the institute recommends a major maintenance renovation program with the Federal share of the costs spread over the useful life of the renovations. This would involve a 2-year, $80 billion, one-time program to provide a major upgrading of State and local roads and bridges. The effect either of the financing plans outlined in the document would have on the Federal budget would be quite modest, and the plan would create useful long-term national assets of the type that spur private sector investment.

As David and Jay Levy have written,

> In the present era of inevitably large government deficits and a widespread reluctance to borrow more than necessary, the inability to distinguish between investments and expenses leads to gross distortions of national priorities. * * * Government denies the economy needed fiscal stimulus; too much of the stimulus it does provide is consumed without creating assets of lasting value; and public infrastructure and other long term interests are neglected. One way or another, policy makers will ultimately have to recognize that investment is investment, not expense * * * a proposed system of National Accounts will separate the federal government's investment in structures and durable goods from its expenses.

This is a lesson that more and more of us are learning to understand. The fact that the deficit spending of the Reagan years saddles us with a national debt that will require a whole generation to pay off is only half of the story. The harder part of the lesson is that paying off the debt will not in itself bring us prosperity. We must have the courage to reinvest in America at the same time that we pay off that debt. That will require a partnership between business, labor, and government. Each group will have to recognize the rightful role of the others and recognize also the obligations and limits of its own role. Let me suggest that the mood of the country today makes it transparently clear that all eyes today are looking towards Washington to provide the vision, the courage, and leadership that is needed.

□ 2100

Mr. SANDERS. I thank the gentleman for his comments.

Mr. Speaker, I want to take this opportunity to congratulate the gentleman from New York [Mr. HINCHEY] for his remarks.

Mr. Speaker, the Progressive Caucus, of which Mr. HINCHEY and I are members, is working hard to develop a major jobs bill. Mr. HINCHEY is playing a leadership role in that effort.

Clearly, at a time when the standard of living of the average working American continues to decline, when our manufacturing base continues to shed jobs as companies downsize or as companies move to Mexico or Latin America or Asia for cheap labor, it is absolutely imperative that the Federal Government invest in our future—that is, our infrastructure, mass transportation, schools, libraries, affordable housing, environmental protection—and so with decent wages.

I look forward to working with Mr. HINCHEY and others in that effort.

Last year well over half of the new jobs that were created in this country were part-time, temporary jobs with limited benefits. And that cannot be allowed to be the economic future for the United States of America. That is why we need a real jobs bill that puts millions of people back to work rebuilding this country at decent wages and giving hope to people who today have lost hope.

Mr. Speaker, mostly what I want to touch upon tonight in my remarks is something that is very, very rarely touched upon on the floor of this House.

We talk about many things, but I believe that sometimes we have a tendency to run away from the most important issues, the issues that are affecting the hearts and souls and the feelings of the American people.

I think one of those issues that we do not talk about is my belief that this great country of ours is moving very rapidly in the direction of oligarchy.

Oligarchy, as you know, is a form of government in which a small number of very wealthy people exercise enormous influence over the economic and political life of a nation. And when I was in elementary school and in high school, I am sure, for millions of other Americans, what we talked about when we talked about oligarchy, what we often were referring to were the banana republics of Latin America. We were told how a handful of very, very wealthy families controlled the economic and political life of this or that country in Central America or Latin America.

Well, Mr. Speaker, it seems to me that to a large degree that is precisely what is happening in our country except it is a lot harder to see it happen in our own country than it was to see it happen in small countries around the world.

Let me just very briefly touch upon some of the trends which lead me to that conclusion and then to suggest some of the directions that I think our country might go to once again open up the economic and political life of this country so that we begin to deal with the problems facing ordinary people rather than just the wealthy and the powerful.

What is in fact going on economically in this country today? Well Mr. HINCHEY in fact touched upon some of those points. But let me just reiterate it and add something to that. Mr. Speaker, 20 years ago the United States of America led the world in terms of the wages and benefits that we provided our workers. We were No. 1. That is what we were. And throughout all of my life, what I had heard and everyone else heard was that the United States was leader of the world in terms of the standard of living of its people.

Well, very tragically, very sadly, that is no longer the case. Today, in fact, the United States finds itself in terms of wages and benefits for its average workers in 13th place behind a number of other countries in Western

Europe and in Scandinavia. The gap between those countries and the United States is growing wider.

Mr. Speaker, you will have noticed recently that automobile companies in Germany are moving toward the United States, are coming into some of our States. Why are they coming here? Well, the answer is obvious: They are coming to the United States of America for cheap labor.

□ 2110

I think that many people who hear that shake their heads in disbelief. They say, "I can't believe it."

Companies from other countries are coming into the United States for the same reason that American companies are going to Mexico, for cheap labor. In my own State of Vermont we have highly-skilled intelligent hard-working people who work for $7, $8, $9 an hour without benefits.

Do you know why? You cannot get those workers in Europe or Scandinavia for those wages. That is why many companies are moving to the United States of America.

That is a disgrace. Something has happened in this country. We should be looking at the roles of the Democratic and Republican Parties and the people who own this country to explain why we are now in 13th place, when we used to be in first place.

And what about benefits, not just wages? How about health care? As I think most Americans understand, the United States today, along with South Africa, remains the only industrialized nation on Earth that does not have a national health care program which guarantees health care to all our people, that sees health care as a right of citizenship for all people, rather than just a privilege for the wealthy.

So when we compare ourselves to our European friends, our Scandinavian friends, they shake their heads literally in disbelief to understand that in the United States we have 37 million with no health insurance, 50 million Americans who are under-insured, that people die because they do not have the money to go into a doctor's office or a hospital. People look at this country from Europe, from Scandinavia, and they wonder what in God's name is going on in this country.

What about paid vacation days? We do not talk about this too often. How many of the viewers know that the United States today, compared to other major industrialized nations, has fewer paid vacation days for its workers than any other country?

Talk to German workers. They have 25 to 30 days of paid vacation. We, if my memory is correct, average about 10 days, and in fact, as the standard of living for the average American worker declines, our working people are working longer and longer hours. It is not uncommon in my State, and I believe in the other states, to find workers working 50, 60, 70 hours a week at one job, two jobs, three jobs, in order to bring home the bacon to keep their families going. We are working longer hours for lower wages. That is what is going on in this country.

In general, the real wages of American production workers have decline by 20 percent since 1973, and the standard of living for four out of five American families went down during the 1980's.

So the challenge of what the gentleman from New York [Mr. HINCHEY] and many of us are talking about is how do we reverse that trend so that once again this Nation is No. 1 in the world in terms of the standard of living, the wages, the benefits, the educational opportunities and health care that the people of this country receive. That must be our vision. That must be what we are fighting for, not to see us continue to decline.

On the other side, however, there is something else going on. While ordinary working people are facing more and more problems, living under more and more stress, something else is going on. That is the wealthiest people of this country are seeing an increase in their percentage of the wealth that they own, and increase in their incomes. So what is going on in fact is that the rich are getting richer, and in many instances very much richer. The middle-class is shrinking and the people down at the very bottom are in worse economic straits than at any time since the Great Depression of the 1930's.

According to a 1992 Federal Reserve study, the wealthiest 1 percent of our population now owns 37 percent of the wealth. I know people get very bored by statistics, but let me mention it once again. The richest 1 percent now own over 37 percent of our wealth, while the bottom 90 percent owns only 31 percent of the wealth. That means that the wealthiest 1 percent of our population own more wealth than the bottom 90 percent. That, my friends, is what oligarchy is all about.

So what we are looking at is a Nation in which some people have billions of dollars and their incomes are soaring, and we are also looking at a Nation in which today 5 million of our children are going hungry, close to 5 million of our senior citizens are fearful about hunger, and we are seeing a growing gap between the rich and the poor.

Now, when I grew up, that was not what America was supposed to be about. Men and women fought and died and put their lives on the line in wars in order to make us a democracy, and a democracy does not simply mean the right to vote once every 4 years for the lesser of two evils. What a democracy means also are basic economic rights. What we are seeing now more and more is the tremendous pressure that the average working person in this country is being forced to live under.

What about the future of the economy? How is it going? My friends, please do not believe the statistics that you see at the end of every month when they talk about unemployment rates going down or whatever. Those statistics are only telling half of the story.

For example, the 6.7 or 6.8 percent unemployment rate does not count many people who have given up looking for work. So the unemployment rate in fact is much higher than the official statistics indicate.

But more importantly, what those unemployment rates also ignore is the fact that millions of Americans who want to work 40 hours a week for a full-time job for decent wages, they are not finding those jobs. They are working at part-time jobs, temporary jobs.

Yes, they are employed. Yes, they are bringing in some money, but they are not bringing in, in many instances, enough money to adequately take care of their families. They want full-time jobs at decent wages with decent benefits and they most certainly do not have that.

When we talk about oligarchy and what is happening to working people and other trends in this country, it is important to point out that last year the CEO's, the chief executive officers of the major corporations in America saw a 56-percent increase in their incomes, 56 percent while the incomes of their employees remained stagnant.

I think most dramatically, and this tells you something about the mentality of the people who own America and the mentality of the people who have a lot of power in America, the study found—and this was Business Week, it was not some kind of radical magazine that brought forth this information—Business Week found out having done a survey that the CEO's, the chief executive officers of the major corporations in America, now earn 157 times what their employees earn, 157 times.

Now, we can all understand the employer, the boss, makes more money than the worker. That is not a very shocking reality, but to know that the gap is 157 to 1 is I think shocking, and I believe is unacceptable. In Japan I believe it is 32 to 1 and in other countries the ratio is far lower. That is the greatest gap in the world.

Mr. Speaker, I think that it is about time and long overdue that the working people of America, that the low-income people of America, that the senior citizens who tonight are unable to afford the prescription drugs that they need to ease their pain, that they begin to stand up and begin to fight back against a Congress, against a corporately controlled economy which is not responsive to their needs.

Now, if the people do not want to fight back, then I can only predict to

them that as bad as things are now, they will probably get worse, because the way the Congress operates, the way politics operates is everything being equal, we can listen, we can expect that the Congress and the President will pay a lot of attention to the people who have the money, who make the campaign contributions and will ignore the needs of working people and poor people.

I think one of the sad aspects of what is going on in our economy and in our political life today is that we have by far the lowest voter turnout in elections of any major country on Earth. My guess is that in the next election, for example, 50 percent of the people will not vote. In fact, it could well be 60 percent of the people who will not vote. The poor people in this country do not vote.

So when we often talk about South Africa and we say how terrible it is that black people in South Africa cannot vote, we should understand that in this country so many people, poor people and working people, have given up on the political process. They have given up. They say, "Hey, why should I waste 5 minutes and go out and vote? Doesn't matter who I vote for, Democrat or Republican. It doesn't matter. My economic problems are only going to get worse. The rich are going to get richer. Why should I bother to participate?"

That has a Catch-22 aspect about it, because if poor people and working people do not get involved and they do not vote, then this Congress and the President become even less responsive to their needs.

□ 2120

So, I think we should hope, I hope, and would very much urge people, to get involved in the political process, to stand up and fight for a progressive agenda. Let me very briefly touch on four or five ideas that I have and that many of us, or at least some of us; I do not want to go too far and say many of us, but some of us here, often in the Progressive Caucus, have as to how we might proceed to turn things around in this country.

First, the gentleman from New York [Mr. HINCHEY] has already gone into excellent detail on the issue, and that is that we need a major jobs program to rebuild America. Our infrastructure in every State of this country faces enormous problems. We should rebuild that infrastructure, and at the same time we put our people to work at decent wages. That, I think, is very important. I will not go into it at great length because the gentleman from New York [Mr. HINCHEY] has already done that.

Second, it is imperative that we protect the needs of our low-income workers. In fact, President Clinton has already made an important step forward in that direction by expanding the income tax credit, and that will help many low-income workers, but we have got to go further in that area. My hope is that the legislation which I have introduced, which would raise the minimum wage in this country to $5.50 an hour, will become law.

Since 1980, Mr. Speaker, the purchasing power of minimum wage workers has declined by 23 percent. In other words, in 1980 minimum wage workers were much better off than they are today because during the period of Reaganomics the minimum wage was not raised. So, I think what we have to say is that every person in this country who works is entitled to lift themselves out of poverty. It does not make a whole lot of sense to be working for 40 hours a week and then finding themselves more deeply in debt than before the week began. So, we have got to protect the needs of our low-income workers.

Third, Mr. Speaker, we must deal, of course boldly, with the health care crisis in this country. We hear a whole lot of talk about health care, but I think, if we are to move forward with a universal health care program protecting every man, woman and child in this country, if it is going to be comprehensive, which means that all of our health care needs are going to be taken care of, and if it is going to be cost-effective, the only program that has been introduced in the House and in the Congress that will do that is a single-payer, Canadian styled health care system. That is cost-effective because it does away with billions and billions of dollars of administrative waste which is inherent in our current system which has 1500 private insurance companies which are driving everybody crazy. They are driving the doctors crazy, they are driving patients crazy, they are driving hospital administrators crazy. The GAO last year estimated that we could save 10 percent of our health care costs by moving toward a single-payer system. That would be $90 billion. We could use that money to provide for the uninsured and the underinsured. The Canadian styled single-payer system will provide quality care to every man, woman and child in this country without enabling us to spend one penny more than the 900-plus billion dollars that we are currently spending, but in order to bring that about the people are going to have to stand up and take on the very powerful insurance companies who obviously are fighting for their own profits. We are going to have to take on the AMA. We are going to have to take on the pharmaceutical companies who are charging our people today far higher prices for the same prescription drugs that are sold in Europe, or in Canada or in Mexico.

So, we got a whole lot of people who are part of what we call the medical-industrial complex. They like the system very much because they are making billions and billions of dollars in profit off of it. But I think clearly we, as Americans, are going to have to rise up and fight for a single-payer, Canadian-style national health care system.

Fourth, and very importantly, and we are seeing it right now interestingly all over this country in terms of the strike against American Airlines; here we have working people who are standing up for their rights, and what their employer is threatening them with is, "If you stand up for your rights, you're going to be fired."

Now I did not know that is what America was about. I did not know if American workers stood up and went on strike that it was acceptable for a company to say, "Good-bye, you're fired. I can bring in all of the new employees that I want at lower wages than you're receiving today." Is that what America is really about? Have we reached that level?

Clearly, Mr. Speaker, not only do we have to pass the striker rights legislation, which in fact passed this body, but is being hung up in the Senate because of fears of a filibuster, but we have got to go further, and what we have got to do is rebuild the labor movement, the Unions in this country, and I know from many people that unions are a dirty word, but, as my colleagues know, it is a funny thing. The American Medical Association is a union of doctors fighting for their rights. The American Bar Association is a union of lawyers fighting for their rights. The American Bankers Association is a union of bankers. The American Manufacturers Association is a union of the people who are heads of the large corporations in America. If it is OK for those people to come together, as it is, to fight for their rights, why is it so terrible or bad that janitors come together, and people who come to work in factories come together, or airline attendants come together, to fight for their rights?

Right now in this country our labor law is very, very primitive. It makes it very, very hard for the people who want to form a union to, in fact, be able to do that, and I will, in fact, be introducing legislation which will radically change labor law in this country and make it far easier for workers to come together into unions to fight for their rights, and we need that because, if we do not have strong unions fighting for the working people in this country, who do we think is going to be protecting the interests of the working people in this country? I ask my colleagues, Do you think it's going to be General Electric? Do you think it's going to be General Motors? Do you think it's going to be the leadership of the two parties? I do not think so. Working people together have got to stand up and fight for their rights, and

that is what a strong trade union movement can do.

And the last point that I would make is that we must continue the effort toward serious tax reform, and the gentleman from New York [Mr. HINCHEY] also touched upon that earlier. What we know in terms of what has happened in the last 10 years:

The wealthiest people have become wealthier. Their tax burden has declined. But if we look at the combined tax burden of American workers in terms of Federal tax, State tax and local taxes, their tax burden has gone up. The rich get richer, see a decline in their tax burden, and the middle income and working people become poorer and see an increase in their tax burden. The good news is that in fact the Clinton budget began to address that problem. We did raise taxes on the rich. We did, by expanding the earned income tax credit, lower tax, in effect, for the working poor. That was a good start. We have got to continue that effort.

So, those are just a few of the points that I wanted to make, and I wanted to mention that there are a number of us in this Congress who, in fact, are trying to fight hard for the interests of ordinary working people, and some of us have come together in a group called the Progressive Caucus, and what I would just like to do is to yield some time to the gentleman from New York State who is playing an active role in that effort and maybe just ask him how he perceives Congress reacting to the needs of the people from his own district.

Mr. HINCHEY. First, Mr. Speaker, let me inquire as to the time. How much time do we have left?

The SPEAKER pro tempore (Mr. RUSH). The gentleman has 17 minutes remaining.

Mr. HINCHEY. Well, I think so far that the things we have done here have not responded adequately to the problems that affect my district. These are problems that are traceable back to the wounds that were inflicted upon this country, our society generally throughout the decade of the 1980's, where we had wild speculation and investments, and now we are seeing a decline in productivity, a decline in manufacturing and an inward drawing down of the size of major manufacturing companies, and, as a result of that, more and more people are being put out of work. The unemployment rate is going up. Layoffs are increasing. Manufacturers and other industrialists are trying to find ways to contract, to cut down on their costs, and frequently the way that they are doing that most aggressively is by cutting back on the number of people that they have working in these manufacturing establishments.

Mr. SANDERS. That is the so-called downsizing phenomenon; yes?

Mr. HINCHEY. That is the so-called downsizing phenomenon, yes, and it is a very injurious phenomenon. It is injurious obviously to the people who are affected who will lose their jobs. It is injurious to their families. It is also injurious to our Nation because it exacerbates the kind of problems that the gentleman was just talking about, he and I were just talking about, over the course of this last hour, about the fact that people are facing a serious decline in their incomes. More and more families are requiring two incomes just to keep pace, and frequently, even with two incomes, they are not keeping pace.

□ 2130

With those declines in income, they are facing a reduced standard of living. And that reduced standard of living, which is becoming increasingly characteristic in many places across the country, more severe in some than it is in others, but increasingly characteristic across the country, is causing a decline in our economy.

This situation is one that feeds upon itself. It is almost self-perpetuating. If there is no intrusion from without, if there is no program to bring about investment of a program that is designed to improve economic conditions and raise the standard of living and raise people's economies, raise their job prospects and raise their hope, if that does not happen, then the condition that I just described is going to continue and feed upon itself, and conditions are only going to get worse.

That is why I believe so strongly that what we need to do as a Nation, what this Congress needs to do and what the administration needs to do, is to provide a substantial amount of public investment to improve our very seriously deteriorating infrastructure, our roads and bridges, our rail systems, our mass transit systems, and to invest in those existing systems, as well as in systems of the future, high speed rail, advanced electronics.

Mr. SANDERS. If I could interrupt the gentleman, he knows that several weeks ago in Canada there was somewhat of a political revolution of the conservatives being swept out of office and the liberals coming in. One of the planks that the liberals ran on, and I expect they will be implementing, is a major jobs program calling for the rebuilding of the Canadian infrastructure. I think they talked about for Canada a $6 billion program, which, compared to our economy, would be somewhat equal to a $60 billion jobs program in this country.

As I think the gentleman mentioned earlier, Japan has recently done the same thing. So I think we are not unique internationally in saying it makes a great deal of sense to put people back to work in investing in our infrastructure.

The fact of the matter is we are going to have to deal with deteriorating bridges, streets, inadequate transportation, a lack of affordable housing, schools that are crumbling, libraries that are crumbling. We are going to have to deal with it.

Now is not only as good a time as any, it is a better time than any. Interest rates are low. It will cost us less money to make that investment. The longer we wait, the more that investment will cost.

Mr. HINCHEY. Unquestionably, now is the time to do it. We need to plan I think for the future. We need to plan for the next generation. What kind of jobs are going to be available for people getting out of college? What kind of jobs are going to be available for people getting out of high school, those who are unable or do not wish to go on to college? What kind of job opportunities are we are going to attempt to provide for the next generation of our citizens?

It is the young, particularly people in the age group, say, between 18 and 24 years of age, particularly in the inner cities, that are experiencing so many very serious problems. Those are serious problems that afflict not only them, but afflict our society as a whole and cause us to expend enormous amounts of tax revenues in order to attempt to deal with those problems once they get to a level where they become so serious.

Mr. SANDERS. I could not agree with you more. There are millions of young people in this country who will never have a full-time job in their life. The hopelessness that those young people feel is such, and I think Jesse Jackson made this point during the Democratic Convention, I believe, that for some of these people, going to jail is a step up the economic ladder. Because at least in the wintertime it provides them with a bed and three meals a day, which is a lot more than they are getting right now. And given the life that they are living, not that one wants to defend the actions anyone takes, the hopelessness, the understanding that many of their friends have already been shot down or die from drug overdoses, many of these young people see no future. That is a very sad, sad story for the young people of this country.

Mr. HINCHEY. The truth of it is that there are things we can do about it. There are solutions to these problems. I think we are in danger of allowing the problems to look so huge that we seem to be overwhelmed. But the fact of the matter is that this society, with a $6 trillion economy, is still the strongest economy in the world.

Part of the problem in some sense, perhaps one of the most serious aspects of the problem, is the dislocation in those resources, the concentration of wealth in fewer and fewer hands, and

the disaffection of larger and larger numbers of people, lower income people, and increasingly people in the middle income range as well, the disaffection from the economy. It is the inability to take part in the economy in a meaningful and effective way.

Mr. SANDERS. I was the mayor for 8 years of the largest city in the State of Vermont, the city of Burlington. During that time we spent a great deal of effort to get people in the low income communities involved. And we had some success. But it left a lasting impression on just the enormous stress that low income people are living under right now.

Their struggle every day is to see that their kids have enough food to eat, that there is clothing on their backs, on the backs of the kids going out to school, that their daughters are not pregnant, the boys are not in jail, and so forth and so on. And I do not know how it is in your district, but certainly the pressure on low income people is so great that it just is very, very difficult for them to look at politics and government as a way out of addressing those problems that are so far removed. If you are struggling and figuring out how you are going to survive, the idea of looking at elections a year from now or political programs just seems like out of this world. Does that sound familiar?

Mr. HINCHEY. It seems very foreign, absolutely. It seems very remote. Also it is difficult to relate to it in any way, because it does not seem that the people who are running for office frequently are addressing these problems and talking about them. So there is little reason for people sometimes to believe that people who are aspiring to public office have any sense of their problems, any sense of their needs, or, least of all, any attempt to solve them.

Mr. SANDERS. Or they talk about them during the election and forget it the day after the election as often as not.

One of the points I would like to make is if a young person breaks into a grocery store tonight and robs several hundred dollars of groceries or something, that is considered to be a crime, and it should be a crime. It is a crime. Yet I find it so interesting that when large multinational corporations decide to leave this country and head for Mexico or head for Asia in search of, in some cases, starvation labor, and in the process throw American workers out on the street, many of whom might have worked for those companies for 20 or 30 years and invested their entire life in those companies, and when the CEOs decide to move away and leave these people with nothing and these communities with nothing, no one has much to say about that. We do not consider that a moral crime.

I always get a kick out of the word "patriotism." The right wing in this country has done a good job in capturing patriotism. At the end of the war these big corporations put full page ads in the newspapers and said how much they loved the country, and thank you to the men and women who fought for the country.

The next day they are going to close a plant that may well be profitable and move to Asia or Mexico and throw our people out on the street. So I would hope that some of these CEOs, who claim to be great and patriotic Americans, will understand that patriotism is more than just putting a full page ad in the newspaper thanking the Armed Forces; that patriotism means you do not turn your back on American workers, that you reinvest in this country and give our working people the tools and the equipment in order to be productive workers in the international economy. But I am always amazed how little we address that issue.

Mr. HINCHEY. It is also true, I think, that Congress has to not turn its back on the American working people. The Congress and the administration have got to deal with these problems much more aggressively and effectively than they have been dealt with over the course of the last two decades.

There was a time here when people in this room talked about such things as full employment; when they talked about Humphrey-Hawkins; when they talked about taking initiatives to see that every person who wanted a job in this country had a job, a job that would meet the needs of the country generally as well as the needs of themselves and their families.

□ 2140

I think that is what we need to get back to. This Congress has got to address itself to that question. The opportunity for full employment, the opportunity to create good jobs, the opportunity for individuals and families so that the standard of living here can be increasing, can be growing, so that we can create opportunities for people. And we need to devote ourselves also, I think, to our educational system, which we have neglected, particularly to our elementary and secondary schools which are deteriorating in terms of their own buildings as well as the quality of education that is available increasingly in elementary and secondary schools in many parts of our country.

These are the issues that this Congress has got to address itself to: upgrading educational standards, improving the quality of education, educating people for future job opportunities, and then doing what needs to be done to ensure that those opportunities for jobs exist here in this country and not someplace else in the world.

Mr. SANDERS. I could not agree with you more.

It is a funny thing. If you read Harry Truman's biography, Harry Truman, who in his time in the late 1940's was, I would say, a moderate Democrat, was not on the progressive wing of his party. He was a moderate Democrat.

He, in this Congress today, would be perceived as a raving radical. That is really true, because of his identification with the working class and the middle income people of his time and his willingness to stand up to the big money interests.

And the degree to which this country has moved to the right is that you have, of course, we saw this during the recent NAFTA thing, where you have a Democratic President, you have people who are working with the big money interests in this country and are ignoring the needs of ordinary working people.

It goes two ways. Clearly, this Congress, in my view, is way out of touch with the needs of ordinary Americans. But similarly, the people who are watching this at home, the people who are hurting, the elderly people, who today are spending more out-of-pocket money for health care today than they did before Medicare, those people who are not getting a fair shake from the Congress, from the President, have got to begin to stand up and make their voices heard.

The Congress of the United States will not be responding to your needs unless you demand that your Member of Congress does it for you. Because everything being equal, and we saw this just so extraordinarily last week, when corporate America speaks, the government listens very clearly.

They hear Merrill Lynch, and they hear Wall Street. They hear the stock brokerage firms saying, we want NAFTA. But somehow or another, when the hungry children say, "Help us," we seem not to be able to find the revenue to do that. And when the elderly people say, "We need help in terms of health care," somehow or another we find it hard to find the revenue to help them.

In fact, what you are hearing is discussions about how we can cut more and more in Medicare, more and more in Medicaid. So I think it is a two-way street.

Clearly, this Congress is not responsive to the needs of the working people, elderly people and poor people. But I can assure you that the Congress will never be responsive until people begin to stand up and fight back and say, guess what, if you want to know what unemployment is about, Mr. or Mrs. Congressperson, we are going to teach you that lesson pretty quickly, because we are not going to reelect you unless you begin to represent our interests.

So it is a two-way street. Certainly, we inside this building have got to begin to articulate programs that are going to work well for ordinary Americans on the other side of the equation. The working people, the elderly, the

poor of this country are going to have to stand up politically and demand that Washington respond to the needs of the people.

Mr. HINCHEY. These are the real problems, I think, that we face currently. These are the problems that are faced by individuals, by families and, by extension, by our country. The need to provide job opportunities for people who are unemployed and also better job opportunities for people who are under-employed, and to ensure that job opportunities are going to exist for people who are being educated today in our high schools and colleges and universities, this is the issue to which this Congress has to address itself. And this is the issue, I think, that people across this country have to pay more attention to, because not enough is being done on their behalf by their Government.

Not enough is being done on their behalf by the major institutions of this country, including the corporate institutions. This has got to change, and the only way it will change is, as you indicate, when people express themselves, when people regain their voice and begin, once again, to speak out about these problems and do so individually, addressed to Members, their Representatives in Congress, and also collectively through their institutions, through their churches, through their clubs, through their unions, through other societies. This is the way this country is going to begin to move forward again.

We have the strengths, we have the resources, we have the capacity to do it. What we currently lack is the political will, political will and political leadership to lead us off in the right direction to provide those opportunities for the larger good and the larger number of people in our country.

People in this Congress need to provide that leadership, and people outside need to provide that leadership as well.

Mr. SANDERS. I think we are running out of time. I would just like to conclude by thanking you, Mr. HINCHEY, for your excellent presentation, for your work on this important jobs bill that we will be bringing before the Congress, and to just remind the American people and to beg of them, this is your country. This is a democracy.

We have had an extraordinary history. This government is supposed to represent the needs of ordinary people and not just the rich and the powerful. And the challenge of our time is for all of us to begin to stand up and to fight back so that we can create a bright vision for all Americans rather than seeing a decline in the standard of living for so many.

I thank people for watching this dialog and look forward to working with Mr. HINCHEY again.

WE NEED HEROES AS BADLY AS IN WORLD WAR II

The SPEAKER pro tempore (Mr. RUSH). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, I enjoyed very much listening to the colloquy and the prior remarks of my colleagues from the Northeast. And all I would say at this point is, as bad as some of America's economic problems are, and although I am a conservative and one of them is a proud liberal, another a proud Socialist, I certainly agree that the runaway salaries of the chief executive officers of many of America's corporations, I find it not only obscene and antibiblical, but I find it counterproductive.

I think it feeds an anger at the business community of this country and that it creates the sort of hostility that we see, that I find with my own family tonight, wondering how I am going to replace six family tickets to bring our whole family together for the first time in several years at Thanksgiving time. And relying on my favorite airline, I find it cruel that any labor union would strike a few days before Thanksgiving and think that it was going to create good will for its workers.

What I wanted to do, in a series of special orders, this may be the last one tonight, depending on what happens at the end of the work day tomorrow, I want to break it into three parts again: the culture war, which is certainly a real war, and then anti-heroes, and heroes.

I did not use that title "Anti-heroes" last night, but this country certainly has plenty of anti-heroes.

In my mailbox this morning came a book, edited with commentary by William J. Bennett, President Bush's Director of the Office of National Drug Control Policy, of the media, called the Drug Czar, and before that, Secretary of Education and Chairman of the National Endowment for the Humanities under President Reagan.

Bill Bennett is certainly one of the more delightful thinkers and speakers, communicators on television and radio today.

His book, I said a few weeks ago on the floor of this House, just by hearing the titles of his chapters, has got to be the family book of the year, probably of the decade. It is called the "Book of Virtues." And it is a compilation of wisdom, including children's stories, that goes back for centuries.

Listen to these titles, by William J. Bennett, "A Treasury of Great Moral Stories, the Book of Virtues."

Chapter 1, Self Discipline; Chapter 2, Compassion; Chapter 3, Responsibility; Chapter 4, Friendship; Chapter 5, Work; Chapter 6, Courage; and sometimes friendship in Chapter 4 ends up with giving your life in an act of courage, in the fulfillment of what St. John the Evangelist said in 15.13, "Greater love than this has no man that he give up his life for another."

□ 2150

I will come back to that as I talk about the heroes of 50 years ago. Today is the 50th anniversary of the invasion of the Gilbert Islands. The Army, in landing in Makin Island, the U.S. Marine Corps in Tarawa, 50 years ago this morning they landed, and by night there were 100 dead in Makin and 700 or 800 dead on Tarawa, driving toward that final death total of 1,123 more young Americans, pro-rated to the number of forces involved in the conflict, died on the island of Tarawa than any combat up to that point, including Antietam and Gettysburg in the Civil War, where both sides of the casualties were American.

So Chapter 6, Courage. Chapter 7, Perseverance. Chapter 8, Honesty. Chapter 9, Loyalty. and 10, Faith. What a treasury. I said on the House floor the other day, I wonder if Bill Bennett is going to have Pinocchio. He does. It includes from Pinocchio the story, the great Italian classic fable by Lorenzini, it uses the part where Pinocchio's nose grows with each lie that he tells.

Mr. Speaker, in this cultural war I referred to yesterday's newspaper, the Washington Times, the front page right under the fold, "Clinton Aide Blamed for Pornography Law Proposal," it has a picture of the Deputy Solicitor General, Paul Bender, and says that he was the one who has long sought liberalization of all of our pornography laws, including child pornography.

The 1988 race, even though Michael Dukakis, with some good nature, and factually, said he was a card-carrying member of the ACLU, he departed from the ACLU, Governor Dukakis did, he would not have had a prayer of getting the nomination if he had not, when he said that child pornography, once produced, is still slime and should be considered contraband.

The ACLU has always, to my knowledge, held a position that it is illegal to produce it, it is ghastly for a parent to sell their child into evil pornography, but once produced, it has all the protection of free speech and you can traffic in it. This is what is tearing the beautiful little Scandinavian nation of Denmark literally apart.

Guess who Deputy Solicitor General Paul Bender was back in 1970? Twenty-three years ago he was the chief counsel for the few years before that of the commission that President Lyndon Baines Johnson had created to do something about pornography that was exploding across this country.

It was being sowed into the minds of our kids, and look at the evil harvest we have reaped at this point in the sexual revolution, so-called, that made

pornography a joke. As a matter of fact, the first time I ever heard of Pat Buchanan was, he was working for Richard Nixon as a young writer, when Nixon had taken the presidency and was sworn in in 1969 to the Johnson-created Commission on Pornography with this Paul Bender, who is on the Federal payroll over at Justice now as its chief counsel.

He came out with its report that said it should all be liberalized, that there should be no laws against pornography, not even child pornography, and the U.S. Senate went berserk, not quite as tough as the other day, when they passed, in a rare 100-to-nothing vote, a criticism, a rebuke of President Clinton's Attorney General and the Justice Department, and they didn't know this gentleman was over there at the time, in detail, and a rebuke of Paul Bender that we not reduce the toughness of the child pornography laws in this country, 100-to-1.

I spoke on it on the House floor that same week, as did several of my colleagues. Patrick Buchanan wrote for President Nixon the rebuttal of the report that was rejected by Nixon as morally corrupt, and rejected by the Senate, with the same strong type of language. Buchanan wrote, "This report," from Bender's commission, "is the Magna Carta for pornographers." And it was the Magna Carta. Unfortunately, Bender, then selected out of the far left of this country's legal community, a professor, I think, when he got his appointment, and now sits over at the Justice Department while Bill Clinton postures with this letter to Janet Reno that says, "I agree with you that there was something wrong with the law. Let's get a tough law." There is nothing wrong with the laws.

As everybody has said, and all the Senators have said on the other side, certainly the Republican ones, just keep enforcing the law as it is, but as with every other case, as with the murder in the post-World War II period's longest firefight in Mogadishu, Somalia, no heads rolled. Nobody is replaced, but it looks like Morton Halperin is going down.

In today's newspaper, listen to this, Mr. Speaker: "Halperin concedes he acted improperly while a nominee." I have done several special orders on this leftover from the radical foreign policy revolution that was going on at the same time as the sexual revolution.

Listen to this: "Having spent more than 30 years," this is Halperin speaking, "thinking, teaching and writing about the use of force, I believe that I have the qualifications and experience to do this job."

This was a created Under Secretary post at the Pentagon called the Under Secretary for Democracy and Peacekeeping. What an unbelievable choice to fill for the first time this created seat. He may have thought and taught and wrote about the use of force, but he has never worn his nation's uniform and he has never had himself or anybody in his family go in harm's way, so he can deny that he was part of the decision to jerk out the AC-130s, the Spectre gunships, two days before our Rangers and Delta guys arrived there.

I don't believe that for a minute, because in a second I am going to tell Members that he admits he lied, but he does say that he was a big part of the decision to push in the face of the U.S. military homosexuals, declared and practicing, no matter what the line enlisted men, line NCOs, warrant officers, line officers, or even the Joint Chiefs of Staff said.

Mr. Halperin in the Senate, in Senate testimony, yesterday said that he did write memoranda improperly offering his views on policy, even though TRENT LOTT, or after TRENT LOTT held up an April 2 memorandum labeled "Subject: Personnel Action" signed by Mr. Halperin, and he had been telling the press and the world and his boss-to-be, once he was confirmed by the Senate, Les Aspin, our former colleague, and I guess all the way up to the President, saying that he never did that, and now he has to admit that he lied in front of the U.S. Senate.

Still he arrogantly says, "I have the qualifications and experience to do this job." He admits that he participated in interagency policy meetings, wrong, for anybody not confirmed; that he did take part in personnel actions; that he represented the Pentagon in talks with the Justice Department, probably in talks with this guy, Paul Bender, about lifting the ban on all homosexuals, lesbians, and bisexuals, that was the new twist this year.

He says, "I want to apologize to this committee for my actions. I can only assure you they were done without any intention of presuming on the Senate's right to confirm nominees."

Does he actually think that an apology is going to carry him into a confirmation process? I think if the Senate goes out tomorrow and he is left hanging, I don't think, I predict his nomination will be withdrawn, because President Clinton is on his new morality kick about young people in America, and he is enjoying his image as the presidential fighter for NAFTA, the North America Free-Trade Agreement.

He may enjoy being this new kind of Democrat that he has not been for 10 months, but that he promised he was going to be during the campaign of 1992.

There was one more thing I wanted to catch here. Senator STROM THURMOND of South Carolina, the senior Senator, and I think the senior Senator for any length of time that anybody has ever served in the 217 years of our Nation, he says, "Mr. Halperin is unsuited for any position in the Pentagon. He has a distorted view of the nature of conflict and international affairs, and has taken irresponsible positions well outside the mainstream of defense thinking.

I will put some of these in again tonight. I have mentioned them many, many times on this floor in the last two months. Let me give one more little close here, Mr. Speaker. Again, remember, as the cameras pan the House, that there are 1,300,000, 1,300,000 people watching. Maybe on a Saturday night it is down to just 1 million of our 260 million fellow citizens.

□ 2200

JOSEPH LIEBERMAN, moderate to liberal Democrat, good man, asked Mr. Halperin how he expected to be effective in light of the opposition to him by the military personnel. And I have been over to the Pentagon, and I can tell you that it is palpable. He said well, that is a good question. He says it is one that has troubled him, but he attributed the vehement opposition to his confirmation "to people who don't know me."

But here is what he had to deny, imagine what he had to deny, and I do not believe half of this. He says he did not take part in a decision to send armor to Somalia, a mistake that contributed to the deaths of 18 U.S. soldiers on October 3 and 4, 15- to 17-hour firefight in Mogadishu. He did not order a U.S. military commander to terminate a military exercise in Central America. He did not advocate supporting U.S. military forces to the United Nations. Wow. Let me come back to that one.

He did not oppose every counterintelligence operation. Wrong. He did not aid in the disclosure of the Pentagon papers. Well, all I know is his name was used all of the time in the stories, and that Secretary Kissinger put a phone tap on his house, not a nice thing to do. He should have fired him. Neither of them brought glory on themselves during that period.

He did not aid CIA Agent Philip Agee publicize the names publicly of our CIA personnel around the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RUSH). The Chair would caution all Members against commenting on nominations pending before the Senate.

Mr. DORNAN. Mr. Speaker, I am glad I reached the end. Yet this is so key to the security of the Untied States that I do not apologize for what the jury may have heard up to this point. I cannot, I just cannot. But I will not do it again, although I will probably go over to the Senate, if they are still in tonight, Mr. Speaker, and talk to some people over there.

Yesterday I talked about the 130th anniversary of the Gettysburg Address. I said it was over 260 words. There is a little question before George Will and my count. I counted this three times

again today, 271 words, but I will go with George Will's great articles on the Gettysburg Address this year that it was 272. And my good high school teacher, Brother Richard, says it was 271. He also goes with George Will.

In those 272 words, the key words are in Lincoln's close when he said, "From these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom."

One of the writers of the time noted that it was not in the script of what people called Lincoln's silly little speech, a speech that will echo down through all of the history of this country, maybe the history of all English speaking nations and other nations who love freedom. But he did add those words, "under God," not as an afterthought, but, as I said last night, as someone who attributed anything he ever achieved, and any beauty, poetry, or greatness in his word or thought to his constant reading of the holy scripture of the Bible, and for rhythm to his reading of Shakespeare.

When Lincoln said those words this country was a little over 32½ million people. We were not counting the hardworking Americans of African American heritage who came here against their own will, so let us call it 35 million people, 35 million citizens.

Mr. Speaker, when my dad was born in 1892, the country had grown to just over 64 million. I remember telling George Bush that the country had more than doubled when he was Vice President from his birth year, 1924, which was only 114 million. When I was born it hit 125 million on the nose. We are way past, double that in just my lifetime.

So in my aging in this country we are two Americas, twice as big as the one when I was born. And in 1933 there were 125 million Americans.

Here is the point that I want to make that I have researched with our statistical abstracts. In 1941 when Pearl Harbor was hit, if you extrapolate half way between the two figures that the Census Department gave me, we were a good 134 million plus. Now we are not quite double that.

But here is the point about Lincoln's quote, "those who have given the last full measure of devotion—their lives for their country, its freedom and its causes," by the time all Americans had come home from overseas, and the Census figures are all hard to interpret during the war, because we did not in those days even count any American overseas, even a serviceman dying on the beaches of Normandy, or dying 50 years ago today in a triple cross-fire because they misread the tides on the little atoll of Tarawa. By the time everybody was home, or most were home, and we left hundreds of thousands in Europe and have ever since, and we still have over 200,000 in Europe, in 1946 our population was 140.7 million. Let us call it 141 million. And that means the country grew 7 million people during the period of the Second World War during which period 312,000, 312,000 died. But if we grew by 7 million, was the country going to miss the sweat of their brow, the manpower which some of those young Gold Star mothers grieved for for the rest of their lives, of course, but would the country be crippled the way Paraguay was crippled, or the way European nations were crippled after the Hundred Years War, which was actually about 130-some years?

No, we were growing, expanding. All of those 12 million to 14 million men, depending on our counter, who came home, they started families. The Nation went into a great expansion period.

But in my generation we did not forget the 300,000, even though we picked up 7 million during those years. When I was married in 1955 in the Air Force, just a brand new second lieutenant with shiny new silver wings, we were at the 166 million. Before this century is out, we are going to have double that into a whole new America. More than half of this country is below 30 years of age.

Day after tomorrow we celebrate the heartbreaking murder, assassination of John F. Kennedy, our youngest elected President. I was reading this evening in the U.S. News & World Report, "The Lost World of JFK." I read in the opening paragraphs that "30 years after his death, John F. Kennedy is fading from focus. Once all Americans could remember where they were when they heard the awful news on Friday, November 22, 1963."

For me it was 10:30 in the morning. I know right where I was, in St. Paul the Apostle's Church, when a priest came up to me and told me.

Most Americans, the majority of Americans have no memory of 1963 at all, and Kennedy remains still the most admired President. The family is still at the center of politics, even more than the Adamses or any Roosevelt family. Yet today, Kennedy's magic, or the era he inhabited are difficult to recall.

Well that painfully makes me think of President Ronald Reagan's last words to this Nation, a good distance from President Bush's inaugural day. He wanted the focus to go to President Bush. But he took his goodbye on January 11, 1989, and President Reagan, almost as an afterthought at the end of the speech, but that is when he was most effective, is when he looked into the camera and was speaking from his heart, and he said, "Is America forgetting to teach its children its history?"

Well, if we were only 35 million people when Lincoln spoke that Gettysburg Address 130 years ago, are we teaching that part of our history? Yet there was not a single memorial ceremony in this Chamber or the other Chamber, the U.S. Senate, during all of this year commemorating any of the events of 1943, the 50th anniversary, and nothing for the 70th anniversary of my father's war, World War I. And he was in the trenches when that ended. The President mentioned it on Veterans Day, but I did not hear any speeches in this House, except mine.

By the time this decade is over, I guess there will not be any World War II veterans in this House, so there will be nobody to remember the 55th, or the 60th, or the 75th anniversary of World War II.

□ 2210

When President Reagan was inaugurated, there were 228 million Americans, so now we have 230, 240, 250, 260, and we are not teaching these children anything about what made our country what it is, the good, the bad, and the beautiful, and some of the ugly. What a tragedy. What a hard thing to get Members in my own party, let alone the other party, upset about this report in the paper this week that I mentioned several times this week, a government report, and here it is. I have got it, and I promise you, Mr. Speaker, and anyone else listening to the proceedings in this Chamber that when we come back in January that I will have absorbed this report word for word, will have probably gone to the Soviet Union myself, and if I cannot go with Malcolm Toon, because this so-called commission does not want a Member of the House, elected eight times, who has worked on this for almost all of my adult life since I left the Air Force in 1958.

I have done nothing but think at least once a week daily about my friend David Hurd, like I lost in Laos, but this is about several hundred U.S. prisoners left behind in Korea.

Listen to this, "The transfer of U.S. Korean war POW's to the Soviet Union, Joint Commission Support Branch, Research and Analysis Division, 26 August," and I only find out about the last week. It was kept quiet all of this time. This study was prepared by Dr. Peter G. Tsouras, with a "T" like Tsongas, Major Werner Hindrichs, Master Sergeant Danz F.H. Blasser, with the assistance of 2nd Lieutenant Timothy R. Lewis, good work for a 2nd lieutenant, Mr. Paul H. Vivian, Staff Sergeant Linda R.H. Pierce, Sergeant Gregory N. Vukin, probably of Russian or Ukrainian heritage, and listen to the executive summary, Mr. Speaker: "We believe that U.S. Korean War POW's were transferred to the Soviet Union and never repatriated. This transfer was a highly secret MGB," and that was the name of the KGB after it was the Cheka and the NKVD, then the

MGB and now the KGB and still functioning as the KGB, although it is split into an internal and an external secretariats, "by the inner circle of the Stalinist leadership. The rationale for taking selected prisoners to the U.S.S.R. was to exploit and counter U.S. aircraft technologies, to use them for general intelligence purposes, and it is possible that Stalin, given his positive experience with Axis POW's, viewed U.S. POW's as potentially lucrative hostages, given his positive experience with keeping," you know, thousands and thousands of German and even prisoners of people who helped them in the war. "The range of eyewitness testimony as to the presence of U.S. Korean POW's in the gulag is so broad and so convincing we just cannot dismiss it. The Soviets' 64th Fighter Aviation Corps which supported the North Korean and Chinese forces in the war and flew combat missions had an important intelligence collection mission that included collection, selection, and interrogation of POW's. A general staff-based analytical group was assigned to the Far East Military District and conducted extensive interrogations of U.S. and other U.N. POW's in Khabarovsk. This was confirmed by a distinguished retired Soviet officer, Colonel Gavriil Korotkov, who participated in this operation. No prisoners were ever repatriated who related such an experience. Prisoners were moved by various modes of transportation. Large shipments moved through Manchouli and Pos-yet. Khabarovsk was the hub of a major interrogation operation", and now that is a city, "and against U.S. POW's from Korea. Khabarovsk was a temporary holding and transshipment point for U.S. prisoners. The MGB controlled these prisoners but the GRU," and that is the Soviet Military intelligence exactly equivalent to our DIA, "was allowed to interrogate them. Irkutsk and Novosibirsk were transshipment points. But the Komi A.S.S.R. and the Perm oblast were the final destinations of many POW's".

Let me jump forward: "POW transfers also included thousands of South Koreans, a fact confirmed by the Soviet general officer Khan San Kho who served as the Deputy Chief of the North Korean MVD, their KGB."

Now, listen to this, and I read this with an angry, angry disposition, because I flew F-86's in peacetime. I was inspired to go in the Air Force by our F-86 pilots over the Yalu River with a 13-to-1, certainly an 8-to-1 victory rate, and this could be JOHN GLENN I would be reading about, and JOHN GLENN would never have set a transcontinental speed record, never have been the first American to orbit the globe in 1961, and never would have served in the U.S. Senate if he would have disappeared into the mist of the ugly gulag Stalinist camps if he had ever been shot down. He shot down three MiG's in Korea. They would have loved to have gotten their hands on that proud son of Ohio.

Listen to this: "The most highly sought after POW's for exploitation were F-86 Sabrejet pilots and others knowledgeable of new technologies. Living U.S. witnesses have testified that captured U.S. pilots were on occasion taken directly to Soviet staff interrogation centers. A former Chinese officer stated that he turned U.S. pilot POW's directly over to the Soviets as a matter of policy. Missing F-86 pilots, of 60 that were seen with good chutes, 10 went into captivity, 50 were never heard from again."

Mr. Speaker, "Their captivity was never acknowledged by the Chinese in Korea. They were identified in recent interviews with former Soviet intelligence officers who served in Korea. Captured F-86 aircraft were taken to at least three aircraft design bureaus for exploitation, and the pilots accompanied the aircraft to the Soviet Union to enrich and accelerate the exploitation process."

Were they executed? Were they broken by the viciously hard work in the gulag camps? May I repeat Lincoln again? "We have to take increased devotion to the cause for which they gave the last full measure of devotion that we here highly resolve these dead shall not have died in vain and that this Nation, under God, shall have a new birth of freedom."

Mr. Speaker, yesterday I spent a lot of time talking about a great hero. I am going to put this article in the RECORD, too, from the same U.S. News and World Report with John F. Kennedy on it, on the cover, "Troubling evidence on Vietnam POW's." How are we going to solve Vietnam if we left 389 prisoners behind who were known to be alive in camp, no amputations, no head wounds, no amoebic dysentery, no diarrhea, good, functioning, skinny, but functioning healthy 389 what we call Class A prisoners, and they say to their bunkmate, "Jim, if you make it, call my mother." "Johnny, if I make it, you call my young wife and my baby and tell them that I am going to try and get out of here. Let us cover one another." One man shows up on the other side of Freedom Bridge and the other never is heard of again. Unbelievable.

We have been in a standoff with the North Koreans since July 27, 1953 saying that we will only deal through the U.N., and they say, "You deal with us directly," and on that diplomatic technicality, 8,100-and-some Americans remain missing in action.

Yesterday I mentioned Jimmy Doolittle's book, and I misstated the title. It is, "I Could Never Be So Lucky Again," and autobiography by General James H., Jimmy Doolittle with Carroll Glines.

I wanted to put in one quote that I left out from his son who had a great career in the Air Force on his own. His son said, "Dad served his country very well and his family beautifully. He was successful in business. If you want one word to define him that word is integrity," his son said.

A man of this integrity should have been put on the case of our POW's from Korea and left on it and given the money to run a commission and track this down like a bulldog, but, no, something went wrong even in the administration of a war hero named Ike Eisenhower.

Listen to this part that I did not talk about Doolittle after the war, "He refused to fade away, becoming an outspoken proponent for air power, pushing for a separate Air Force in the Department of Defense, and leaving America a legacy of air superiority enjoyed to this day, confident, an adviser to Presidents, a leader in business and industry, winner of virtually every medal his country had to offer, Doolittle remained active long after most men would retire, supported by his 71-year-old marriage to his one and only sweetheart, the loving, understanding Jo who stood by his side through it all," Josephine Daniels.

□ 2220

Doolittle tells the story of success, triumph and tragedy of a true American hero, a far-seeing leader whose courage, devotion and daring changed the course of modern history and continues to make his influence felt to this day.

Why do not some of our high school teachers go ask the children to take out a book like this out of the library and do a report on it over Thanksgiving or Christmas? I could never be so lucky again, faith in God. This book of Bill Bennett's ought to become a textbook. One of the liberal writers in Newsweek says this probably is going to give a leg up on the Presidential nomination come 1996.

Now, a lot of you have kindly written to my office and asked me how did God given me this incredible memory that every day I will get up on the floor and mention if I get a chance something that happened years ago. Yesterday I forgot to mention that that was the anniversary, in 1969, of Alan Bean and Charles Conrad walking on the Moon, our 3rd and 4th men, still on the Moon. That was today, 1969, 24 years ago.

They were on the moon and our President was on his way over to England to demonstrate against this country and ruin his change for ever getting a secret clearance or even a confidential clearance in any branch of this Nation's Government unless she got elected here or to the Senate or the No. 1 spot itself.

But I want to tell you that I do not remember all this from World War II. I

said on the floor last year and the year before I started doing this in 1941.

I have a British book here published by Dorsett Press, simply titled "World War II, Day by Day." One of my colleagues in Indiana got it and said that he is now emulating what I do, opening it up every morning to think about what our young guys around the world were doing 50 years ago.

Listen to this from "Today"—well, let me back up yesterday, 19 November, Central Pacific, United States air carried raid at Mele, Tarawa, Macon, Naharu, which is by itself the smallest nation that has a vote in the General Assembly of the U.N.

Preparation for coming landings, 4 carrier groups from Admiral Pownar's task force 50, which includes 11 carriers. Now, how did American industry do that? We were down to 2 aircraft carriers when I was discussing on the floor here where we were in the spring of 1942, 1½ years ago. 11 carriers, 5 battleships, 8 battleships, all of them were sunk in Pearl Harbor. 3 or 4 of them were already back on the line in the Gilbert Islands, less than 2 years later. 5 battleships and 6 cruisers. On the other side of the world, Italy, the Germans withdraw the last of their forces north of the Sangro River. Although the British 8th Army also had troops north, they could hold very little ground and a major formal attack would be necessary in order to expand their tiny enclave.

The eastern front: Germans move in to take Zitomeier, as the Soviets realize their danger and pull back. The Germans still had some fight left in them, although their highwater mark was Stalingrad.

Now comes "Today," 50 years ago today—I told you yesterday that this is the 2nd day at the Battle of Berlin by Sir Arthur Baumer, nicknamed "Harris," would lose 600 planes between now and March. All of these guys bailing out into the winter night over a snow-covered European landscape. Americans starting to get in on these missions but taking it on the chin in the daytime, some of them being pitchforked to death. Most of them ended up in gulag camps, where they got better care out of the Nazis than we got out of the Japanese warlords, and yet we had more war trials for the Germans than we did for the Japanese. Figure that one out. And yet people say there was a racist edge to the war. What baloney.

Gilbert Islands: "Today," 50 years ago, American landing operations begin. There were United States landings on Tarawa atoll. General K.C. Smith leads 18,600 men from the 2d Marine division, escorted by Admiral Hill's task force 58 with a bombardment group of 3 battleships, 4 cruisers and an air support of 4 escort carriers.

The Japanese garrison comprises 4,800 men led by Admiral Shibasaki. They had 50 artillery weapons, 7 light tanks. And I will put this in the RECORD. They threaten us and said, "No amount of force is ever going to dislodge them."

And then our great on-the-ground commander Colonel Shoup at one point says, "The issue is in doubt," or words to that effect. The Marines, by the way, were relieved at one point by the Army in some of these battles—I had said the Army is going. Let me read a Medal of Honor award to a young private, a young kid, 19 or 20.

"In the limited engagement elements of the 3d division"—now, this is up in Bougainville at the exact same time on this week. It shows the fighting was not all in the Gilberts but in the West Pacific and the south and were also taking it on the chin.

The elements of the United States 3d division, they are now over in Germany to this day, offer firm resistance, then mount a counterattack. Private 1st Class Floyd K. Lindstrom's platoon gives cover fire to a rifle company's advance when the enemy assault occurs. However—if I gave this as the Southwest Pacific, Bougainville, that is up above, and I will put that in too. This is now in Italy.

Presser had been forced to withdraw by the Americans, leaving Private Lindstrom's unit outnumbered 5 to 1. Lindstrom advanced with his machinegun to find incessant fire, he gains a position 10 yards from the Germans. Unable to score a kill, he intensifies his effort and charges over rocks and then kills 2 men with his pistol, confiscates their German machinegun and returns to his own men. Still defying danger, he again returns to his enemy position and transports 2 boxes of ammunition back to his lines and begins firing his own machinegun in a fantastic display of dare that virtually breaks up the assault of the overwhelming German forces 5 to 1.

Up in Bougainville Marines hold the junction, that is this week, of the mission at Numa-Numa trails after their successful drive which kills about 550 Japanese. The Marines 3d division are ordered by the general to drive in two directions, east and west, simultaneously to secure and hold an airfield site. Additional contingent of the 21st Marines arrive. The Japanese suffer more damage to their ailing fleet at Sansung Harbor in New Britain. So here is a Marine 3rd division doing battle on Guadalcanal, the United States Army 3rd division battling in the mud in one of the worst winters of Italian history, and here is the 2d Marine division landing on Tarawa. Now back to Tarawa: Landings are made on Betio Island—and I repeat that I walked all of this with our former colleague, Steven Solarz, back in 1989—which is a little more than 2 miles long and nowhere more than half a mile wide and nowhere 3 or 4 feet above sea level. I think the highest point was 9.

The preliminary bombardment is massive but not precision enough. The supporting warships fire more than 3,000 tons of shells. Let me jump ahead. Of the 5,000 who attempt to land, 1,500 become casualties. Owing to the state of the tide and utter, unknown confusion in the chain of command, reserves are never sent at first and cannot eventually ever be sent this first day. At nightfall, 50 years ago tonight, the outcome of the battle is still in doubt. During the night the Japanese undertake infiltrations, but because of the bombardment, are not able to organize an attack. There are also United States Army landings on Makin Atoll. The attack force here is drawn from General R.C. Smith's 27th infantry division, shut down here recently. Their support was supplied by Admiral Turner's task force 52. The landings on Betio Atari are fairly successful despite the energetic defense and inexperience of the attackers. The carrier Independence, from the main carrier task force, is hit by a submarine torpedo and tomorrow we lose an escort carrier and 600 Americans drown at sea. That is not part of that 1,123 that die in the attack.

Then I had forgotten in that figure, I hope it is rolled into that, because 84 men disappeared, probably carried out by the tides of the sea, of the invading force, young Marines.

When I was 10 years of age and newly arrived in California, my uncle, Jack Haley, had a small cattle ranch down near San Pasquale, south of Escondido in California. To get down there, there was only one way to get there, and that was to drive the coast road.

□ 2230

There was no big Route 495 in those days, and we drive slowly through Camp Pendleton. Sometimes my uncle would stop there to do a show for these young kids, and when we see them practicing on the beaches of Southern California, as they still do today and have for 50 years, and I look at these kids and think they were big grown up men. Now I have to look back and realize some of them had barely started to shave, and they turned this history.

Mr. Speaker, for any Americans interested in this, there is going to be an awful lot in the CONGRESSIONAL RECORD tonight. If you want to do some of this reading over the holidays, we are going to be out of here by Monday for 2½ months.

The Clinton battlefield is all his for moving American stories, but ask your Congressman to send you the CONGRESSIONAL RECORD of 20 November, 1993, and you will see some of these stories.

I am going to put in some material in here from what took place this whole month of the almost 5,000 Japanese who defended the Island, and only 17 survived. That is how they would fight to the death.

"Do you have enough men to take the Island?"

Colonel Shoup of the Marines responds semi-ambiguously, "Situation does not look good."

Americans went to sleep not knowing how many of their sons were dying there.

Here is an article I want to put in called, "Let's Remember What Veterans Did In The Wars." Emma Pollack, it is a beautiful little article. Her husband fought in two wars, received this care in VA hospitals. Her father fought in three wars and died in a VA hospital. Beautiful article. I do not have time to read it.

I may put in some more of it. Well, I asked permission to put this in a few weeks ago. I will put in some more things on what is happening over at the Pentagon.

Now I want to jump forward here to Somalia and our troops over there, who are not going to get any visits from any important Americans, I guess, for Thanksgiving or Christmas. They are still hunkered down in their mini-little strategic hamlets. They are in garrison over there, although they were talking about coming out for the last 10 or 15 days.

I will tell you who came out, the warlord killer of 30 Americans, Mohamed Farah Aideed. He is out at a huge rally the other day, thousands of people rallying around him, all carrying their AK-47's and their RPG grenade launchers. They are all rocket-propelled launchers. They are all out in this big parade. He has won big time.

How do you explain that to the mothers and wives who have never gotten a call from any high-ranking American? They got form letters, though.

Somebody called my office last night and said, "Well, you are unkind. President Clinton did visit the wounded at Walter Reed Hospital, and on Veterans Day he went up to a veterans' hospital in West Virginia."

Yes, that it true, but as one of the people in there told me, with pins sticking through the flesh of his leg ripped in half by an AK-47, "Well, it was a nice gesture for him to come here, but he really didn't know what to say to us." That is the problem we have with this hostility to the military culture.

Here is an article that I want to put in—no, I think I put it in yesterday. I do not have to put it in again.

"Clinton assailed for not naming vets to key post, broken promises."

"Washington. A prominent Vietnam veteran, West Point graduate, who supported Clinton in 1992 is urging his fellow veterans to vote against him in 1996. At issue is the administration's alleged practice of discriminating against veterans," said John Wheeler, an attorney who graduated from the Military Academy at West Point in 1966 and went right to Vietnam. His class I think took the most casualties, his class of 1965.

"In this administration, veterans are second-class citizens," said Wheeler, an Army officer in Vietnam for 2 years, 1969 and 1970. He made the comments at a November 9 news conference sponsored by the Vietnam Veterans Institute, a nonprofit organization.

He points out that of the 60 million Americans who reached adulthood during the Vietnam war, only 10 million served in the military.

See that factor of one out of six, what they owe, what Lincoln is talking about, our memory, our collective national memory on this?

By his estimates, then he goes on to say that only 3 million of the 10 million who served in the Vietnam era—I am both a Vietnam era Reservist and a Korean war aero vet, because I was in pilot training when the Korean war ended. Some of my colleagues love to bring it up in campaigns, as though I was not anxious to go to Korea. I only joined at 19. I am sorry I did not join at 17 and forge my parents' signatures, but I wanted to be an F-86 pilot, and thank God President Eisenhower, a five-star general, was President then, so I never had to hurt another mother's son or break my mother's heart and never meet my Sallie Hansen and bring my five kids and nine grandkids into the world.

Anyway, Capt. John Wheeler goes on to say that with 3 million serving in the war, by his estimates, one-third of all Presidential appointment should go to veterans and one-tenth of such appointments should go to Vietnam veterans, on an average, he is saying, does not want a quota system. He calculated that of 92 White House staff appointments, only 3 served in Vietnam. He thinks there should at least be 7 out of 92.

No, there is a hostility over there that unfortunately is frightening.

Look at this. In that article about the confirmation process that I will no longer speak about, there is another article about Hillary's visit to the Pentagon. Les Aspin let her try out the so-called hot line to Moscow. Did he actually use it? He later quipped that Hillary started the war, ha ha.

Now, this is certainly reminiscent, is it not, of the Reagan remark to begin bombing in 5 minutes, kidding around with the soundmen, not knowing it was on, and all the liberal-dominated media culture troops just went berserk.

Well, I guess when a conservative says something like that, Mr. Speaker, it is a serious gaffe, but when a liberal Secretary of Defense says it, it is merely a quip.

Now, look at this in today's paper on the President himself and our desire in this Congress. There he is, sick and tired of the liberal press. He does not know they saved him over and over, particularly in New Hampshire and during the campaign, as every damaging story popped up they would spike it, suppress it.

I am looking for a story where he says he does not care what we believe in Congress about putting troops under the U.N. command. He is going to do exactly what he feels like.

Now, technically he has a right to protect the Commander In Chief's status and defend it, but the idea is here that a Republican President would not even find himself in that position.

I missed it. Let me try it again. This is too wonderful to miss on this next-to-the last day before we go out.

Mr. President—I cannot address the President, it is against the rules; but Mr. Speaker, what are we going to do about this? Here is an Associated Press story off the wires 2 days ago.

The quality of men and women who are recruited to join the military services declined in the last year, Pentagon statistics reveal. The report is seen by military analysts as a critical indicator for the ability of the military services to entice high-quality men and women into our military. The Defense Department uses several measurements to determine the quality of its newest forces, the proportion of high school graduates, the share of recruits who score in the upper half of their enlistment test and the proportion of recruits who are both, both a high school graduate and an upper half scorer.

Of the 206,927 young men and women who were brought in during the fiscal year, the drop is not significant, but in the case of the Army, 4 or 5 percent, and the case of the Navy 7 percent in that category, bringing it down to the lowest of the four services, that double category of those who have passed both tests.

Well, I know that article is in here because I am trying to do it up on my feet. I guess I am going to miss it.

What the President says is that he is going to ignore—this is the headline—ignore the wishes of the Congress on whether or not troops are going to be put under U.N. command. He says he will do it, put them under foreign commanders, although he will always make sure that there is a U.S. commander in the chain of command.

Well, I think we are in for a rocky rough road the next 3 years, Mr. Speaker, if we think that—well, that is why I am not finding it, because it is not in yesterday's paper. It is in today's paper and I have already sent that up to the desk. Here it is.

I want to be sure I get this right, Mr. Speaker. Let me read from today's paper. There is Halperin on the cover, there is the Hillary story, and here it is.

□ 2240

Clinton says he will ignore Hill wishes on foreign command of U.S. troops. Clinton will not let an act of Congress stop him from placing U.S. combat troops under the control of a foreign commander in future international peacekeeping operations. In a statement released yesterday, the 19th, Mr. Clinton said he would disregard congressional restrictions in the defense

appropriations bill against allowing foreign commanders control of U.S. forces. Then he signed the bill into law. I construe it as not restricting my congressional responsibility and authority as commander in chief, including my ability to place U.S. Combat Forces under the tactical control of a foreign commander where to do otherwise would jeopardize the safety of U.S. Combat Forces.

Well, that is cleverly constructed. He said this in a statement dated on Veterans Day.

Such U.S. combat forces shall, however, remain under the operational command and control of U.S. commanders at all times.

Now I have been calling for an investigation of what happened in Somalia, what happened out there, the whole month of October, what happened after an 8-day warning that they could shoot a Black Hawk H-60 helicopter out of skies with a rocket propelled grenade, and I have a statement here from one of the officers that says if would not have significantly changed the firefight.

Now what does the word "significantly" mean if it is put in terms of the last full measure of devotion and blood? Does it mean one, or two, or three, or four American lives could have been saved?

I found a Henry Hyde article from last week that said there were 13 young widows who their whole lives were ruptured and changed as dramatically as any life can be changed, 13 widows and 17 children who did not have their daddies on Halloween. Even if they had been over there, they would have known their dad's presence was there for them to go out and enjoy with their moms and other military families and other fathers supervising that had not been called off to Somalia, but what is really going to hurt is next week at Thanksgiving. For the first time daddy does not even have a letter there when the families come together.

Christmas; no daddy on Christmas.

Well, let us talk about armor. The two men of the Tenth Mountain Division who died at the K-4 circle, those two men certainly would be alive because they would have had Abrams tanks and M-2 Bradley vehicles blasting through those roadblocks.

What about one of the Ranger commanders, Danny McKnight, said, that young Smith, 21 years of age whose father was a veteran, a retired lieutenant colonel, that he—I am sorry; that is Joyce. This one, Smith, I believe his father lost a leg in Vietnam. He was killed at 3 or 4 o'clock in the morning when an RPG hit the wall opposite of where he was hiding out in a room where the floor was slick with blood of our Rangers.

You know what I have just discovered in the last week? It has been under my nose the whole time. I read an article in the Army Times that says a hundred men were wounded and 18 killed. Another killed and 12 more wounded 3 days later when they mortared the exact front door of the Ranger and Special Forces living quarters. A hundred? I have been saying "70" here, and then it suddenly hit me.

"I am going to come in here on Thanksgiving with two of my grandchildren, Kevin and Colin, 10 and 8. I hope they remember this the way I remember the heroic period of World War II. We are going up on the roof to help some of our good staffers who agreed to do this for these courageous families of the wounded men and the killed in action, and we are going to run up there 30 flags for all the families who have had someone killed in Somalia, and then we are going to run up a hundred flags for all the wounded.

Do you know that I cannot get the names of 30 of the wounded, and that is understandable, but I am going to meet these people in person when I go down to Fort Bragg and pass out these flags. Most of them are so tough that they are already back on active duty, but there it is right in front of me. The figures I get are 70 and 30. That is a hundred wounded.

Now how many of those hundred wounded were wounded at the K-4 circle because we did not have armor? How many of the Rangers were killed because we did not have an AC-130 gunship overhead spraying the neighbor with fire, holding back the crowds of crazed people with AK-47's that eventually beat to death some of our men and dragged their bodies through the streets cutting off arms and legs? Where is the decision for an investigation in this Chamber?

Well, Mr. Speaker, not all is lost. SAM NUNN is going to have an investigation. He has already had several hearings, called the four star, excellent Marine four star, from Cencom into a closed door session. They are going to have other hearings, maybe even next month while the Congress is adjourned until the second session starts in January. There will be more hearings on the Senate side in January. I hope to heaven's name we can have hearings on this side to get to the bottom of this and to find out if people who have not yet been confirmed have been part of these decisions.

I say, "Don't tell me that we couldn't have relieved some of the injuries of these men and prevented at least Private Smith's death, and the death of Jimmy Martin, Jr., and the young soldier that died in great pain 3 days later up at Ramstein Air Force Base at Landsthul Hospital."

My time is up, Mr. Speaker, and I thank you for the 1 minute warning.

Those two mountain soldiers could have possibly been saved up there, so, in closing let me put in again for anybody who wants to get these remarks, another anniversary 28 years ago, the Ia Drang Valley and the lessons we should have learned. I ask to put the Ia Drang story of our first major battle, 301 killed in action in Vietnam, and I thank you, Mr. Speaker, and our great staff for allowing me to do this special order.

[From the Army Times, Nov. 15, 1993]

LET'S REMEMBER WHAT VETERANS DID IN THE WARS

(By Emma Pollack)

First, you see the wheelchairs. Some of these chairs are a style propelled by the hand of the occupant. A few have electric motors and are easily set in motion. Others have an electronic device and can be operated with pressure from the chin or mouth. Several chairs are not self-propelled but must be pushed by another human being.

Why this concentration on wheelchairs? Because it is much easier than looking at the people. However, eventually in this outpatient clinic, the veterans take the forefront.

Almost any weekday there are hundreds of people waiting in this large room. They surround you, and the time comes when you cannot blind your eyes nor your mind to their existence. These men and women waiting here for medical treatment are a diverse group from all walks of life—various ages, sizes, races.

Soon you can no longer see them as a mass; your eyes begin to focus on the individual. You discover what they have in common, a certain look. A look that asks: "Why? What has brought me to this place in my life?"

And what is this place? It is a modern hospital for veterans that is staffed with dedicated nurses and doctors—though far too few. This is also a teaching hospital and a nursing home.

An attempt has been made to create an attractive decor, a cheerful atmosphere. Ironically, the color orange has been applied generously to walls, floors, furniture and fixtures. Most of the visible activity takes place in the outpatient clinic. This is where the veterans sit and wait, and wait and wait.

On this particular morning, my husband is here for a series of tests, and I am prepared to spend the day. Although it is not yet 7 a.m., a long line has formed at the check-in counter. The first person in line is an elderly man with sunken eyes, unshaved, frail. His clothes are much too large for his thin body. His hand trembles as he gives his card to the clerk. Briskly, she recites a series of instructions and tells him to sit down. The man takes the seat beside me. He stares helplessly at his appointment card, and I know he is confused.

"Could I be of any help to you?" I explain that I have been here many times. He eagerly hands me his appointment card.

"Shortly, they'll call your name on the loud speaker and give your doctor's room number.' He still seems nervous, uncertain.

"I'll be glad to show you the room . . . this big place can be so confusing." Now, he smiles and begins to relax.

And so the day goes on. I look at these sick, miserable people, so tired of waiting and so often bewildered. My thoughts go back in time.

The year is 1942, and the place is Washington. The streets are filled with the human machinery of war: soldiers, sailors, Coast Guard personnel and Marines. They, like me, are very young. They are looking sharp,

bright-eyed and ready for action. Without complaint, many will soon leave for the fight zones—on the ground, in the air, at sea. These youthful warriors are prepared to fight, to suffer pain and loneliness, and ready to die if need be.

My mind plays tricks on me. The fighting men and women of wars past are moving about in the waiting area. A tall, broad-shouldered Marine is standing beside a wheelchair. The man in the chair has no legs. A sailor in a white, crisp uniform is sitting in the place where, only seconds before, sat a man whose records were lost. The veteran to whom I had offered my help was no longer there. In his place sat a young man in a blue uniform, a pair of silver wings above his heart.

My vision clears, and I see once again the pain and helplessness of those around me. But now, I see so much more.

I see a room filled with heroes.

So often, after the shooting stops, these wartime heroes become little more that an unnecessary expense. The veterans must now pass a means test, must prove their financial need.

The people waiting in this outpatient clinic for medical care are not poor folks asking for a handout—although, indeed, many are poor. When they were young and healthy, they answered the call of their country. Flags waved, bands marched and promises were made. Promises that must not be forgotten.

What do veterans really want? More than anything else, they would like to be treated with dignity and respect. They want the American people to remember what they did in the wars—and why.

This day in the life of these veterans is coming to a close. But tomorrow, the line forms again and the waiting room will be filled once more. I stand still a moment and take one last look around. A voice speaks to me, a call from long ago. "To you from failing hands we throw the torch; be yours to hold it high."

We must keep faith with those who fought to preserve the freedom so cherished by all the world.

(Emma Pollack is recently widowed. Her husband fought in two wars and received his care in VA hospitals. Her father fought in three wars and died in a VA hospital.)

[From U.S. News & World Reports, Nov. 22, 1993]

TROUBLING EVIDENCE ON VIETNAM POWS

Late on a crisp Washington afternoon, exactly one week before Veterans Day, an unlikely trio stepped into the carpeted White House office of Anthony Lake, President Clinton's national security adviser. One was Carol Hrdlicka, just in from Kansas, the wife of an Air Force pilot who was shot down over Laos in 1965. Next was Barry Toll, a highly decorated Vietnam veteran and former Army intelligence officer. Last was George Carver. A quintessential Washington insider, the 63-year-old Carver had served three directors of the Central Intelligence Agency from 1966 to 1973 as special assistant for Vietnamese affairs.

The group handed Lake a packet of intelligence documents, then sat down to talk. They had a plan endorsed by several veterans groups, the three told Lake, a plan to heal the 20-year-old wounds of the Vietnam War. The evidence they had was from U.S. intelligence files and Soviet archives. It showed, they said, that Vietnam never returned a large number of American prisoners of war—a fact, they insisted, that *both* countries knew at the time. In the packet given to Lake was everything he needed to get the evidence for himself: The U.S. files were identified not just by agency but by room number, file-cabinet serial numbers and drawer numbers. Lake was joined by Kent Wiedemann, the National Security Council officer for Asian affairs. The two made no promises, but they asked good questions. The trio pressed on: The president should appoint a commission to study the evidence from the U.S. and Soviet files and get the Vietnamese to admit to their deeds without recriminations. Only then could there be a final accounting of the prisoners and the missing from the Vietnam conflict. Only then could there be normal relations between the two countries.

Unanswered questions. If Vietnam did hold large numbers of unreturned prisoners, it would be a stunning revelation. The Vietnamese returned 591 American prisoners in Operation Homecoming in the spring of 1973. Since then U.S. official have pretty much agreed with the Nixon administration's contentions that all of the boys had come home. "The U.S. government is confident that the 591 POWs and 30-something bodies of men who died in captivity were all the prisoners held in North Vietnam," says Edward Ross, chief of the Defense Department's office for POW/MIA affairs. Vietnam says the same thing. Separately, the Senate Select Committee on POW/MIA Affairs concluded that there is "no compelling evidence" of live American POWs in Indochina. The panel suggested that if men had been left behind, the numbers were small. Washington has presented Vietnam with a list of 135 cases of missing American servicemen whose fate the Vietnamese should know. With Vietnam's help, that list has been reduced to only 80 unresolved cases.

In the past few months, however, an extraordinary body of evidence has emerged to throw into question all previous estimates of unresolved POW cases from the Vietnam War. The evidence is purely circumstantial, but it has created a burning new argument for families of the missing, while stoking their opposition to Clinton's plan for rapprochement with Vietnam. The developments include the following:

A top-secret document discovered in January in Soviet military archives by Harvard researcher Stephen Morris. The document appears to be a report from a Soviet agent about a 1972 speech before the North Vietnamese Politburo in which a general reveals that North Vietnam is holding 1,205 American prisoners. Since the Vietnamese returned 591 American POWs in 1973—and 109 of them came from South Vietnamese prisons—the document suggests that North Vietnam never returned some 700 American prisoners.

A top-secret report from the Soviet military intelligence agency GRU that was released in September in Russia. In this document, a central committee secretary tells the Vietnam Workers' Party in late 1970 or early 1971 that while "we have published the names of 386" POWs [this was correct], the "total number of American aviator POWs . . . is 735."

A U.S. intelligence report from a high-ranking North Vietnamese official named Tranh Minh Duc, who was a spy for the United States. In his report, Tranh says that shortly after the alleged "1,205 POWs" speech in 1972, the North Vietnamese Politburo decided to detain a number of prisoners to use later as bargainning chips with Washington. Recently, a cable surfaced from old State Department files that tends to support the "1,205" document. The cable refers to a British Labor Party leader named Clive Jenkins, who returned from a visit to Hanoi in October 1970. Vietnamese officials gave Jenkins the "impression" that there were about 900 American POWs in Vietnamese prisons, the State Department cable says.

U.S. News has learned that intelligence files contain references to four other cases in which sources in Indochina reported as many as 800 U.S. prisoners not accounted for in other estimates. One of these sources was a Japanese Buddhist monk who said he had shared a cell with three American servicemen in the mid-1980's. "I called them 'America,' they called me 'Jap,'" the monk said. He added that a Vietnamese security official told him there were 700 to 800 more Americans incarcerated.

Still more evidence tends to suggest that the number of American prisoners was higher than has been acknowledged. To Vietnamese defectors well known to the U.S. intelligence community spoke of large numbers of POWs. One of the defectors, a North Vietnamese army doctor named Dang Tan, was trotted out by the CIA in 1971 to talk of torture of American prisoners. In passing, he mentioned that he believed there were about 800 prisoners held by North Vietnam as long ago as 1967. In 1979, a second defector, a man named Le Dinh, told the U.S. government officials in Paris that while he worked for Vietnamese intelligence he heard at staff meetings that 700 Americans remained incarcerated in Vietnam after the war. Last week, a former North Vietnamese intelligence officer confirmed that number in an interview with U.S. News. He said the prisoners were separated into four groups. There was a large group of disabled prisoners and others approved for release, 11 U.S. intelligence operatives who were to be held for eventual trades for Soviet spies, an underter mined number of men who were to be ransomed for money or used to exert political influence and 33 "progressives," some of whom were given training to operate in the United States as double agents. Six actually undertook such missions, the former intelligence officer says.

Numbers game. Could such stories be true? The answer may lie partly in the Pentagon's counting of the missing. After Vietnam returned the 591 American servicemen in Operation Homecoming, the Pentagon continued to list 2,421 men missing in Indochina. Of those, 1,118 had been declared killed in action during the war. That left 1,303 unaccounted for. About these men, the Pentagon said, it "had no information to show conclusively they are alive or dead." Some believe the survival rate of those 1,303 could have been as high as 50 percent. If the estimate is roughly accurate, it could mean that as many as 650 American servicemen survived the war but remain unaccounted for. The Pentagon's Ed Ross contends that every single case of the missing has been reexamined. That there were large numbers of POWs, he says is impossible.

Air Force Lt. Gen. Eugene Tighe, who ran the Defense Intelligence Agency after the Vietnam War, is not so dismissive. The DIA is the lead government agency on the POW issue. In an interview, Tighe said that many servicemen were listed as killed in action on the flimsiest of evidence. If the evidence was wrong, Tighe said, "you can go through the total number of missing through the whole war and come up with some fairly large numbers" of survivors.

Why might the Vietnamese have detained so many more Americans? Le Quang Khai is

an 11-year veteran of Vietnam's foreign ministry who defected to the United States last year. During the Paris peace talks in 1973, Khai says, political opinion was split in Vietnam on what to do with American prisoners of war. Hard-liners wanted to hold them all until their demands for war reparations were satisfied; liberals wanted to release them to improve Vietnam's image. A compromise was reached to release some POWs—591 turned out to be the number, Khai says. The rest were detained, Khai says, because Vietnam believed that the Paris peace talks marked the beginning—not the end—of negotiations with Washington.

The negotiations went nowhere. President Nixon resigned in 1974, his administration stating that it had "no indication at this moment that there are any Americans alive in Indochina." Concludes Khai: "With no negotiations, there was no framework to return the POWs." Some, Khai says, were given to Hanoi's allies: "It is a fact that some [Americans] were sent to Russia, China and other countries." Some intelligence analysts question Khai's bona fides, but they say his story could be accurate. Says General Tighe: "The Vietnamese, the Russians and Chinese . . . were intensely interested in getting hold of American prisoners."

The evidence that would support such a theory remains elusive. Barry Toll says that from 1973 to 1975 he had access to top-secret messages concerning POWs. Toll says he saw cables concerning the transfer by diplomatic aircraft of 10 to 20 American POWs to the Soviet Union from Hanoi. He says, another message that was "seared in his memory" reported on 290 to 340 American servicemen the Pentagon had identified as prisoners in Laos. This cable, Toll says, concluded that the men had to be abandoned: Washington could not admit to their existence because the Nixon administration had conducted a secret and illegal war there. Toll says he resigned from his Pentagon post in 1975 to protest this abandonment. Investigators on the Senate Select Committee on POW/MIA Affairs say they confirmed Barry Toll's military record and duties as an intelligence officer but were unable to corroborate the specific message traffic.

Proving the case. Others insist the evidence exits. George Carver, who accompanied Toll to the White House meeting with Anthony Lake earlier this month, says that while he was at the CIA, he saw evidence that led him to believe the Vietnamese and Laotians were holding more U.S. prisoners than they admitted. Carver believes the document obtained from the Soviet archives mentioning 1,205 prisoners is authentic. Based on other intelligence Carver has seen, however, he believes there were only about 300 unreturned American prisoners. "I think the case for 300," Carver says, "is almost presentable to a jury."

To prove that case, however, solid evidence is needed to show that the unreturned POW's were held separately from the 591 who were returned. Critics of this "theory of a separate prison system" argue that no one has furnished such proof. John McCain is one skeptic. Now a Republican senator from Arizona, he was a prisoner in Vietnam for 5½ years and heard nothing about separate prison systems. Former Rep. William "billy" Hendon disagrees. A POW activist, Hendon has maps and satellite photos that he says prove several Vietnamese prison camps held large numbers of Americans. No men came back from those camps. Senator BOB SMITH, a New Hampshire Republican who has visited Vietnamese prisons where intelligence reports say Americans were held, agrees with Hendon. "I don't know if anyone is alive today, but I do know that we don't have all the facts." Concludes George Carver: "I want to hope and pray that there are some left alive, that's what my heart tells me. But my head tells me to be cautious. For [the Vietnamese], it might be far better to dispose of the evidence."

Mr. Speaker, November 14 was the anniversary of the beginning of the Ia Drang Campaign where 301 of our men were killed in action.

Many of the issues in the "We Were Soldiers Once . . . and Young" are also relevant to Somalia: Low wages but high risk; Value of airpower/close air support; Value of fire support/artillery; Accounting for all casualties/MIAs on the battlefield; Policy problems in Washington hunting troops in field; and Need for clear military objectives.

Mr. Speaker, here are some important excerpts:

WE WERE SOLDIERS ONCE * * * AND YOUNG

(By Lt. Gen. Harold G. Moore, USA (Ret.) and Joseph L. Galloway)

We went to war because our country asked us to go, because our new President, Lyndon B. Johnson, ordered us to go, but more importantly because we saw it as our duty to go.

Leading us were the sons of West Point and the young ROTC lieutenants from Rutgers and The Citadel and, yes, even Yale University, who had heard Kennedy's call and answered it. There were also the young enlisted men and NCOs who passed through Officer Candidate School and emerged newly minted officers and gentlemen. All laughed nervously when confronted with the cold statistics that measured a second lieutenant's combat life expectancy in minutes and seconds, not hours. Our second lieutenants were paid $241.20 per month.

Many of our countrymen came to hate the war we fought. Those who hated it the most—the professionally sensitive—were not, in the end, sensitive enough to differentiate between the war and the soldiers who had been ordered to fight it. They hated us as well, and we went to ground in the cross fire, as we had learned in the jungles.

This story, then, is our testament, and our tribute to 234 young Americans who died beside us during four days in Landing Zone X-Ray and Landing Zone Albany in the Valley of Death, 1965. That is more Americans than were killed in any regiment, North or South, at the Battle of Gettysburg, and far more than were killed in combat in the entire Persian Gulf War. Seventy more of our comrades died in the Ia Drang in desperate skirmishes before and after the big battles at X-Ray and Albany. All the names, 305 of them including one Air Force pilot, are engraved on the third panel to the right of the apex, Panel 3-East, of the Vietnam Veterans Memorial in Washington, D.C., and on our hearts. This is also the story of the suffering of families whose lives were forever shattered by the death of a father, a son, a husband, a brother in that Valley.

Air Force Captain Bruce Wallace and his fellow A-1E Skyraider pilots, as well as jet fighter-bombers from all three services, helped provide that edge, flying fifty sorties in close air support that Sunday afternoon. Says Wallace, "The importance of airplanes in a vulgar brawl is to be down among the palm trees with the troops, putting ordnance on the ground at the exact time and in the precise place that the ground command needs it."

"It is always an experience for an Air Force pilot to watch a gaggle of Hueys attack a target. We pride ourselves on flexibility of thought, quick response time, ability to react to ever-changing situations, but we are committed to a somewhat linear thought process. In the attack the target is always directly in front of us. Not so with a Huey. To watch four or eight of them at a time maneuvering up and down and laterally and even backward boggles a fighter pilot's mind. Those guys swarm a target like bees over honey. I had to hand it to those Huey guys. They really got down there in the trees with the troops."

The brave cannon-cockers in LZ Falcon went without sleep for three days and nights to help keep us surrounded by a wall of steel. Those two batteries, twelve guns, fired more than four thousand rounds of high-explosive shells on the first day alone. Says Barker, "On the first afternoon both batteries fired for effect [directly on target] for five straight hours." One of Bruce Crandall's Huey slick pilots, Captain Paul Winkel, touched down at Falcon briefly that first after and was astounded by what he saw: "There were stacks of shell casings, one at least 10 feet high, and exhausted gun crews. They had fired for effect for three straight hours by then, without even pausing to level the bubbles. One tube was burned out, two had busted hydraulics. That's some shooting!"

Aside from wanting to make certain that Diduryk and his men did a clean, safe job, I had one other reason for joining the final assault personally. Rick Rescorla watched. "Colonel Moore, in our sector, was rushing up to clumps of bodies, pulling them apart. 'What the hell is the colonel doing up here?' Sergeant Thompson asked. I shook my head. Later we saw him coming back at the head of men carrying ponchos. By 10:30 a.m. Colonel Moore had found what he was looking for. Three dead American troops were no longer missing in action; now they were on their way home to their loved ones."

Among the American advisers on the ground with the South Vietnamese Airborne task force in the Ia Drang Valley that day was a big, burly American major, H. Norman Schwarzkopf, West Point class of 1956. Schwarzkopf remembers that the sudden appearance of the South Vietnamese troops on the North Vietnamese route of withdrawal shocked the enemy battalion.

Major Norm Schwarzkopf watched them go and was disgusted with the U.S. policy that permitted the creation of North Vietnamese sanctuaries across the border in supposedly neutral Cambodia. He was not the only military man in the field who was angered by a policy that tied the hands of the American and South Vietnamese forces.

Major General Harry Kinnard and his boss, Lieutenant General Stanley (Swede) Larsen, both appealed to General Westmoreland and U.S. ambassador Henry Cabot Lodge to do everything in their power to persuade Washington to review and revoke the restrictions on American freedom of action along and across the border.

Both Lodge and Westmoreland requested that review in November 1965; they got back a cable from William Bundy, under secretary for East Asian affairs at the State Department.

Will Bundy's cable said: "This will include authority to U.S./Government of Vietnam

units to return fire, to eliminate fire coming from Cambodia and to maneuver into Cambodian territory as necessary to defend selves while actively engaged in contact with PAVN/VC units. It excludes authority to engage Cambodian forces if encountered, except in self-defense, to conduct tactical air or artillery operations against populated Cambodian areas, or to attack Cambodian base areas."

General Kinnard and the 1st Calvary commanders said even this slight relaxation of the restrictions on hot pursuit into Cambodia was not communicated or explained to them in time to be utilized during the Ia Drang Valley campaign.

Not long after this, orders came down to all the 1st Cavalry Division brigade and battalion commanders that we were never to speculate or suggest to any reporter that the North Vietnamese were using Cambodia as a sanctuary or that they were passing through Cambodia on their way to South Vietnam. This refusal to admit what we knew was true, and what even the newest reporter knew was true, struck all of us as dishonest and hypocritical.

General Kinnard says this was the point at which, under political direction, the American military surrendered the initiative to North Vietnam. What it said to Harry Kinnard was that this war would never end in an American victory. Initiative had been sacrificed to the polite diplomatic fiction that Cambodia was sovereign and neutral and in control of its territory.

"Only the dead have seen the end of war."—Plato.

But on November 18, 1965, in the sleepy southern town of Columbus, Georgia, half a world away from Vietnam, the first of the telegrams that would shatter the lives of the innocents were already arriving from Washington. The war was so new and the casualties to date so few that the Army had not even considered establishing the casualty-notification teams that later in the war would personally deliver the bad news and stay to comfort a young widow or elderly parents until friends and relatives could arrive. In Columbus, in November and December 1965, Western Union simply handed the telegrams over to Yellow Cab drivers to deliver.

There was one man in a position of power in Washington that fall who knew that the name of the game had changed in Vietnam. Secretary of Defense McNamara was on a trip to Europe when President Johnson asked him to return home by way of Saigon for first-hand briefings on the Ia Drang battles. McNamara talked with Ambassador Lodge and General Westmoreland in Saigon, and then flew to the An Khe base camp for briefings by General Harry Kinnard and myself.

In mid-December, President Johnson convened a White House meeting of his top advisers. Will Bundy says that McNamara's option number one—get the hell out of Vietnam now, while the getting is good—was never seriously considered nor was it pressed by McNamara. Option number two—the huge buildup of American combat and support troops—was readily approved by all, including McNamara. Ever the numbers cruncher, McNamara told the gathering, "The military solution to the problem is not certain; [the odds of success are] one out of three, or one in two." McNamara did push for a bombing pause to prepare U.S. public opinion for the coming escalation.

Those of us who commanded American soldiers in the opening days had already undergone one crisis of confidence in the political leadership's commitment to the struggle when President Johnson refused to extend enlistments and sent us off to war sadly understrength and minus many of our best-trained men. Now, in the wake of the Ia Drang, American political determination was tested again, and again found waiting.

General Kinnard says: "I was always taught as an officer that in a pursuit situation you continue to pursue until you either kill the enemy or he surrenders. I saw the Ia Drang as a definite pursuit situation and I wanted to keep after them. Not to follow them into Cambodia violated every principle of warfare. I was supported in this by both the military and civilian leaders in Saigon. But the decision was made back there, at the White House, that we would not be permitted to pursue into Cambodia. It became perfectly clear to the North Vietnamese that they then had sanctuary; they could come when they were ready to fight and leave when they were ready to quit."

Will Bundy was then assistant secretary of state. Of that period and that decision, he says, "I suppose from a strictly military point of view, going into Cambodia would have been a net plus. But there was a good deal more at stake. We were trying to preserve a facade of Cambodian neutrality.

A lovely six-year-old girl was bloody from a shrapnel wound. She was the same age as my daughter Cecile, back home. I summoned the medics, but I left there heartsick. None of us had joined the Army to hurt children and frighten peaceful farm families.

One more fatal flaw in American policy soon began to bite hard. Largely in order to pacify the public and to demonstrate that so powerful a nation as the United States was hardly troubled by this distant police action, the Johnson administration decreed that the tour of duty for American troops would be twelve months (thirteen for the hard-luck Marines). No citizen-soldier would have to stay in Vietnam a day longer. Those who had survived and learned how to fight in this difficult environment began going home in the summer of 1966; with them went all their experience and expertise. Replacing them was an army of new draftees, which in due course would be replaced by newer draftees. The level of training drifted ever lower as the demand for bodies grew.

Some of us learned that Clausewitz had it right 150 years earlier when he wrote these words:

"No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it."

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. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 60 minutes, today.

Mr. HORN, for 60 minutes each day, on November 20, 21, and 22.

Mr. KASICH, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. SKELTON, for 5 minutes each day, on November 21 and 22.

Mr. FALEOMAVAEGA, for 60 minutes, on November 21.

Mr. HOYER, for 30 minutes, on November 21.

Mr. PICKLE, for 30 minutes each day, on November 21 and 22.

Mr. POSHARD, for 60 minutes, on November 21.

SENATE BILLS, A JOINT RESOLUTION, AND CONCURRENT RESOLUTIONS REFERRED

Bills, a joint resolution and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 486. An act to reorganize the Federal administrative law judiciary, and for other purposes, to the Committee on the Judiciary.

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes, to the Committee on Government Operations and House Administration.

S. 1501. An act to repeal certain provisions of law relating to trading with Indians, to the Committee on the Judiciary.

S. 1574. An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, for other purposes, to the Committee on Foreign Affairs.

S. 1732. An act to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes, to the Committee on the Judiciary.

S.J. Res. 140. Joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day" to the Committee on Post Office and Civil Service.

S. Con. Res. 44. Concurrent resolution to express the sense of the Congress concerning the International Year of the World's Indigenous Peoples, to the Committee on Foreign Affairs.

S. Con. Res. 50. Concurrent resolution concerning Arab League boycott of Israel, to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

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

H.R. 941. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3161. An act to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolution of the Senate of the following title:

S. 433. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes.

S. 1667. An act to extend authorities under the Middle East Peace Facilitation Act of 1993 by 6 months.

S.J. Res. 55. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

S.J. Res. 75. Joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

S.J. Res. 122. Joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month."

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the house do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Sunday, November 21, 1993, at 2 p.m.

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. BROOKS: Committee on the Judiciary. H.R. 783. A bill to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization; with an amendment (Rept. 103-387). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 897. A bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes; with amendments (Rept. 103-388). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3098. A bill to amend title 18, United States Code, to prohibit the possession of a handgun ammunition by, or the private transfer of a handgun or handgun ammunition to, a juvenile; with an amendment (Rept. 103-389). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3378. A bill to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes (Rept. 103-390). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 2144. A bill to provide for the transfer of excess land to the Government of Guam, and for other purposes; with an amendment (Rept. 103-391, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 324. A bill to require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision; with an amendment (Rept. 103-392). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1237. A bill to establish procedures for national criminal background checks for child care providers; with an amendment (Rept. 103-393). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3515. A bill to amend the Egg Research and Consumer Information Act, the Watermelon Research and Promotion Act, and the Lime Research, Promotion, and Consumer Information Act of 1990 to revise the operation of these Acts and to authorize the establishment of a fresh-cut flowers and fresh-cut greens promotion and consumer information program for the benefit of the floricultural industry, and for other purposes; with an amendment (Rept. 103-394). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1133. A bill to combat violence and crimes against women; with an amendment (Rept. 103-395). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 3221. A bill to provide for the adjudication of certain claims against the Government of Iraq; with an amendment (Rept. 103-396). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee of conference. Conference report on H.R. 2202. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer (Rept. 103-397). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 2921. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; with an amendment (Rept. 103-398). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 486. A bill to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri; with an amendment (Rept. 103-399). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 2947. A bill to extend for an additional 2 years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial; with amendments (Rept. 103-400). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 1645. A bill to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; with an amendment (Rept. 103-401). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes (Rept. 103-402). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 320. Resolution providing for consideration of the bill (H.R. 3400) to provide a more effective, efficient, and responsive government (Rept. 103-403). Referred to the House Calendar.

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. KILDEE (for himself and Mr. GOODLING):

H.R. 3580. A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such acts through fiscal year 1998, and for other purposes; to the Committee on Education and Labor.

By Mr. SAWYER:

H.R. 3581. A bill to amend the Child Nutrition Act of 1966 to improve, promote, and expand the school breakfast program under that act; to the Committee on Education and Labor.

By Ms. WOOLSEY:

H.R. 3582. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve and expand the school lunch and related programs under those acts; to the Committee on Education and Labor.

By Ms. DANNER (for herself, Mr. EMERSON, Mr. VOLKMER, Mr. SKELTON, and Mr. COSTELLO):

H.R. 3583. A bill to make certain non-Federal levees eligible for assistance under the Federal levee rehabilitation program, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CHAPMAN (for himself, Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. GEKAS, and Mr. BREWSTER):

H.R. 3584. A bill to encourage each State to adopt truth-in-sentencing laws and to help fund additional spaces in the State correctional programs as needed; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. PICKLE:

H.R. 3585. A bill to amend title II of the Social Security Act to assure that the Social Security System remains viable for the baby boom generation and that the level of Social Security taxation remains affordable for their children; to the Committee on Ways and Means.

By Mr. BILBRAY:

H.R. 3586. A bill to amend laws relating to defense acquisition, including provisions relating to the formation of contracts, contract administration and major system management, procurement of information management systems and commercial activity contracting, the small purchase threshold, intellectual property rights, defense trade and cooperation, and the acquisition of commercial items; jointly, to the Committees on Armed Services, Government Operations, and Small Business.

By Mr. DOOLITTLE (for himself, Mr. CHAPMAN, and Mr. GUNDERSON):

H.R. 3587. A bill to require the Federal Communications Commission to amend the program exclusivity and nonduplication rules relating to cable television system blackouts to permit carriage of network programming from broadcasts within the same State; to the Committee on Energy and Commerce.

By Mr. GOODLING:

H.R. 3588. A bill to amend the Child Abuse Prevention and Treatment Act to require a

State, in order to be eligible for a grant for child abuse and neglect prevention and treatment programs, to have in effect a State law providing for the prosecution of a person who makes a report of child abuse or neglect without having a reasonable belief that the report is true, and for other purposes; to the Committee on Education and Labor.

By Mr. McCRERY (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. BAKER of Louisiana, Mr. HAYES, and Mr. JEFFERSON):

H.R. 3589. A bill to designate the lock and dam numbered 4 on the Red River Waterway in Louisiana as the "Russell B. Long Lock and Dam"; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 3590. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980; jointly, to the Committees on Science, Space, and Technology and the Judiciary.

By Mr. PENNY:

H.R. 3591. A bill to amend title II of the Social Security Act to provide for a gradual increase by the year 2030 in the normal retirement age and the early retirement age to ages 70 and 67, respectively; to the Committee on Ways and Means.

H.R. 3592. A bill to amend title II of the Social Security Act to provide for cost-of-living increases based solely on the percentage increase in the Consumer Price Index and for the establishment of a single annual cost-of-living increase in primary insurance amounts at a uniform flat rate; jointly, to the Committees on Ways and Means, Veterans' Affairs, and Energy and Commerce.

By Mr. REGULA (for himself, Mr. SAWYER, Mr. STOKES, Mr. HOBSON, Mr. GILLMOR, Mr. BROWN of Ohio, Mr. HOKE, Mr. HALL of Ohio, Mr. FINGERHUT, Mr. APPLEGATE, Mr. TRAFICANT, Ms. KAPTUR, Ms. PRYCE of Ohio, Mr. PORTMAN, and Mr. OXLEY):

H.R. 3593. A bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System; to the Committee on Natural Resources.

By Mr. SANGMEISTER:

H.R. 3594. A bill to prohibit direct Federal financial benefits and unemployment benefits to illegal aliens; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. SANTORUM:

H.R. 3595. A bill to prohibit the possession of a handgun by, and the transfer of a handgun to, a minor, with certain exceptions; to the Committee on the Judiciary.

By Mr. SAXTON (for himself and Mr. CARDIN):

H.R. 3596. A bill to amend the Public Health Service Act to provide for the establishment by the National Institutes of Health of research centers regarding movement disorders; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 3597. A bill to conduct a demonstration project which permits traditional wildlife-related uses on lands acquired for the Edwin B. Forsythe Wildlife Refuge until a public use management plan for those lands is adopted; to the Committee on Merchant Marine and Fisheries.

By Ms. SCHENK:

H.R. 3598. A bill to amend the South Pacific Tuna Act of 1988 to provide for duty-free treatment of canned tuna imported into the United States that was caught by certain vessels and processed in certain facilities; to the Committee on Ways and Means.

H.R. 3599. A bill to provide for the transfer of certain tuna fishing vessels documented in the United States to foreign registry; to the Committee on Merchant Marine and Fisheries.

By Mr. GEPHARDT (for himself, Mr. BONIOR, Mr. HOYER, Mr. FAZIO, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mr. DINGELL, Mr. ROSTENKOWSKI, Mr. FORD of Michigan, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. STARK, Mr. WILLIAMS, Mr. CLAY, Mr. BROOKS, Mr. MOAKLEY, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Maine, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BILBRAY, Mr. BLACKWELL, Mr. BORSKI, Mr. BROWN of California, Ms. BROWN of Florida, Mr. CARDIN, Mr. CLYBURN, Mr. COYNE, Mr. DE LUGO, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. DURBIN, Mr. EDWARDS of California, Mr. ENGEL, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GIBBONS, Mr. HASTINGS, Mr. HILLIARD, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LANTOS, Mr. LEVIN, Ms. LONG, Mr. MARTINEZ, Mr. MATSUI, Ms. MCKINNEY, Mrs. MEEK, Mr. MINGE, Mrs. MINK, Mr. MURPHY, Mr. MURTHA, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. RAHALL, Mr. RANGEL, Mr. REYNOLDS, Mr. ROMERO-BARCELO, Mr. RUSH, Mr. SABO, Mr. SAWYER, Mr. SCOTT, Mr. SERRANO, Ms. SHEPERD, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SMITH of Iowa, Mr. STOKES, Mr. STRICKLAND, Mr. STUDDS, Mr. SWIFT, Mr. SYNAR, Mr. THORNTON, Mrs. THURMAN, Mr. TRAFICANT, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VENTO, Mr. WATT, Mr. WHEAT, Mr. WISE, and Mr. YATES):

H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; jointly, to the Committee on Energy and Commerce, to the Committee on Ways and Means, and to the Committee on Education and Labor for consideration of such provisions in titles I, III, VI, VII, X, and XI as fall within its jurisdiction pursuant to clause 1(g) of rule X; and concurrently, for a period ending not later than two weeks after all three committees of joint referral report to the House (or a later time if the Speaker so designates), to the Committee on Armed Services for consideration of subtitle A of title VIII and such provisions of title I as fall within its jurisdiction pursuant to clause 1(c) of rule X, to the Committee on Veterans' Affairs for consideration of subtitle B of title VIII and such provisions of title I as fall within its jurisdiction pursuant to clause 1(u) of rule X, to the Committee on Post Office and Civil Service for consideration of subtitle C of title VIII and such provisions of title I as fall within its jurisdiction pursuant to clause 1(o) of rule X, to the Committee on Natural Resources for consideration of subtitle D of title VIII and such provisions of title I as fall within its jurisdiction pursuant to clause 1(n) of rule X, to the Committee on the Judiciary for consideration of subtitles C through F of title V and such other provisions as fall within its jurisdiction pursuant to clause 1(l) of rule X, to the Committee on Rules for consideration of sections 1432(d), 6006(f), and 9102(e)(5), and to the Committee on Government Operations for consideration of subtitle B of title V and section 5401.

By Ms. SCHENK:

H.R. 3601. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to issue a discharge permit that modifies the total suspended solids and biochemical oxygen demand requirements with respect to the discharge of waste water effluent into the ocean from certain publicly owned treatment works if a water reclamation program is being implemented, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. BUNNING (for himself, Mr. HUTTO, Mr. MONTGOMERY, Mr. EMERSON, Mr. WOLF, Ms. SNOWE, Mr. MCCLOSKEY, Mr. CHAPMAN, Mr. SPRATT, and Mr. HILLIARD):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that the current Canadian quota regime on chicken imports should be removed as part of the Uruguay round multilateral trade negotiations and that the imposition of quotas by Canada on United States processed chicken violates article XI of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. JACOBS introduced a bill (H.R. 3602) for the relief of Sara Lou Hendricks; which was referred 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. 26: Mr. ANDREWS of Maine.

H.R. 44: Mr. FRANKS of Connecticut.

H.R. 93: Mr. BEREUTER, Mr. CONDIT, and Mr. MATSUI.

H.R. 324: Mr. POMEROY and Mr. STRICKLAND.

H.R. 515: Ms. MARGOLIES-MEZVINSKY.

H.R. 794: Mr. LIVINGSTON.

H.R. 899: Mr. PARKER.

H.R. 1015: Mr. ROMERO-BARCELO.

H.R. 1056: Mr. COLEMAN, Mr. CRAPO, Mr. POMEROY, and Mr. JOHNSTON of Florida.

H.R. 1122: Mrs. FOWLER.

H.R. 1126: Mr. GOODLATTE and Mrs. FOWLER.

H.R. 1130: Mr. GOODLATTE and Mrs. FOWLER.

H.R. 1133: Mr. QUINN.

H.R. 1349: Mr. HUTCHINSON, Mr. BLUTE, Mr. SAXTON, and Mr. QUINN.

H.R. 1392: Mr. LINDER.

H.R. 1455: Mr. STUDDS.

H.R. 1518: Mr. GOODLATTE.

H.R. 1605: Mr. LINDER.

H.R. 1606: Mr. LINDER.

H.R. 1608: Mr. RICHARDSON.

H.R. 1738: Ms. LONG and Mr. BREWSTER.

H.R. 1785: Mr. STEARNS.

H.R. 2019: Ms. FURSE.

H.R. 2031: Mr. WILLIAMS.

H.R. 2035: Mr. ZIMMER.

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H.R. 2036: Mr. ZIMMER and Mr. KLUG.
H.R. 2037: Mr. ZIMMER and Mr. KLUG.
H.R. 2259: Mr. HERGER of California.
H.R. 2365: Mr. FINGERHUT, Mr. KLUG, and Mr. MINGE.
H.R. 2488: Mr. KOPETSKI.
H.R. 2572: Ms. MCKINNEY.
H.R. 2600: Mr. GEJDENSON.
H.R. 2641: Mr. FILNER, Mr. BERMAN, and Mr. GENE GREEN of Texas.
H.R. 3030: Mr. ARMEY.
H.R. 3098: Mr. HASTERT.
H.R. 3182: Mr. LEVIN.
H.R. 3235: Mr. WYNN, Mr. TORRES, and Mr. MINGE.
H.R. 3328: Mrs. MORELLA.
H.R. 3342: Mr. GENE GREEN of Texas, Mr. DEFAZIO, Mr. UPTON, Mr. SCHUMER, Mr. GUTIERREZ, Mr. GEPHARDT, Mr. BREWSTER, Mr. FAZIO, Mr. GINGRICH, Mr. DOOLITTLE, Mr. KINGSTON, Mr. SENSENBRENNER, Mr. PETRI, Mr. BACHUS of Alabama, Mr. GILLMOR, Ms. LONG, Mr. PETE GEREN of Texas, Mr. RANGEL, Ms. SCHENK, Mr. ANDREWS of Maine, Mr. ABERCROMBIE, Mr. INSLEE, Mr. EDWARDS of Texas, Mr. SMITH of Texas, Mr. CRANE, Mr. EMERSON, Mr. DIAZ-BALART, Mr. BILIRAKIS, Mrs. ROUKEMA, Mr. SPRATT, Mr. THOMAS of California, Mr. POSHARD, Mr. WYNN, Ms. ROS-LEHTINEN, Mr. CHAPMAN, Mr. JOHNSON of South Dakota, Mr. STUDDS, Mr. DELLUMS, Mr. SWETT, Mr. WHEAT, Ms. PRYCE of Ohio, Mr. FARR, Mr. TAUZIN, Mr. REYNOLDS, Mrs. KENNELLY, Mr. ROSE, Mr. HOKE, Mr. LINDER, Mr. WATT, Mr. ZIMMER, Mr. BRYANT, Mr. BONIOR, Mr. RUSH, Mr. PALLONE, Mr. WAXMAN, Mr. KENNEDY, Mr. KING, Mr. REED, and Mr. KILDEE.
H.R. 3360; Mr. QUINN, Mr. HOEKSTRA, Mr. DELLUMS, Mr. UPTON, Mr. VENTO, and Mr. HUGHES,
H.R. 3393: Mr. FRANK of Massachusetts, Mr. BACHUS of Alabama, Mr. BLUTE, Mr. JACOBS, and Mrs. SCHROEDER.
H.R. 3429: Mr. EWING.
H.R. 3431: Mr. SWETT, Mr. MATSUI, and Mr. BALLENGER.
H.R. 3435: Ms. SHEPHERD, Ms. FURSE, and Mr. ROMERÓ-BARCELÓ.
H.R. 3449: Mr. FISH.
H.R. 3457: Mr. HINCHEY, Mr. SHAYS, and Mrs. MALONEY.
H.R. 3472: Mrs. THURMAN, Mr. FISH, Mr. SAXTON, Mr. MICA, Mr. TRAFICANT, and Mr. GILLMOR.
H.R. 3474: Mr. POMEROY and Mr. STRICKLAND.
H.R. 3490: Mr. TOWNS.
H.R. 3546: Mr. RICHARDSON and Mr. WHITTEN.
H.J. Res. 90: Mr. ENGEL.
H.J. Res. 113: Mr. GILMOR and Mr. SMITH of New Jersey.
H. Con. Res. 148: Mr. LANCASTER.
H. Res. 234: Mrs. MORELLA, Mr. CHAPMAN, and Mr. SKEEN.
H. Res. 266: Mr. LIGHTFOOT, Mr. QUINN, Mr. GREENWOOD, Mrs. MEYERS of Kansas, Mr. STENHOLM, Mr. SCHIFF, and Mr. BALLENGER.
H. Res. 308: Mr. GOSS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 118: Mr. FILNER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3400

By Mr. PENNY of Minnesota:

—Strike all after the enacting clause and insert the following:

SECTION. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Common Cents Deficit Reduction Act of 1993".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

TITLE I—NATIONAL SECURITY

Sec. 101. Sense of Congress on increased burden sharing by allies of the United States.
Sec. 102. Streamlining and reorganization of Corps of Engineers.
Sec. 103. Rescission of certain defense add-ons.
Sec. 104. Rescission of funds for MK-19 grenade launcher program.
Sec. 105. Termination of C-26 aircraft program.
Sec. 106. Termination of mobile in-shore undersea warfare vans program.
Sec. 107. Rescission of certain defense operation and maintenance funds.
Sec. 108. Reduction in Public Law 480 Food for Peace Program.
Sec. 109. Rescission of funds for World Bank.
Sec. 110. Reduction in funding for International Development Association.
Sec. 111. Rescission of funds for foreign military financing.
Sec. 112. Rescission of funds for Agency for International Development, Department of state, and United States Information Agency.

TITLE II—PHYSICAL CAPITAL, NATURAL RESOURCES, AND SCIENCE

Sec. 201. Termination of spacelifter program.
Sec. 202. Department of Science, Space, Energy and Technology.
Sec. 203. Elimination of funding for MagLev prototype development program.
Sec. 204. Rescission of funds for federally sponsored university research and development.
Sec. 205. Recoupment of certain grants.
Sec. 206. Coverage of federally funded research and development centers by Competition in Contracting Act.
Sec. 207. Termination of modular high temperature gas reactor project.
Sec. 208. Department of Energy Facilities Closure and Reconfiguration Commission.
Sec. 209. Rescission of funds for fusion energy research and development.
Sec. 210. Rescission of funds for fossil energy research and development.
Sec. 211. Alaska Power Administration sale.
Sec. 212. Federal-private cogeneration of electricity.
Sec. 213. Termination of clean coal technology program.
Sec. 214. Rescission of funds from SPR petroleum account.
Sec. 215. Study of termination of helium subsidy.
Sec. 216. Rescission of funds for low-priority water projects.
Sec. 217. Preference for interim measures in Superfund response actions.
Sec. 218. Reservation of funds for disaster relief.
Sec. 219. Elimination of Weather Office closure certification procedures.
Sec. 220. Rescission of funds for NOAA research fleet.
Sec. 221. Rescission of funds for NOAA add-ons.
Sec. 222. Study concerning merger of Bureau of Reclamation and United States Army Corps of Engineers.
Sec. 223. Rescission of funds for agriculture building and facilities account.
Sec. 224. Repeal of authorizations for the airway science program, collegiate training initiative, and air carrier maintenance technician training facility grant program.
Sec. 225. Repeal of national recreational trails program.
Sec. 226. Rescission of funds for EDA.
Sec. 227. Elimination of funding for public telecommunications facilities.
Sec. 228. Moratorium on construction and acquisition of new Federal buildings.

TITLE III—GOVERNMENT MANAGEMENT

Sec. 301. Government information dissemination and printing improvement.
Sec. 302. Sense of Congress regarding reorganization of Bureau of Indian Affairs.
Sec. 303. Rescission of funds for printing and reproduction and for supplies and materials.
Sec. 304. Streamlining of Department of Housing and Urban Development.
Sec. 305. Termination of Interstate Commerce Commission.
Sec. 306. Rescission of funds from Tennessee Valley Authority Fund.
Sec. 307. Rescission of funds for Appalachian Regional Commission.
Sec. 308. Improvements to managment of veterans' hospitals.
Sec. 309. Rescission of funds for Legal Services Corporation.
Sec. 310. Termination State Justice Institute.
Sec. 311. Improvement of U.S. Marshals Service.
Sec. 312. Rescission of funds for BATF.
Sec. 313. Rescission of funds for construction of new Federal offices and courthouses.
Sec. 314. Limitation on office equipment and furnishings purchases by departing Members of House of Representatives.
Sec. 315. Rescission of funds for Executive Office of the President.
Sec. 316. Rescission of funds for Legislative Branch.
Sec. 317. Rescission of funds for House franking.
Sec. 318. Provisions relating to annual pay adjustments for Members of Congress.
Sec. 319. SES annual leave accumulation.
Sec. 320. Reduction of Federal full-time equivalent positions.
Sec. 321. Rescission of funds for travel accounts.
Sec. 322. Termination of Federal advisory committees.
Sec. 323. Increase in threshold for application of Davis-Bacon Act.
Sec. 324. Elimination of certain reports required on contracts covered by Davis-Bacon Act.
Sec. 325. Fees for applications for alcohol labeling and formula reviews.
Sec. 326. Increase in SEC registration fees.
Sec. 327. Travel, tourism, and export promotion fees.

TITLE IV—HUMAN RESOURCES

Sec. 401. Reduction in funding for arts and humanities programs.

Sec. 402. Elimination of operating subsidies for vacant public housing.
Sec. 403. Substitution of voucher assistance for public housing new construction.
Sec. 404. Reform of HUD multifamily property disposition.
Sec. 405. Termination of annual direct grant assistance.

TITLE V—SOCIAL SERVICES AND RETIREMENT

Sec. 501. Increase in retirement age under FERS to 65.
Sec. 502. Provision relating to Government contributions to the Thrift Savings Plan.
Sec. 503. Deferral until age 62 of cost-of-living adjustments for military retirees who first entered military service on or after January 1, 1994.
Sec. 504. Consolidation of certain social services programs into a single block grant program.
Sec. 505. Awards of Pell grants to prisoners prohibited.
Sec. 506. Elimination of education programs that have largely achieved their purpose.

TITLE VI—AGRICULTURE AND HEALTH CARE

Sec. 601. Department of Agriculture reorganization.
Sec. 602. Reduction in triple base for deficiency payments for basic agricultural commodities under agriculture programs.
Sec. 603. Imposition of 20 percent coinsurance on clinical laboratory services under Medicare.
Sec. 604. Imposition of 20 percent coinsurance on home health services under Medicare.
Sec. 605. Relating Medicare part B premium to income for certain high income individuals.
Sec. 606. Increase in Medicare hospital insurance deductible for certain high-income individuals.
Sec. 607. Establishment of standard payment rates for home health services.
Sec. 608. Eliminating Federal support for honey.

TITLE VII—ENFORCEMENT

Sec. 701. Dedication of savings to deficit reduction.

TITLE I—NATIONAL SECURITY

SEC. 101. SENSE OF CONGRESS ON INCREASED BURDEN SHARING BY ALLIES OF THE UNITED STATES.

(a) DEFENSE COST-SHARING AGREEMENTS.—It is the sense of Congress that the President should enter into negotiations with each foreign nation referred to in subsection (b)(1) that is not excluded by subsection (b)(2) to seek to conclude an agreement that provides for such nation to pay at least 50 percent of the overseas basing costs that are incurred for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in that nation as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(b) COVERED FOREIGN NATIONS.—(1) Except as provided in paragraph (2), subsection (a) applies with respect to the following foreign nations:

(A) Each member nation of the North Atlantic Treaty Organization (other than the United States).

(B) Every other foreign nation with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty ashore in that nation.

(2) Subsection (a) does not apply with respect to any foreign nation—

(A) that receives assistance or financing under—

(i) section 23 of the Arms Export Control Act (22 U.S.C. 2763), relating to the foreign military financing program; or

(ii) the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(B) in which not more than 1,000 members of the Armed Forces of the United States and related civilian employees of the Department of Defense are assigned to permanent duty ashore as a result of the implementation of a bilateral or multilateral defense agreement; or

(C) that has agreed to assume, not later than January 1, 1995, at least 50 percent of the overseas basing costs of the United States in that nation.

(c) USE OF FUNDS FOR PAYING OVERSEAS BASING COSTS.—(1) It is the sense of Congress that funds should not be expended to pay more than the allowable percent of the overseas basing costs that are incurred during a fiscal year referred to in paragraph (2) for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in a nation referred to in subsection (a) as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(2) For purposes of paragraph (1), the allowable percent for a fiscal year is as follows:

(A) For fiscal year 1995, 84 percent.

(B) For fiscal year 1996, 75 percent.

(C) For fiscal year 1997, 60 percent.

(D) For each fiscal year that begins after September 30, 1997, 50 percent.

(d) OVERSEAS BASING COSTS DEFINED.—In this section, the term "overseas basing costs" means all costs related to the operation of installations in foreign countries at which forces of the Armed Forces of the United States are based, as determined by the Secretary of Defense using the methodology used in preparing the "Fiscal Year 1994 Budget Estimate, Department of Defense", dated April 1993, and the "Report on Allied Contributions to the Common Defense", dated May 1993. The term—

(1) includes, among other costs—

(A) pay for foreign nationals;

(B) costs of utilities;

(C) costs of local services;

(D) costs of military construction projects;

(E) costs of real property maintenance;

(F) costs of environmental restoration;

(G) leasing costs;

(H) taxes;

(I) user fees;

(J) tolls; and

(K) import duties;

(2) does not include—

(A) the rent value of land or facilities provided to the United States by foreign nations covered by this section in excess of amounts actually paid by such nations to private owners of such land or facilities; and

(B) revenue foregone by foreign nations covered by this section in providing rent-free land or facilities to the United States; and

(3) does not include the pay and allowances of members of the Armed Forces of the United States and civilian employees of the Department of Defense.

SEC. 102. STREAMLINING AND REORGANIZATION OF CORPS OF ENGINEERS.

The Secretary of the Army shall reorganize the United States Army Corps of Engineers by reorganizing the headquarters offices, reducing the number of division offices from 11 to not more than 6, and restructuring the district functions so as to increase the efficiency of the United States Army Corps of Engineers and reduce staff and costs, to achieve at least $50,000,000 in net annual savings by fiscal year 1998.

SEC. 103. RESCISSION OF CERTAIN DEFENSE ADD-ONS.

(a) MILITARY CONSTRUCTION.—Of the funds made available under the heading "Military Construction, Army Reserve" in the Military Construction Appropriations Act, 1994 (Pub. L. 103-110), $15,000,000 is rescinded, to be derived from the Georgia-Fort McPherson Command Headquarters, Phase I, project.

(b) DEFENSE PROCUREMENT.—Of the funds made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), the following amounts are rescinded from the following accounts and programs:

(1) "Other Procurement, Army", $15,000,000, to be derived from common hardware and software.

(2) "Other Procurement, Navy", $30,000,000, to be derived from spare and repair parts.

(3) "Other Procurement, Navy", $12,000,000, to be derived from weapons range support equipment.

(4) "Other Procurement, Army", $10,000,000, to be derived from tactical trailers/dolly sets.

(5) "Shipbuilding and Conversion, Navy", $50,000,000, to be derived from advance procurement of LHD-7.

SEC. 104. RESCISSION OF FUNDS FOR MK-19 GRENADE LAUNCHER PROGRAM.

Of the funds made available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $15,000,000 is rescinded, to be derived from the MK-19 automatic grenade launcher program.

SEC. 105. TERMINATION OF C-26 AIRCRAFT PROGRAM.

The Secretary of Defense shall cancel the C-26 aircraft program. Funds appropriated for the Department of Defense may not be obligated after the date of the enactment of this Act for procurement of new aircraft under that program other than for contract termination or cancellation costs.

SEC. 106. TERMINATION OF MOBILE IN-SHORE UNDERSEA WARFARE VANS PROGRAM.

The Secretary of Defense shall cancel the Mobile In-Shore Undersea Warfare Vans program. Funds appropriated for the Department of Defense may not be obligated after the date of the enactment of this Act for procurement under that program other than for contract termination or cancellation costs.

SEC. 107. RESCISSION OF CERTAIN DEFENSE OPERATION AND MAINTENANCE FUNDS.

Of the funds made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), the following amounts are rescinded from the following accounts:

(1) "Operation and Maintenance, Army", $88,020,000 to be derived from general reduction DBOF, and $15,180,000 to be derived from inventories.

(2) "Operation and Maintenance, Navy", $109,270,000 to be derived from general reduction DBOF, and $27,555,000 to be derived from inventories.

(3) "Operation and Maintenance, Air Force", $94,140,000 to be derived from general

reduction DBOF, and $12,265,000 to be derived from inventories.

SEC. 108. REDUCTION IN PUBLIC LAW 480 FOOD FOR PEACE PROGRAM.

(a) IN GENERAL.—Section 103 of title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end the following:

"(f) MODIFICATION OF TERMS AND CONDITIONS DURING CERTAIN YEARS.—The Secretary shall set the terms and conditions of agreements entered into under this title after the date of the enactment of this subsection so that—

"(1) the length of the loan does not exceed 20 years;

"(2) the length of the grace period does not exceed 5 years;

"(3) the interest rate during the grace period is not less than 3 percent; and

"(4) the interest rate during the payback period is not less than 5 percent.".

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Public Law 480 Program Account" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111)—

(1) $69,378,000 is rescinded from the amounts provided for programs under title I of the Agricultural Trade Development and Assistance Act of 1954 and the Food for Progress Act of 1985; and

(2) $56,017,000 is rescinded from the amount provided for commodities supplied in connection with dispositions abroad pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954.

SEC. 109. RESCISSION OF FUNDS FOR WORLD BANK.

Of the funds made available under the heading "Contribution to the International Bank for Reconstruction and Development" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

SEC. 110. REDUCTION IN FUNDING FOR INTERNATIONAL DEVELOPMENT ASSOCIATION.

(a) IN GENERAL.—Section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87) is amended by inserting before the period at the end ", of which not more than $957,142,857 shall be available for fiscal year 1994, and not more than $957,142,857 shall be available for fiscal year 1995".

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Contribution to the International Development Association" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $67,189,143 is rescinded.

SEC. 111. RESCISSION OF FUNDS FOR FOREIGN MILITARY FINANCING.

Of the funds made available under the heading "Foreign Military Financing Program" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $25,721,000 is rescinded, to be derived from grants.

SEC. 112. RESCISSION OF FUNDS FOR AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE, AND UNITED STATES INFORMATION AGENCY.

(a) AID.—Of the funds made available under the heading "Agency for International Development—Development Assistance Fund" in appropriations Acts for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $160,000,000 is rescinded.

(b) DEPARTMENT OF STATE.—Of the funds made available under the heading "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $600,000 is rescinded.

(c) USIA.—

(1) SALARIES AND EXPENSES.—Of the funds made available under the heading "United States Information Agency—Salaries and Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $3,000,000 is rescinded.

(2) NORTH/SOUTH CENTER.—Of the funds made available under the heading "United States Information Agency—North/South Center" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $8,700,000 is rescinded.

TITLE II—PHYSICAL CAPITAL, NATURAL RESOURCES, AND SCIENCE

SEC. 201. TERMINATION OF SPACELIFTER PROGRAM.

(a) IN GENERAL.—The United States shall not obligate any funds for the acquisition or operation of any space launch system not in operation as of the date of enactment of this Act.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Research, Development, Test and Evaluation, Defense-Wide" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $10,000,000 is rescinded, to be derived from the new medium lift vehicle (Spacelifter) program.

SEC. 202. DEPARTMENT OF SCIENCE, SPACE, ENERGY AND TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the "Department of Science, Space, Energy, and Technology Organization Act of 1993".

(b) GENERAL PROVISIONS.—

(1) FINDINGS.—The Congress finds that—

(A) the advancement of science and technology is a vital national goal which is essential for the continued economic well being of the United States;

(B) the creation of new scientific information and technological development are generators of new wealth and jobs;

(C) consolidation of the Federal agencies which conduct and support science and technology activities will focus the resources of the Federal Government and will lead to better coordination of the overall effort of those agencies to carry out the research and development objectives of the United States;

(D) the elimination of duplication of functions within the scientific and technical agencies of the Federal Government will lead to cost savings for the Government; and

(E) the creation of the Department of Science, Space, Energy, and Technology will increase the dissemination of technology through the improved coordination of technology transfer from the Federal Government to the private sector.

(2) DEFINITIONS.—As used in this section, unless otherwise provided or indicated by the context—

(A) the term "Department" means the Department of Science, Space, Energy, and Technology;

(B) the term "Secretary" means the Secretary of Science, Space, Energy, and Technology;

(C) the term "Deputy Secretary" means the Deputy Secretary of Science, Space, Energy, and Technology;

(D) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, institute, council, unit, or organizational entity, or any component thereof.

(c) ESTABLISHMENT OF THE DEPARTMENT.—

(1) ESTABLISHMENT.—There is authorized an executive department to be known as the Department of Science, Space, Energy, and Technology. The Department shall be administered, in accordance with the provisions of this section, under the supervision and direction of a Secretary of Science, Space, Energy, and Technology. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary shall receive basic pay at the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(2) PRINCIPAL OFFICERS.—

(A) DEPUTY SECRETARY.—(i) There shall be in the Department a Deputy Secretary of Science, Space, Energy, and Technology who shall be appointed by the President, by and with the advice and consent of the Senate. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Deputy Secretary shall act as Secretary. The Secretary shall designate the order in which other officials of the Department shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices. The Deputy Secretary shall receive basic pay at the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(ii) The Deputy Secretary shall perform such other duties and exercise such powers as the Secretary may from time to time prescribe.

(B) UNDER SECRETARIES.—(i) There shall be in the Department—

(I) an Under Secretary of Research who shall, on the transfer of functions and offices under subsection (d), serve as the Director of the National Science Foundation;

(II) an Under Secretary of Technology who shall, on the transfer of functions and offices under subsection (d), serve as the Administrator of the National Institute of Standards and Technology, the National Technical Information Service, the National Telecommunications and Information Administration, and the Patent and Trademark Office;

(III) an Under Secretary of Energy who shall, on the transfer of functions and offices under subsection (d), serve as the Administrator of the National Energy Administration;

(IV) an Under Secretary of Space who shall, on the transfer of functions and offices under subsection (d), serve as the Administrator of the National Aeronautics and Space Administration; and

(V) an Under Secretary of Oceanic and Atmospheric Affairs who shall, on the transfer of functions and offices under subsection (d), serve as the Administrator of the National Oceanic and Atmospheric Administration.

(ii) Each of the Under Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. The Under

Secretaries shall receive basic pay at the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(C) ASSISTANT SECRETARIES.—(i) There shall be as many as 20 Assistant Secretaries in the Department. Among the Assistant Secretaries shall be—

(I) an Assistant Secretary for Administration who shall serve as the Chief Financial Officer of the Department;

(II) an Assistant Secretary for Policy and Budget;

(III) an Assistant Secretary for Congressional and Intergovernmental Affairs;

(IV) an Assistant Secretary for Technology Transfer and Commercial Programs; and

(V) an Assistant Secretary for International Programs.

(ii) Each of the Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretaries shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(D) GENERAL COUNSEL.—There shall be in the Department a General Counsel who shall administer the Office of General Counsel. The General Counsel shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(E) INSPECTOR GENERAL.—There shall be in the Department an Inspector General appointed in accordance with the Inspector General Act of 1978. The Inspector General shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(F) ADDITIONAL OFFICERS.—In addition to the officers specified in subparagraphs (A) through (E) and the 24 members of the Board of Directors of the National Science Foundation, there shall be in the Department not more than 10 additional officers who shall be appointed by the President, by and with the advice and consent of the Senate. The officers appointed under this subparagraph shall perform such functions as the Secretary shall prescribe.

(G) SPECIFICATION OF FUNCTIONS.—Whenever the President submits the name of an individual to the Senate for confirmation as an officer of the Department under this paragraph, the President shall state the particular functions of the Department such individual will exercise upon taking office, consistent with the requirements of this section.

(H) LINE OF AUTHORITY; ADDITIONAL FUNCTIONS.—Each officer of the Department referred to in subparagraphs (A) through (F) shall report directly to the Secretary and shall, in addition to any functions vested in or required to be delegated to such officer, perform such additional functions as the Secretary may prescribe.

(d) TRANSFERS OF FUNCTIONS AND OFFICES.—

(1) TRANSFER OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There is transferred to the Department the National Aeronautics and Space Administration, along with all of its functions and offices.

(2) TRANSFER OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is transferred to the Department the National Institute of Standards and Technology, along with all of its functions and offices.

(3) TRANSFER OF THE NATIONAL SCIENCE FOUNDATION.—There is transferred to the Department the National Science Foundation, along with all of its functions and offices.

(4) TRANSFER OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There is transferred to the Department the National Oceanic and Atmospheric Administration, along with all of its functions and offices.

(5) TRANSFER OF THE NATIONAL TECHNICAL INFORMATION SERVICE.—There is transferred to the Department the National Technical Information Service, along with all of its functions and offices.

(6) TRANSFER OF THE PATENT AND TRADEMARK OFFICE.—There is transferred to the Department the Patent and Trademark Office, along with all of its functions and offices.

(7) TRANSFER OF THE DEPARTMENT OF ENERGY.—There is transferred to the Department the Department of Energy, which shall be renamed the National Energy Administration, along with all of its functions and offices, except for the following facilities, which shall be transferred to the Department of Defense:

(A) The Feed Materials Production Center at Fernald, Ohio.

(B) The Extrusion Plant at Ashtabula, Ohio.

(C) The Savannah River Plant, including the Savannah River Weapons Facility, at Aiken, South Carolina.

(D) The Hanford Production Operations at Richland, Washington.

(E) The Nevada Test Site.

(F) The Kansas City Plant at Kansas City, Missouri.

(G) The Rocky Flats Plant located between Golden and Boulder, Colorado.

(H) The Pantex Plant located near Amarillo, Texas.

(I) The Pinellas Plant at St. Petersburg, Florida.

(J) The Mound Facility at Miamisburg, Ohio.

(K) The Y-12 Plant at Oak Ridge, Tennessee.

(8) TRANSFER OF THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—There is transferred to the Department the National Telecommunications and Information Administration, along with all of its functions and offices.

(9) EFFECTIVE DATE.—This subsection shall take effect—

(A) 180 days after the first Secretary takes office under subsection (c)(1); or

(B) on any date earlier than the date described in subparagraph (A), but later than September 30, 1994, that the President designates through publication in the Federal Register.

(e) ADMINISTRATIVE PROVISIONS.—

(1) PERSONNEL PROVISIONS.—

(A) OFFICERS AND EMPLOYEES.—

(i) GENERAL AUTHORITY.—The Secretary is authorized to appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5 of the United States Code.

(ii) TEMPORARY SUPER GRADE AND TECHNICAL POSITIONS.—(I)(aa) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in each of the grade levels GS-16, GS-17, and GS-18 of a number of positions in the Department equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred under subsection (d) and which were assigned and filled on the day before such transfer.

(bb) Appointments to positions provided for under this subclause may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under subsection (d) and, on the day before such transfer, holds a position and has duties comparable to those of the position to which appointed hereunder.

(II) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 3104 of title 5, United States Code, provide for the establishment in the Department of a number of scientific and professional positions outside of the General Schedule equal to the number of such positions which were used primarily for the performance of functions and offices transferred under subsection (d) and which were assigned and filled on the day before such transfer.

(III) The authority under this clause with respect to any position shall terminate when the person first appointed to fill such position ceases to hold such position.

(IV) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this clause shall be deemed to occupy the same position as the individual occupied on the day before the transfer of functions and offices under subsection (d).

(iii) TRANSITIONAL SENIOR EXECUTIVE SERVICE POSITIONS.—Notwithstanding any other provision of law, the Director of the Office of Personnel Management shall establish positions within the Senior Executive Service for 5 limited-term appointees. The Secretary shall appoint individuals to such positions as provided by section 3394 of title 5, United States Code. Such positions shall expire on the later of 3 years after the date of the transfer of functions and offices under subsection (d) or 3 years after the initial appointment to each position. Positions in effect under this clause shall be taken into account in applying the limitation on positions prescribed under section 3134(e) and section 5108 of such title.

(B) EXPERTS AND CONSULTANTS.—The Secretary may as provided in appropriation Acts obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for GS-18 of the General Schedule under subchapter III of chapter 53 of such title.

(C) PERSONNEL REDUCTION.—

(i) FULL-TIME EMPLOYEE LIMITATIONS.—Not later than the end of the first fiscal year beginning after the date of the transfer of functions and offices under subsection (d), the number of full-time equivalent personnel positions available for performing functions transferred to the Secretary or the Department under such subsection shall be reduced by not less than 350.

(ii) COMPUTATIONS.—Computations required to be made for purposes of this subparagraph shall be made on the basis of all personnel employed by the Department, including experts and consultants employed under section 3109 of title 5, United States Code, and all other part-time and full-time personnel employed to perform functions of the Secretary or the Department, except personnel employed under special programs for students and disadvantaged youth (including temporary summer employment).

(iii) REPORT TO CONGRESS.—The Director of the Office of Personnel Management shall, as soon as practicable, but not later than one year after the date of the transfer of functions and offices under subsection (d), prepare and transmit to the Congress a report on the effects on employees of the reorganization under this section, which shall include—

(I) an identification of any position within the Department or elsewhere in the executive branch, which it considers unnecessary due to consolidation of functions under this section;

(II) a statement of the number of employees entitled to grade or pay retention under subchapter VI of chapter 53 of title 5, United States Code, by reason of the reorganization under this section;

(III) a statement of the number of employees who are voluntarily or involuntarily separated by reason of such reorganization;

(IV) an estimate of the personnel costs associated with such reorganization;

(V) the effects of such reorganization on labor management relations; and

(VI) such legislative and administrative recommendations for improvements in personnel management within the Department as the Director considers necessary.

(2) GENERAL ADMINISTRATIVE PROVISIONS.—

(A) GENERAL AUTHORITY.—In carrying out any function transferred by this section, the Secretary, or any officer or employee of the Department, may exercise any authority available by law with respect to such function to the official or agency from which such function is transferred, and the actions of the Secretary in exercising such authority shall have the same force and effect as when exercised by such official or agency.

(B) DELEGATION.—Except as otherwise provided in this section, the Secretary may delegate any function to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as may be necessary or appropriate. No delegation of functions by the Secretary under this subparagraph or under any other provision of this section shall relieve the Secretary of responsibility for the administration of such functions.

(C) REORGANIZATION.—

(i) AUTHORITY OF SECRETARY.—Except as provided in clause (ii), the Secretary is authorized to allocate or reallocate functions among the officers of the Department, and to establish, consolidate, alter, or abolish such offices or positions within the Department as may be necessary or appropriate.

(ii) AUTHORITY WITH RESPECT TO STATUTORY ENTITIES.—The Secretary may not—

(I) abolish any office or position transferred to the Department and established by statute, or any function vested by statute in such an office or an officer of such an office;

(II) abolish any office or position established by this section; or

(III) alter the delegation of functions to any specific office or position required by this section,

unless a period of 90 days has passed after the receipt by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of notice given by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this clause and the facts and circumstances relied upon in support of such proposed action.

(D) REGULATIONS.—The Secretary is authorized to prescribe such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department, in accordance with chapter 5 of title 5, United States Code.

(E) CONTRACTS.—

(i) IN GENERAL.—Subject to the Federal Property and Administrative Services Act of 1949 and other applicable Federal law, the Secretary is authorized to make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may determine necessary or appropriate to carry out functions of the Secretary or the Department.

(ii) APPROPRIATION AUTHORITY REQUIRED.—No authority to enter into contracts or to make payments under this section shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts. This subsection shall not apply with respect to the authority granted under subparagraph (J).

(F) REGIONAL AND FIELD OFFICES.—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as the Secretary may find necessary or appropriate to perform functions of the Secretary or the Department.

(G) ACQUISITION AND MAINTENANCE OF PROPERTY.—

(i) AUTHORITY OF SECRETARY.—To the extent necessary to carry out functions under this and any other Act, the Secretary is authorized to provide appropriate facilities and services necessary for carrying out such functions or necessary for the health and welfare of the Department's employees, including—

(I) to acquire (by purchase, lease, condemnation, contract, or otherwise), construct, improve, repair, operate, maintain, and provide transportation to—

(aa) schools and related facilities;

(bb) laboratories;

(cc) research and testing sites and facilities;

(dd) quarters and related accommodations, including eating facilities, for employees and dependents of employees of the Department; and

(ee) personal property (including patents), or any interest therein; and

(II) to provide reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons.

(ii) LIMITATION.—The authority granted by clause (i) shall be available only with respect to facilities of a special purpose nature or at a remote location that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Department by the Administrator of General Services.

(H) USE OF FACILITIES.—

(i) AUTHORITY TO USE.—With their consent, the Secretary may, with or without reimbursement, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, of any State or political subdivision thereof, or of any foreign government, in carrying out any function of the Secretary or the Department.

(ii) AUTHORITY TO PERMIT USE.—The Secretary is authorized to permit public and private agencies, corporations, associations, organizations, or individuals to use any real property, or any facilities, structures, or other improvements thereon, under the custody and control of the Secretary for Department purposes. The Secretary shall permit the use of such property, facilities, structures, or improvements under such terms and rates and for such period as may be in the public interest, except that the periods of such uses may not exceed 5 years. The Secretary may require permittees under this subparagraph to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements used by such permittees to a standard satisfactory to the Secretary. This clause shall not apply to excess property as defined in section 3(e) of the Federal Property and Administrative Services Act of 1949.

(iii) CREDITING OF REIMBURSEMENTS.—Proceeds from reimbursements under this subparagraph shall be deposited in a separate fund which shall be available to the Secretary without appropriation or fiscal year limitation, for carrying out the functions of the Secretary under this or any other Act.

(iv) INTERESTS IN REAL PROPERTY.—Any interest in real property acquired pursuant to this section shall be acquired in the name of the United States Government.

(I) COPYRIGHTS AND PATENTS.—

(i) ACQUISITION OF RIGHTS.—The Secretary is authorized to acquire any of the following described rights if the rights acquired thereby are for use by or for, or useful to, the Department:

(I) Copyrights, patents, designs, processes, and manufacturing data.

(II) Licenses in connection with copyrights and patents.

(III) Releases for past infringement of patents or copyrights.

(ii) DISPOSITION.—Notwithstanding clause (i), the disposition of all copyrights and patents and other intellectual property owned or developed for the Department shall be governed by chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act), section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)), the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), or the National Competitiveness Technology Transfer Act of 1989, as appropriate.

(J) GIFTS AND BEQUESTS.—The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money, and proceeds from sales of other property received as gifts, bequests, or devises, shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

(K) TECHNICAL ADVICE.—

(i) AUTHORITY TO PROVIDE.—The Secretary is authorized, upon request, to provide advice, counsel, and technical assistance to applicants or potential applicants for grants and contracts and other interested persons with respect to any functions of the Secretary or the Department.

(ii) CONSOLIDATION OF APPLICATIONS.—The Secretary may permit the consolidation of applications for grants or contracts with respect to two or more functions of the Secretary or the Department, but such consolidation shall not alter the statutory criteria for approval of applications for funding with respect to such functions.

(L) WORKING CAPITAL FUND.—

(i) ESTABLISHMENT AND USE.—The Secretary, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Department a

working capital fund (in this subparagraph referred to as the "fund"), to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of an administrative services office to provide such common administrative services as the Secretary shall find to be desirable in the interests of economy and efficiency, including such services as—

(I) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its offices;

(II) central messenger, mail, telephone, and other communications services;

(III) office space, and central services for document reproduction, for graphics, and for visual aids; and

(IV) a central library service.

(ii) OPERATION OF FUND.—The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the administrative services office, less the related liabilities and unpaid obligations. There shall be transferred to the administrative services office the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which the Secretary determines, with the approval of the Director of the Office of Management and Budget, will be performed. Administrative supplies and services provided by such office shall be paid for in advance from available funds of agencies and offices in the Department, or from other sources, at rates that will approximate the expense of operation. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property.

(M) FUNDS TRANSFER.—The Secretary may, when authorized in an appropriation Act for any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriations for any fiscal year shall be either increased or decreased pursuant to this subparagraph by more than 10 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

(N) SEAL OF DEPARTMENT.—The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

(O) ANNUAL REPORT.—

(i) IN GENERAL.—The Secretary shall, as soon as practicable after the close of each fiscal year, make a single, comprehensive report to the President for transmission to the Congress on the activities of the Department during such fiscal year.

(ii) CONTRACTING-OUT REPORT.—The report required by clause (i) shall also include an estimate of the extent of the non-Federal personnel employed pursuant to contracts entered into by the Department under subparagraph (E) or under any other authority (including any subcontract thereunder), the number of such contracts and subcontracts pursuant to which non-Federal personnel are employed, and the total cost of those contracts and subcontracts.

(f) TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS.—

(1) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—

(A) TRANSFER TO SECRETARY.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with, the functions and offices, or portions thereof, transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subparagraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(B) EFFECT OF TERMINATIONS.—Positions expressly specified by statute or reorganization plan to carry out functions or offices transferred by this section, personnel occupying those positions on the date of such transfer, and personnel authorized to receive compensation in such positions at the rate prescribed for offices and positions at level IV or V of the Executive Schedule under section 5315 or 5316 of title 5, United States Code, on the date of such transfer, shall be subject to paragraph (3) of this subsection.

(2) EFFECT ON PERSONNEL.—

(A) PRESERVATION OF GRADE AND COMPENSATION FOR 1 YEAR.—Except as otherwise provided in this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer to the Department.

(B) PRESERVATION OF COMPENSATION FOR EXECUTIVE SCHEDULE APPOINTEES.—Any person who, on the day preceding the date of the transfer of functions and offices under subsection (d), held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of the service of such person in the new position.

(3) AGENCY TERMINATIONS.—

(A) TERMINATIONS.—On the date of the transfer of functions and offices under subsection (d), the following entities shall terminate:

(i) The Office of the Secretary of Commerce.

(ii) The Office of the Deputy Secretary of Commerce.

(iii) The Office of the General Counsel of the Department of Commerce.

(iv) The Office of the Secretary of Energy.

(v) The Office of Deputy Secretary of Energy.

(vi) The Office of the Under Secretary of Commerce for Technology.

(vii) The Office of the Assistant Secretary of Commerce for Technology Policy.

(viii) The Office of Science and Technology Policy in the Executive Office of the President.

(B) TERMINATION OF EXECUTIVE SCHEDULE POSITIONS.—Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for levels I through V of the Executive Schedule under sections 5312 through 5315 of title 5, United States Code, in an office terminated pursuant to this section shall also terminate.

(4) ADDITIONAL TRANSFERS.—

(A) IN GENERAL.—The Director of the Office of Management and Budget, in conjunction with the Secretary, shall make such determinations as may be necessary with regard to the functions, offices, or portions thereof transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to carry out this section. The Director shall provide for the termination of the affairs of all entities terminated by this section and, in conjunction with the Secretary, for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(B) ALLOCATION OF SES POSITIONS.—After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions and offices transferred by this section.

(C) MISCELLANEOUS FUNCTIONS.—(i) The Economics and Statistics Administration, including the Bureau of Census and the Bureau of Economic Analysis, and the Bureau of Export Administration shall be transferred to the Department of the Treasury.

(ii) The Economic Development Administration shall be transferred to the Department of Housing and Urban Development.

(iii) The International Trade Administration and the United States Travel and Tourism Administration shall be transferred to the Office of the United States Trade Representative.

(iv) The Minority Business Development Administration shall be transferred to the Small Business Administration.

(5) SAVINGS PROVISIONS.—

(A) CONTINUITY OF LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(i) which have been issued, made, granted, or allowed to become effective by the President, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this section to the Secretary or the Department; and

(ii) which are in effect at the time of such transfer,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Secretary, or the authorized official, a court of competent jurisdiction, or by operation of law.

(B) PENDING PROCEEDINGS.—(i) This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of the transfer of functions and offices under subsection (d) before any department, agency, commission, or component thereof, functions of which are transferred by this section. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued, except as provided in clause (iii).

(ii) Orders may be issued in such proceedings, appeals may be taken therefrom, and

payments may be made pursuant to such orders, as if this section had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(iii) Nothing in this subparagraph shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(iv) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subparagraph to the Department.

(C) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subparagraph (E)—

(i) the transfer of functions and offices under subsection (d) shall not affect suits commenced prior to the date of such transfer; and

(ii) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(D) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by this section, shall abate by reason of the enactment of this section. No cause of action by or against any department or agency, functions of which are transferred by this section, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this section.

(E) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the transfer of functions and offices under subsection (d), any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this section any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(F) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Secretary.

(6) REFERENCE.—With respect to any function transferred by this section and exercised on or after the date of such transfer, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which so transferred shall be deemed to refer to the Secretary, other official, or component of the Department to which this section transfers such functions.

(7) AMENDMENTS.—

(A) DEPARTMENT OF ENERGY ORGANIZATION ACT.—Sections 201 through 203 of the Department of Energy Organization Act (42 U.S.C. 7131–7133) are repealed.

(B) INSPECTOR GENERAL ACT OF 1978.—THE INSPECTOR GENERAL ACT OF 1978 IS AMENDED—

(i) in section 8E(a)(2), by striking "the National Science Foundation,";

(ii) in section 8E(a)(4), by striking ", except that with respect to the National Science Foundation, such term means the National Science Board";

(iii) in section 11(1)—

(I) by striking "Commerce,";

(II) by striking "Energy,";

(III) by inserting "Science, Space, Energy, and Technology," after "the Interior, Labor,"; and

(IV) by striking "National Aeronautics and Space,"; and

(iv) in section 11(2)—

(I) by striking "Commerce,";

(II) by striking "Energy,";

(III) by inserting "Science, Space, Energy, and Technology," after "Justice, Labor,"; and

(IV) by striking "the National Aeronautics and Space Administration,".

(C) NATIONAL AERONAUTICS AND SPACE ACT OF 1958.—Section 207 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476a) is repealed.

(8) TRANSITION.—

(A) USE OF FUNDS.—Funds available to any department or agency (or any official or component thereof), the functions or offices of which are transferred to the Secretary or the Department by this section, may, with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this section and other transitional and planning expenses associated with the establishment of the Department or transfer of functions or offices thereto until such time as funds for such purposes are otherwise available.

(B) USE OF PERSONNEL.—With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees, and other personnel of the departments and agencies from which functions or offices have been transferred to the Secretary or the Department, for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(9) INTERIM APPOINTMENTS.—

(A) AUTHORITY TO APPOINT.—Notwithstanding any other provision of law, in the event that one or more officers required by this section to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the date of the transfer of functions and offices under subsection (d), the President may designate an officer in the executive branch to act in such office for 120 days or until the office is filled as provided in this section, whichever occurs first.

(B) COMPENSATION.—Any officer acting in an office in the Department pursuant to the provisions of subparagraph (A) shall receive compensation at the rate prescribed for such office under this section.

(g) RELATION TO OTHER PROVISIONS.—

(1) MODIFICATIONS IN AUTHORITY.—If any other section of this Act increases, restricts, or otherwise modifies any authority (including the authority to assess or collect fees) with respect to any function or office, or portion thereof, transferred by this section, the authority transferred by this section shall be the authority as so modified.

(2) RESCISSIONS.—If any other section of this Act rescinds funds that are to be transferred pursuant to this section, such rescission shall be made prior to such transfer.

SEC. 203. ELIMINATION OF FUNDING FOR MAGLEV PROTOTYPE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 1036(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. 309 note; 105 Stat. 1986) is amended—

(1) in paragraph (1) by striking "the following" and all that follows through "DEMONSTRATION PROGRAM.—For" and inserting "for"; and

(2) in paragraph (2) by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "Federal Railroad Administration—Railroad Research and Development" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103–122), $20,000,000 is rescinded, to be derived from magnetic levitation research and analysis activities.

SEC. 204. RESCISSION OF FUNDS FOR FEDERALLY SPONSORED UNIVERSITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Of the aggregate funds made available for the accounts specified in subsection (b), $220,000,000 is rescinded, to be derived from university research and development programs. The Director of the Office of Management and Budget shall allocate such rescission among such accounts, and shall submit to the Congress a report setting forth such allocation.

(b) AFFECTED ACCOUNTS.—The funds subject to the rescission made by subsection (a) are the following:

(1) NATIONAL INSTITUTES OF HEALTH.—The amounts made available under the heading "Department of Health and Human Services—National Institutes of Health" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103–112), for the following accounts:

(A) "National Cancer Institute".

(B) "National Heart, Lung, and Blood Institute".

(C) "National Institute of Dental Research".

(D) "National Institute of Diabetes and Digestive and Kidney Diseases".

(E) "National Institute of Neurological Disorders and Stroke".

(F) "National Institute of Allergy and Infectious Diseases".

(G) "National Institute of General Medical Sciences".

(H) "National Institute of Child Health and Human Development".

(I) "National Eye Institute".

(J) "National Institute of Environmental Health Sciences".

(K) "National Institute on Aging".

(L) "National Institute of Arthritis and Musculoskeletal and Skin Diseases".

(M) "National Institute on Deafness and Other Communication Disorders".

(N) "National Institute of Nursing Research".

(O) "National Institute on Alcohol Abuse and Alcoholism".

(P) "National Institute on Drug Abuse".

(Q) "National Institute of Mental Health".

(R) "National Center for Research Resources".

(S) "National Center for Human Genome Research".

(T) "John E. Fogarty International Center".

(U) "National Library of Medicine".

(V) "Office of the Director".

(2) INDEPENDENT AGENCIES.—The amounts made available in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103–124), for the following accounts:

(A) "National Science Foundation—Research and Related Activities".

(B) "National Aeronautics and Space Administration—Research and Development".

(3) DEPARTMENT OF DEFENSE.—The amounts made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103–139), for the following accounts:

(A) "Research, Development, Test and Evaluation, Army".

(B) "Research, Development, Test and Evaluation, Navy".

(C) "Research, Development, Test and Evaluation, Air Force".

(D) "Research, Development, Test and Evaluation, Defense-Wide".

SEC. 205. RECOUPMENT OF CERTAIN GRANTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall establish procedures and criteria for the recoupment of the Federal share of all cost shared research, development, demonstration, and commercial application projects undertaken by such Departments. If required, such recoupment shall occur within a reasonable period of time following the date of completion of a project, but not later than 20 years following such date, taking into account the effect of recoupment on—

(1) the commercial competitiveness of the entity carrying out the project;

(2) the profitability of the project; and

(3) the commercial viability of the technology utilized.

The Secretary of Energy and the Secretary of Commerce may require recoupment under this section as appropriate.

SEC. 206. COVERAGE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS BY COMPETITION IN CONTRACTING ACT.

(a) CONTRACTS WITH EXECUTIVE AGENCIES.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended in subsection (b)(1)(C) and in subsection (c)(3) by striking out "or a federally funded research and development center" each place it appears.

(b) CONTRACTS WITH DEPARTMENT OF DEFENSE.—Section 2304 of title 10, United States Code, is amended in subsection (b)(1)(C) and in subsection (c)(3) by striking out "or a federally funded research and development center" each place it appears.

SEC. 207. TERMINATION OF MODULAR HIGH-TEMPERATURE GAS-COOLED REACTOR PROJECT.

(a) IN GENERAL.—The United States shall not obligate any funds for the Modular High-Temperature Gas-Cooled Reactor program.

(b) AMENDMENTS.—Section 2122(b) of the Energy Policy Act of 1992 (42 U.S.C. 13492(b)) is amended—

(1) in paragraph (1)(B), by striking "the modular high-temperature gas-cooled reactor technology and"; and

(2) in paragraph (2)(C)—

(A) by striking "high-temperature gas-cooled reactor technology and"; and

(B) by striking "one or both of those technologies" and inserting in lieu thereof "that technology".

(c) RESCISSION OF FUNDS.—Of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103–126), $12,000,000 is rescinded, to be derived from the gas turbine-modular helium reactor program.

SEC. 208. DEPARTMENT OF ENERGY FACILITIES CLOSURE AND RECONFIGURATION COMMISSION.

(a) DEPARTMENT OF ENERGY FACILITIES CLOSURE AND RECONFIGURATION COMMISSION.—

(1) ESTABLISHMENT.—There is established an independent commission to be known as the "Department of Energy Facilities Closure and Reconfiguration Commission".

(2) DUTIES.—The Commission shall carry out the duties specified for the Commission in this section.

(3) APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 7 members appointed by the President, by and with the advise and consent of the Senate. The President shall transmit to the Senate the nominations for appointment to the Commission not later than 3 months after the date of the enactment of this Act.

(B) CONSULTATION.—In selecting individuals for nominations for appointments to the Commission, the President should consult with—

(i) the Speaker of the House of Representatives concerning the appointment of 1 member;

(ii) the majority leader of the Senate concerning the appointment of 1 member;

(iii) the minority leader of the House of Representatives concerning the appointment of 1 member; and

(iv) the minority leader of the Senate concerning the appointment of 1 member.

(C) CHAIRPERSON.—At the time the President nominates individuals for appointment to the Commission, the President shall designate one such individual who shall serve as Chairperson of the Commission.

(4) TERMS.—Each member of the Commission shall serve until the termination of the Commission under paragraph (12).

(5) MEETINGS.—Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(7) PAY AND TRAVEL EXPENSES.—

(A) IN GENERAL.—

(i) BASIC PAY.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(ii) PAY OF CHAIRPERSON.—The Chairperson shall be paid for each day referred to in clause (i) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(8) DIRECTOR.—

(A) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served as a civilian employee of the Department of Energy during the one-year period preceding the date of such appointment.

(B) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(9) STAFF.—

(A) APPOINTMENT BY DIRECTOR.—Subject to subparagraphs (B) and (C), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(B) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) LIMITATION.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Energy.

(D) SUPPORT FROM OTHER AGENCIES.—Upon request of the Director, the head of a Federal agency may detail any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this section.

(E) SUPPORT FROM COMPTROLLER GENERAL.—The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(10) OTHER AUTHORITY.—

(A) TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(B) AUTHORITY TO LEASE SPACE AND ACQUIRE CERTAIN PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available. To the extent practicable, the Commission shall use suitable real property available under the most recent inventory of real property assets published by the Resolution Trust Corporation under section 21A(b)(11)(F) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)).

(11) FUNDING.—There is appropriated for fiscal year 1994, out of any money in the Treasury not otherwise appropriated, $1,000,000 to the Commission to carry out its duties under this section. Such funds shall remain available until expended.

(12) TERMINATION.—The Commission shall terminate not later than 20 months after the date of the enactment of this Act.

(b) PROCEDURE FOR MAKING RECOMMENDATIONS FOR CLOSURE AND RECONFIGURATION OF FACILITIES.—

(1) SELECTION CRITERIA.—

(A) IN GENERAL.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Energy shall publish in the Federal Register and transmit to the congressional energy committees the criteria proposed to be used by the Secretary in making recommendations for the closure or reconfiguration of Department of Energy facilities resulting in an overall budget for

such facilities for a fiscal year in an amount equal to the amount appropriated for such facilities for the previous fiscal year reduced by 25 percent. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under this paragraph. In developing the criteria, the Secretary shall consider—

(i) the program costs and program distributions on a State and county basis, including real and personal property costs associated with each Department of Energy facility considered;

(ii) the number of participants in programs conducted through a Department of Energy facility and staff resources involved;

(iii) duplication of effort by Department of Energy facilities and overhead costs as a proportion of program benefits distributed through a Department of Energy facility; and

(iv) cost savings and increases that would accrue through the reconfiguration of Department of Energy facilities.

(B) FINAL CRITERIA.—Not later than 5 months after the date of the enactment of this Act, the Secretary shall publish in the Federal Register and transmit to the congressional energy committees the final criteria to be used in making recommendations for the closure or reconfiguration of Department of Energy facilities under this section.

(2) SECRETARY'S RECOMMENDATIONS.—

(A) PUBLICATION IN FEDERAL REGISTER.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall publish in the Federal Register and transmit to the congressional energy committees and to the Commission a list of the Department of Energy facilities that the Secretary recommends for closure or reconfiguration on the basis of the final criteria referred to in paragraph (1).

(B) SUMMARY OF SELECTION PROCESS.—The Secretary shall include, with the list of recommendations published and transmitted pursuant to subparagraph (A), a summary of the selection process that resulted in the recommendation for each Department of Energy facility, including a justification for each recommendation.

(C) EQUAL CONSIDERATION OF FACILITIES.—In considering Department of Energy facilities for closure or reconfiguration, the Secretary shall consider all such facilities equally without regard to whether a facility has been previously considered or proposed for closure or reconfiguration by the Secretary.

(D) AVAILABILITY OF INFORMATION.—The Secretary shall make available to the Commission and the Comptroller General of the United States all information used by the Secretary in making recommendations to the Commission for closures and reconfiguration.

(3) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—

(A) PUBLIC HEARINGS.—After receiving the recommendations from the Secretary pursuant to paragraph (2), the Commission shall conduct public hearings on the recommendations.

(B) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Commission shall transmit to the President and the congressional energy committees a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission's recommendations for closures and reconfigurations of Department of Energy facilities.

(C) DEVIATION FROM SECRETARY'S RECOMMENDATIONS.—In making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially from the final criteria referred to in paragraph (1) in making recommendations. The Commission shall explain and justify in the report any recommendation made by the Commission that is different from the recommendations made by the Secretary.

(D) PROVISION OF CERTAIN INFORMATION.—After transmitting the report, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

(4) ASSISTANCE FROM COMPTROLLER GENERAL.—The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations made by the Secretary pursuant to paragraph (2); and

(B) not later than 12 months after the date of the enactment of this Act, transmit to the congressional energy committees and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

(5) REVIEW BY THE PRESIDENT.—

(A) IN GENERAL.—Not later than 16 months after the date of the enactment of this Act, the President shall transmit to the Commission and to the congressional energy committees a report containing the President's approval or disapproval of the Commission's recommendations.

(B) PRESIDENTIAL APPROVAL.—If the President approves all of the recommendations of the Commission, the President shall transmit a copy of such recommendations to the congressional energy committees together with a certification of such approval.

(C) PRESIDENTIAL DISAPPROVAL.—If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and the congressional energy committees the reasons for that disapproval. The Commission shall then transmit to the President, not later than 17 months after the date of the enactment of this Act, a revised list of recommendations for the closure and reconfiguration of Department of Energy facilities resulting in an overall budget for such facilities for a fiscal year in an amount equal to the amount appropriated for such facilities for the previous fiscal year reduced by 25 percent.

(D) CERTIFICATION.—If the President approves all of the revised recommendations of the Commission transmitted to the President under subparagraph (C), the President shall transmit a copy of such revised recommendations to the congressional energy committees, together with a certification of such approval.

(E) FAILURE TO CERTIFY.—If the President does not transmit to the congressional energy committees an approval and certification described in subparagraph (B) or (D) by 18 months after the date of the enactment of this Act, the process by which Department of Energy facilities may be selected for closure or reconfiguration under this section shall be terminated.

(c) CLOSURE AND RECONFIGURATION OF DEPARTMENT OF ENERGY FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall—

(A) close all Department of Energy facilities recommended for closure by the Commission in the report transmitted to the congressional energy committees by the President pursuant to subsection (b)(5);

(B) reconfigure all such facilities recommended for reconfiguration by the Commission in the report; and

(C) complete the closures and reconfigurations not later than the end of the 6-year period beginning on the date on which the President transmits the report pursuant to subsection (b)(5).

(2) CONGRESSIONAL DISAPPROVAL.—

(A) IN GENERAL.—The Secretary may not carry out any closure or reconfiguration of a facility recommended by the Commission in the report transmitted from the President pursuant to subsection (b)(5) if a joint resolution is enacted, in accordance with the provisions of subsection (g), disapproving the recommendations of the Commission before the earlier of—

(i) the end of the 45-day period beginning on the date on which the President transmits the report; or

(ii) the adjournment of Congress sine die for the session during which the report is transmitted.

(B) For purposes of subparagraph (A) of this paragraph and paragraphs (1) and (3) of subsection (g), the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of a period.

(d) IMPLEMENTATION OF CLOSURE AND RECONFIGURATION ACTIONS.—

(1) ACTIONS OF THE SECRETARY.—In closing or reconfiguring a Department of Energy facility under this section, the Secretary shall—

(A) take such actions as may be necessary to close or reconfigure the facility;

(B) provide outplacement assistance to any employees employed by the Department of Energy at the office whose employment is being terminated, and may use for such purpose funds in the Account or funds appropriated to the Department of Energy for outplacement assistance to employees;

(C) take such steps as may be necessary to ensure the safe keeping of all records stored at the facility; and

(D) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or reconfiguration, and may use for such purpose funds in the Account or funds appropriated to the Department of Energy and available for such purpose.

(2) MANAGEMENT AND DISPOSAL OF PROPERTY.—

(A) IN GENERAL.—The Administrator of General Services shall delegate to the Secretary of Energy, with respect to excess and surplus real property and facilities located at a Department of Energy facility closed or reconfigured under this section—

(i) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(ii) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484);

(iii) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)); and

(iv) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b).

(B) EXERCISE OF AUTHORITY.—

(i) IN GENERAL.—Subject to clause (iii), the Secretary shall exercise the authority delegated to the Secretary pursuant to subparagraph (A) in accordance with—

(I) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(II) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(ii) REGULATIONS.—The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by subparagraph (A).

(iii) LIMITATION.—The authority required to be delegated by subparagraph (A) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(3) WAIVER.—The Secretary may close or reconfigure Department of Energy facilities under this section without regard to any provision of law restricting the use of funds for closing or reconfiguring such facilities included in any appropriations or authorization Act.

(e) ACCOUNT.—

(1) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Department of Energy Facility Closure Account" which shall be administered by the Secretary as a single account.

(2) CONTENT OF ACCOUNT.—There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Energy for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional energy committees; and

(C) proceeds received from the transfer or disposal of any property at an office closed or reconfigured under this section.

(3) USE OF FUNDS.—The Secretary may use the funds in the Account only for the purposes described in subsection (d)(1).

(4) REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit a report to the congressional energy committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to subsection (d)(1) during such fiscal year.

(B) UNOBLIGATED FUNDS.—Unobligated funds which remain in the Account after the termination of the Commission shall be held in the Account until transferred by law after the congressional energy committees receive the report transmitted under subparagraph (C).

(C) ACCOUNTING REPORT.—Not later than 60 days after the termination of the Commission, the Secretary shall transmit to the congressional energy committees a report containing an accounting of—

(i) all the funds deposited into and expended from the Account or otherwise expended under this section; and

(ii) any amount remaining in the Account.

(f) REPORTS ON IMPLEMENTATION.—As part of the budget request for each fiscal year in which the Secretary will carry out activities under this section, the Secretary shall transmit to the congressional energy committees—

(1) a schedule of the closure and reconfiguration actions to be carried out under this section in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and reconfiguration and of the time period in which these savings are to be achieved in each case; and

(2) a description of the Department of Energy facilities, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures and reconfigurations.

(g) CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—

(1) TERMS OF THE RESOLUTION.—For purposes of subsection (c)(2), the term "joint resolution" means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under subsection (b)(5), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Department of Energy Facilities Closure and Reconfiguration Commission as submitted by the President on _____", the blank space being filled in with the appropriate date; and

(C) the title of which is as follows: "Joint resolution disapproving the recommendations of the Department of Energy Facilities Closure and Reconfiguration Commission.".

(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate.

(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under subsection (b)(5), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—

(A) IN GENERAL.—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) QUORUM CALL.—Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) APPEALS FROM DECISION OF CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—

(A) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) CONSIDERATION AFTER DISPOSITION BY OTHER HOUSE.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) RULES OF THE SENATE AND HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(h) DEFINITIONS.—For purposes of this section:

(1) The term "Account" means the Department of Energy Facility Closure Account established in subsection (e)(1).

(2) The term "Commission" means the Department of Energy Facilities Closure and Reconfiguration Commission.

(4) The term "congressional energy committees" means the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate.

(5) The term "Secretary" means the Secretary of Energy.

SEC. 209. RESCISSION OF FUNDS FOR FUSION ENERGY RESEARCH AND DEVELOPMENT.

Of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $70,000,000 is rescinded, to be derived from the fusion energy program.

SEC. 210. RESCISSION OF FUNDS FOR FOSSIL ENERGY RESEARCH AND DEVELOPMENT.

Of the funds made available under the heading "Department of Energy—Fossil Energy Research and Development" in the Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138), $54,007,000 is rescinded.

SEC. 211. ALASKA POWER ADMINISTRATION SALE.

(a) SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.—(1) The Secretary of Energy may sell the Snettisham Hydroelectric Project (referred to in this section as "Snettisham") to the State of Alaska Power Authority (now known as the Alaska Industrial Development and Export Authority, and referred to in this section as the "Authority"), or its successor, in accordance with the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the United States Department of Energy and the Authority.

(2) The Secretary of Energy may sell the Eklutna Hydroelectric Project (referred to in this section as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this section as "Eklutna Purchasers") in accordance with the August 2, 1989, Eklutna Purchase Agreement between the United States Department of Energy and the Eklutna Purchasers.

(3) The heads of other affected Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized by this Act.

(4) The Secretary of Energy shall deposit sale proceeds in the Treasury of the United States to the credit of miscellaneous receipts.

(5) There are authorized to be appropriated such sums as are necessary to prepare or acquire Eklutna and Snettisham assets for sale and conveyance, such preparations to provide sufficient title to ensure the beneficial use, enjoyment, and occupancy to the purchasers of the assets to be sold.

(6) No later than one year after both of the sales authorized in this subsection have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(A) complete the business of, and close out, the Alaska Power Administration; and

(B) prepare and submit to Congress a report documenting the sales.

(b) ASSESSMENT OF ALTERNATIVE OPTIONS.—Before taking any action authorized in subsection (a), the Secretary shall assess the feasibility of alternative options for maximizing the return to the Treasury from the sale of the Alaska Power Marketing Administration.

SEC. 212. FEDERAL-PRIVATE COGENERATION OF ELECTRICITY.

Section 804(2)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)(B)) is amended by striking ", excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities".

SEC. 213. TERMINATION OF CLEAN COAL TECHNOLOGY PROGRAM.

(a) IN GENERAL.—The United States shall not obligate any funds for the Clean Coal Technology program.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), the matter under the heading "DEPARTMENT OF ENERGY, CLEAN COAL TECHNOLOGY" in the Act entitled "An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1986, and for other purposes" enacted by section 101(d) of the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes" (Public Law 99-190; 99 Stat. 1251) is repealed.

(2) EXCEPTION.—The authority provided in the matter repealed by paragraph (1) of this subsection shall be preserved to the extent necessary to carry out obligations of the United States with respect to clean coal technology projects selected by the Secretary of Energy pursuant to the fifth general request for proposals issued by the Secretary under such section 101(d) (and pursuant to any such general request issued before the fifth general request).

SEC. 214. RESCISSION OF FUNDS FROM SPR PETROLEUM ACCOUNT.

The unobligated balance of the funds in the SPR petroleum account on the date of the enactment of this Act is rescinded.

SEC. 215. STUDY OF TERMINATION OF HELIUM SUBSIDY.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government's helium recovery program was instituted in 1925, when helium conservation was deemed to be a matter of national security and no private sector helium recovery industry existed;

(2) today, as compared to 1925, there is little likelihood that the United States will have to field a fleet of blimps on an emergency basis;

(3) private sources of helium are more than adequate for serving existing and foreseeable future national needs;

(4) since 1925, there has been a dramatic increase in private industry's involvement in helium recovery, as a result of the free market discovery of numerous commercial uses for helium;

(5) currently, private industry accounts for 90 percent of all helium extraction and consumption;

(6) the Government's helium recovery program currently owes the Department of the Treasury $1,400,000,000 and loses an additional $120,000,000 yearly on interest alone, and there is no prospect for repayment of this debt without significant reform; and

(7) with combined public and private helium reserves considerably in excess of foreseeable national helium needs, there is no longer any need for the Federal Government to own and operate a helium refining and marketing program.

(b) STUDY.—(1) The Secretary of the Interior, in consultation with private industry, shall conduct a study to determine how best to—

(A) sell or otherwise dispose of, at the best possible terms available to the United States, all facilities, equipment, and other real or personal property, or rights thereto, held by the United States in connection with activities carried out under the Helium Act, unless such facilities, equipment, or other real or personal property, or rights thereto, are required for other Federal purposes;

(B) sell or otherwise dispose of, at the best possible terms available to the United States, the helium reserves held by the United States other than amounts required for the specific immediate needs of the Federal Government, in a manner consistent with the orderly conduct of commercial helium markets; and

(C) ensure the full repayment of loans made under section 12 of the Helium Act.

(2) The Secretary of the Interior shall transmit to the Congress within one year after the date of enactment of this Act a report containing the results of the study conducted under paragraph (1).

SEC. 216. RESCISSION OF FUNDS FOR LOW-PRIORITY WATER PROJECTS.

(a) CORPS OF ENGINEERS GENERAL INVESTIGATIONS.—Of the funds made available under the heading "Corps of Engineers-Civil—General Investigations" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $24,970,000 is rescinded, to be derived from projects that—

(1) are not continuations of ongoing work under contract;

(2) are not economically justified, or environmentally beneficial in a manner commensurate with costs;

(3) are not environmentally acceptable;

(4) are not in compliance with standard cost sharing;

(5) do not have available the necessary non-Federal sponsorship and funding;

(6) represent a Federal assumption of traditionally non-Federal responsibility; or

(7) have not completed normal executive branch project review requirements.

(b) CORPS OF ENGINEERS CONSTRUCTION.—Of the funds made available under the heading "Corps of Engineers-Civil—Construction, General" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $97,319,000 is rescinded, to be derived from projects that—

(1) are not continuations of ongoing work under contract;

(2) are not economically justified, or environmentally beneficial in a manner commensurate with costs;

(3) are not environmentally acceptable;

(4) are not in compliance with standard cost sharing;

(5) do not have available the necessary non-Federal sponsorship and funding;

(6) represent a Federal assumption of traditionally non-Federal responsibility; or

(7) have not completed normal executive branch project review requirements.

(c) BUREAU OF RECLAMATION.—Of the funds made available under the heading "Department of the Interior—Bureau of Reclamation—Construction Program" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $16,000,000 is rescinded, to be derived from projects that—

(1) are not continuations of ongoing work under contract;

(2) in the case of new projects, are inconsistent with the priorities of the Secretary of the Interior;

(3) are not environmentally beneficial in a manner commensurate with costs; or

(4) do not have available the necessary non-Federal cost sharing.

SEC. 217. PREFERENCE FOR INTERIM MEASURES IN SUPERFUND RESPONSE ACTIONS.

(a) AMENDMENT OF CERCLA.—Section 121(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(a)) is amended by adding at the end the following: "Notwithstanding any other provision of this Act, in selecting appropriate remedial actions in any record of decision issued on or after October 1, 1994, the President shall give a preference to the use of institutional controls (such as deed and access restrictions, monitoring, and provision of alternate water supplies), containment methods (including caps, slurry walls, and surface water diversion), and other interim measures, rather than permanent treatment technologies, if such measures are sufficient to assure the protection of human health and the environment.".

(b) CLEANUP STANDARDS.—Section 121(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)) shall not apply to any remedial action described in the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 517(b) of the Superfund Amendments and Reauthorization Act of 1986 is amended by striking "and" at the end of paragraph (8), by striking paragraph (9) and by inserting the following after paragraph (8):

"(9) 1995, $1,065,536,000,

"(10) 1996, $1,100,198,000,

"(11) 1997, $1,254,824,000, and

"(12) 1998, $1,321,018,000,".

(2) Section 9507(c) of the Internal Revenue Code of 1986 is amended by adding the following new paragraph at the end thereof:

"(3) LIMITATION ON APPROPRIATIONS FROM FUND.—For fiscal years 1995, 1996, 1997, and 1998, the total of all amounts authorized to be appropriated from the Superfund shall not exceed the amounts specified in paragraphs (9) through (12) of the Superfund Amendments and Reauthorization Act of 1986.".

(d) REPORT REQUIREMENT.—(1) The President shall submit to Congress a report, during each of the 5 years listed in paragraph (2), on the use of measures under the last sentence of section 121(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621), as required by the amendment made by subsection (a). The report shall cover the preceding fiscal year and shall include the estimated savings resulting from the use of such measures in comparison to using permanent treatment technologies.

(2) The President shall submit the report required by paragraph (1) by December 1 of 1995, 1996, 1997, 1998, and 1999.

SEC. 218. RESERVATION OF FUNDS FOR DISASTER RELIEF.

(a) ESTABLISHMENT OF DISASTER RELIEF ACCOUNT.—On the date of the enactment of this Act the Secretary of the Treasury shall establish a Disaster Relief Account within the Office of the Secretary of the Treasury.

(b) RESERVATION OF FUNDS.—For each domestic discretionary spending account, the head of each Federal agency shall transfer 1 percent of all funds appropriated for each fiscal year beginning after September 30, 1993, to the account established under subsection (a) upon enactment of the appropriations Act for the agency for the fiscal year.

(c) TRANSFER OF FUNDS.—Upon enactment of an emergency disaster supplemental appropriations Act, the Secretary of the Treasury shall transfer such sums as are specified in such Act with respect to a disater declared by the President from the Disaster Relief Account to the accounts specified by such Act.

(d) USE OF DISASTER RELIEF ACCOUNT PRIOR TO PROVISION OF EMERGENCY FUNDS IN EXCESS OF CAPS.—All funds in the Disaster Relief Account established under subsection (a) shall be exhausted before any funds shall be made available pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) RELEASE OF FUNDS.—Any funds reserved under subsection (b) for a fiscal year which have not been transferred under subsection (c) by August 1 of such fiscal year shall after that date be returned to the account from which they were reserved in an amount proportionate to the amount originally reserved under subsection (b) if no emergency disaster supplemental appropriations bill has been reported from a committee of, or passed by, the House of Representatives or the Senate. If such a bill has been so reported or passed by August 1, such funds as may be required by such bill shall be retained in the Disaster Relief Account established under subsection (a) until transferred under subsection (c). Any funds in excess of those required for such bill shall be returned to the accounts from which they were reserved in an amount proportionate to the amount originally reserved under subsection (b) upon enactment of such bill as law.

(f) DEFINITION.—For purposes of this section, the term "domestic discretionary spending account" means each budget account that was for purposes of section 601(a) of the Congressional Budget Act of 1974 considered to be with respect to fiscal year 1993 within the domestic discretionary category, and each new account not classified as within function 050 or 150.

(g) RESCISSION OF FUNDS.—Of the funds made available under the heading "Federal Emergency Management Agency—Disaster Relief" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), $15,000,000 is rescinded.

SEC. 219. ELIMINATION OF WEATHER OFFICE CLOSURE CERTIFICATION PROCEDURES.

(a) IN GENERAL.—Title VII of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the repeal made by subsection (a) will not result in a degradation of weather forecasting service.

(c) RESCISSION OF FUNDS.—Of the funds made available under the heading "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $20,000,000 is rescinded, to be derived from the National Weather Service.

SEC. 220. RESCISSION OF FUNDS FOR NOAA RESEARCH FLEET.

Of the funds made available under the heading "National Oceanic And Atmospheric Administration—Fleet Modernization, Shipbuilding and Conversion" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $77,064,000 is rescinded.

SEC. 221. RESCISSION OF FUNDS FOR NOAA ADD-ONS.

Of the funds made available under the heading "National Oceanic And Atmospheric Administration" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), there are rescinded the following amounts from the following accounts:

(1) "Operations, Research, and Facilities", $71,298,000.

(2) "Construction", $29,840,000.

(3) "Aircraft Procurement and Modernization", $43,000,000.

SEC. 222. STUDY CONCERNING MERGER OF BUREAU OF RECLAMATION AND UNITED STATES ARMY CORPS OF ENGINEERS.

(a) FINDING.—The Congress finds—

(1) that similar functions should be administered in the same agency;

(2) that the Bureau of Reclamation is currently reevaluating its mission; and

(3) now is the proper time for the Bureau of Reclamation and the Corps of Engineers to evaluate the feasibility of a merger.

(b) STUDY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation, and the Secretary of the Army, acting through the Chief of Engineers, shall jointly conduct a study and submit a report to the Congress on merging the Bureau of Reclamation with the Corps of Engineers. The study shall include an examination of the administrative efficiencies that could be achieved in addition to the change and reorganization referred to in subsection (a), including—

(1) a the financial savings through administrative efficiency that would be obtained through such a merger; and

(2) the realignment of water projects such that similar projects are treated in a similar manner.

SEC. 223. RESCISSION OF FUNDS FOR AGRICULTURE BUILDING AND FACILITIES ACCOUNT.

Of the funds made available under the heading "Cooperative State Research Service—Buildings and Facilities" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $56,874,000 is rescinded.

SEC. 224. REPEAL OF AUTHORIZATIONS FOR THE AIRWAY SCIENCE PROGRAM, COLLEGIATE TRAINING INITIATIVE, AND AIR CARRIER MAINTENANCE TECHNICIAN TRAINING FACILITY GRANT PROGRAM.

(a) AIRWAY SCIENCE PROGRAM.—All authority for—

(1) the Secretary of Transportation to enter into grant agreements with universities or colleges having an airway science curriculum recognized by the Federal Aviation Administration for conducting demonstration projects with respect to the development, advancement, and expansion of airway science programs, and

(2) the Federal Aviation Administration to enter into competitive grant agreements with institutions of higher education having airway science curricula,

and all authorizations to appropriate funds for such purposes, including all authorizations for which funds were appropriated for such purposes under the heading "Federal Aviation Administration, Facilities and Equipment" in the Department of Transportation and Related Agencies Appropriations Acts, 1994 are repealed.

(b) COLLEGIATE TRAINING INITIATIVE.—Section 362 of the Department of Transportation

and Related Agencies Appropriations Act, 1993 (106 Stat. 1560) is repealed. Notwithstanding such repeal, the Administrator of the Federal Aviation Administration may continue to convert appointment of persons who have been appointed pursuant to such section prior to the effective date of this Act from the excepted service to a career conditional or career appointment in the competitive civil service, pursuant to subsection (c) of such section.

(c) AIR CARRIER MAINTENANCE TECHNICIAN TRAINING FACILITY GRANT PROGRAM.—Section 119 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1354 note; 106 Stat. 4883-4884) is repealed.

(d) RESCISSION OF FUNDS.—

(1) FAA OPERATIONS.—Of the funds made available under the heading "Federal Aviation Administration—Operations" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $2,750,000 is rescinded, to be derived from grants to the Mid-American Aviation Resource Consortium and vocational technical institutions.

(2) FAA FACILITIES AND EQUIPMENT.—Of the unobligated balance of funds made available under the heading "Federal Aviation Administration—Facilities and Equipment" in appropriations Acts for fiscal year 1994 and prior fiscal years, $40,257,111 is rescinded, to be derived from the airway science program.

SEC. 225. REPEAL OF NATIONAL RECREATIONAL TRAILS PROGRAM.

The Symms National Recreational Trails Act of 1991 (16 U.S.C. 1261-1262; 105 Stat. 2064-2069) is repealed.

SEC. 226. RESCISSION OF FUNDS FOR EDA.

Of the funds made available under the heading "Economic Development Administration—Economic Development Assistance Programs"in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $159,892,000 is rescinded.

SEC. 227. ELIMINATION OF FUNDING FOR PUBLIC TELECOMMUNICATIONS FACILITIES.

(a) REPEAL OF AUTHORIZATION OF APPROPRIATIONS.—Subpart A of Part IV of title III of the Communications Act of 1934 (47 U.S.C. 390-393a) is repealed.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "National Telecommunications and Information Administration—Public Telecommunications Facilities, Planning and Construction" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $24,000,000 is rescinded.

SEC. 228. MORATORIUM ON CONSTRUCTION AND ACQUISITION OF NEW FEDERAL BUILDINGS.

(a) GENERAL RULE.—After the date of the enactment of this Act and before October 1, 1998, the Administrator of General Services may not obligate any funds for construction or acquisition of any public building under the authority of the Public Buildings Act of 1959 or any other provision of law (other than a public building under construction or under contract for acquisition on such date of enactment).

(b) PUBLIC BUILDING DEFINED.—In this section, the term "public building" has the meaning such term has under the Public Buildings Act of 1959.

TITLE III—GOVERNMENT MANAGEMENT

SEC. 301. GOVERNMENT INFORMATION DISSEMINATION AND PRINTING IMPROVEMENT.

(a) TRANSFER OF FUNCTIONS.—

(1) PUBLIC PRINTER.—The position of Public Printer and all functions of the position of Public Printer (other than functions of the Superintendent of Documents) under title 44, United States Code, or any other provision of law are transferred from the legislative branch of the Government to the executive branch of the Government.

(2) SUPERINTENDENT OF DOCUMENTS.—The position of Superintendent of Documents and all functions of the position of Superintendent of Documents under title 44, United States Code, or any other provision of law are transferred to the Library of Congress and shall be carried out by the Superintendent of Documents under the direction of the Librarian of Congress. The Superintendent of Documents shall be appointed by, and serve at the pleasure of, the Librarian of Congress.

(3) REVOCATION OF CHARTERS.—All printing plant charters authorized under section 501 of title 44, United States Code, are revoked.

(4) EFFECTIVE DATE.—The transfer under paragraph (1) and the revocation under paragraph (3) shall each take effect 2 years after the date of the enactment of this Act. The transfer under paragraph (2) shall take effect one year after the date of the enactment of this Act.

(b) GOVERNMENT PUBLICATIONS TO BE AVAILABLE THROUGHOUT THE GOVERNMENT.—All Government publications shall be available throughout the Government to any department, agency, or entity of the Government for use or redissemination.

(c) INVENTORY AND FURNISHING OF GOVERNMENT PUBLICATIONS.—Each department, agency, and other entity of the Government shall—

(1) establish and maintain a comprehensive inventory of its Government publications;

(2) make such inventory available through the electronic directory under chapter 41 of title 44, United States Code; and

(3) in the form and manner prescribed by the Superintendent of Documents, furnish its Government publications to the Superintendent of Documents.

(d) ADDITIONAL RESPONSIBILITIES OF THE PUBLIC PRINTER.—

(1) IN GENERAL.—The Public Printer shall, with respect to the executive branch of the Government and the judicial branch of the Government—

(A) use all necessary measures to remedy neglect, delay, duplication, and waste in the public printing and binding of Government publications, including the reduction and elimination of internal printing and high-speed duplicating capacities of departments, agencies, and entities;

(B) prescribe Government publishing standards, which, to the greatest extent practicable, shall be consistent with the United States Government Printing Office Style Manual;

(C) prescribe Government procurement and manufacturing requirements for printing paper and writing paper, which, to the greatest extent practicable, shall be consistent with Government Paper Specification Standards;

(D) authorize the acquisition and transfer of equipment requisitioned by publishing facilities authorized under section 501 of title 44, United States Code;

(E) authorize the disposal of such equipment pursuant to section 312 of title 44, United States Code; and

(F) establish policy for the acquisition of printing, which, to the greatest extent practicable, shall be consistent with (i) Printing Procurement Regulation (GPO Publication 305.3), (ii) Government Printing and Binding Regulations (JCP No. 26), and (ii) Printing Procurement Department Instruction (PP304.1B).

(2) POLICY STANDARDS.—The policy referred to in paragraph (1)(F) shall be formulated to maximize competitive procurement from the private sector. Government in-house printing and duplicating operations authorized under section 501 of title 44, United States Code, or otherwise authorized by law, may be used if they provide printing at the lowest cost to the Government, taking into consideration the total expense of production, materials, labor, equipment, and general and administrative expense, including all levels of overhead.

(e) ADDITIONAL RESPONSIBILITIES OF THE SUPERINTENDENT OF DOCUMENTS.—

(1) GOVERNMENT PUBLICATIONS TO BE FURNISHED TO THE SUPERINTENDENT OF DOCUMENTS.—If a department, agency, or other entity of the Government publishes a Government publication, the head of the department, agency, or entity shall furnish the Government publication to the Superintendent of Documents not later than the date of release of the material to the public.

(2) DISSEMINATION OR REPUBLICATION.—In addition to any other dissemination provided for by law, the Superintendent of Documents shall disseminate or republish Government publications, if, as determined by the Superintendent, the dissemination by the department, agency, or entity of the Government is inadequate. The Superintendent shall have authority to carry out the preceding sentence by appropriate means, including the dissemination and republication of Government publications furnished under paragraph (1), with the cost of dissemination and republication to be borne by the department, agency, or entity involved.

(3) COST.—The cost charged to the public by the superintendent of documents under paragraph (2) for any government publication (whether such government publication is made available to the public by a department, agency, or entity of the government, or by the superintendent of documents) may include the incremental cost of dissemination, but may not include any profit.

(f) DEPOSITORY LIBRARIES.—In addition to any other distribution provided for by law, the Superintendent of Documents shall make Government publications available to designated depository libraries and State libraries. The Superintendent shall have authority to carry out the preceding sentence by appropriate means, including the dissemination and republication of Government publications furnished under subsection (e)(1), with the cost of dissemination and republication to be borne by the department, agency, or entity involved.

(g) DEFINITIONS.—As used in this section—

(1) the term "Government publication" means any informational matter that is published at Government expense, or as required by law; and

(2) the term "publish" means, with respect to informational matter, make available for dissemination.

SEC. 302. SENSE OF CONGRESS REGARDING REORGANIZATION OF BUREAU OF INDIAN AFFAIRS.

It is the sense of the Congress that—

(1) the Bureau of Indian Affairs should be reorganized, with special attention given to the reorganizing the Bureau's 12 area offices into not more than 5 regional service centers and 2 special service offices; and

(2) such reorganization should be pursued in coordination with the Task Force on Bureau of Indian Affairs reorganization, as provided in the Department of the Interior and

Related Agencies Appropriations Act, 1994 (Pub. L. 103-138).

SEC. 303. RESCISSION OF FUNDS FOR PRINTING AND REPRODUCTION AND FOR SUPPLIES AND MATERIALS.

(a) IN GENERAL.—Of the funds made available in appropriations Acts for fiscal year 1994 to the following agencies for printing and reproduction and for supplies and materials, the following amounts are rescinded:

(1) Department of Agriculture, $186,000,000.

(2) Department of Commerce, $6,000,000.

(3) Department of Health and Human Services, $22,400,000.

(4) Department of the Interior, $14,400,000.

(5) Department of Justice, $15,600,000.

(6) Department of Labor, $2,000,000.

(7) Department of State, $4,400,000.

(8) Department of the Treasury, $13,200,000.

(9) Department of Education, $400,000.

(10) Department of Energy, $2,800,000.

(11) Environmental Protection Agency, $11,200,000.

(12) Department of Transportation, $33,200,000.

(13) Department of Housing and Urban Development $240,000.

(14) Department of Veterans Affairs, $97,200,000.

(b) ALLOCATION.—The Director of the Office of Management and Budget shall allocate the rescissions made by subsection (a) among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 304. STREAMLINING OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall streamline the headquarters, regional, and field office structure of the Department of Housing and Urban Development by consolidating various of such offices and reducing the size of the Department, without regard to the requirements of section 7(p) of the Department of Housing and Urban Development Act.

(b) WORKFORCE REDUCTIONS.—In carrying out subsection (a), during the period referred to in such subsection, the Secretary of Housing and Urban Development shall eliminate not less than 1,500 full-time employment positions in the Department of Housing and Urban Development.

SEC. 305. TERMINATION OF INTERSTATE COMMERCE COMMISSION.

(a) IN GENERAL.—There are transferred to the Secretary, effective January 1, 1994, all functions of the Commission.

(b) AUTHORITY OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget, in consultation with the Commission and the Secretary, may make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of assets, liabilities, contracts, property, and records, as may be necessary to carry out the provisions of this section. The unobligated funds of the Commission shall not be transferred to the Department of Transportation in order to carry out the transfer of functions under this section, and the number of fulltime employee positions within the Department of Transportation shall not be increased as a result of such transfer of functions.

(c) JOINT PLANNING FOR TRANSFER.—The Chairman of the Commission and the Secretary shall, beginning as soon as practicable after the date of enactment of this section, jointly plan for the orderly transfer of functions under this section.

(d) INTERIM USE OF INTERSTATE COMMERCE COMMISSION PERSONNEL.—Prior to January 1, 1994, and with the consent of the Commission, the Secretary may use the services of officers, employees, and other personnel of the Commission under such terms and conditions as will reasonably facilitate the orderly transfer of functions under this section.

(e) SAVINGS PROVISIONS.—

(1) IN GENERAL.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective by any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by this section to the Secretary from the Commission; and

(B) which are in effect immediately before the transfer of functions by this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary or any other duly authorized official, by any court of competent jurisdiction, or by operation of law.

(2) CONTINUATION OF PROCEEDINGS.—The transfer of functions by this section shall not affect any proceedings, including rulemaking proceedings, or any application for any license, permit, or certificate, pending before the Commission immediately before the transfer takes effect. Such proceedings and applications shall be continued at the Department of Transportation. Orders shall be issued in such proceedings, and appeals shall be taken therefrom, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Transportation, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) EFFECT ON PENDING CIVIL ACTIONS.—Except as provided in paragraph (5)—

(A) the transfer of any function under this section shall not affect any civil action relating to such function which is commenced prior to the date the transfer takes effect; and

(B) in all such actions, proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No action or other proceeding commenced by or against any officer in that officer's official capacity as an officer of the Commission shall abate by reason of the transfer of any function under this section. No cause of action by or against the Commission, or by or against any officer thereof in that officer's official capacity, shall abate by reason of the transfer of any function under this section.

(5) JUDICIAL ADMINISTRATIVE PROVISION.—If immediately before the transfer of functions by this section the Commission or any officer thereof in that officer's official capacity is a party to an action relating to a function transfer by this section, then such action shall be continued with the Secretary or other appropriate official of the Department of Transportation substituted or added as a party.

(6) REFERENCES.—With respect to any function transferred by this section and performed on or after the effective date of the transfer, reference in any Federal law to the Interstate Commerce Commission or the Commission (insofar as such term refers to the Interstate Commerce Commission), or to any officer or office thereof, shall be deemed to refer to the Department of Transportation, or other official or component of the Department of Transportation in which such function vests.

(7) EXERCISE OF FUNCTIONS BY SECRETARY.—In the exercise of any function transferred by this section, the Secretary shall have the same authority as that vested in the Commission with respect to such function immediately preceding its transfer, and actions of the Secretary shall have the same force and effect as when exercised by the Commission. Orders and actions of the Secretary in the exercise of the functions transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Commission in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, actions upon the record, or administrative review that apply to any functions transferred by this section shall apply to the exercise of such functions by the Secretary.

(f) REPORTS.—No later than July 1, 1994, the Secretary shall submit to the appropriate committees of Congress a report on the functions transferred from the Commission to the Department of Transportation under this section. The report shall include—

(1) an assessment of benefits compared to costs associated with each of these functions, both with respect to persons affected directly and to the public generally;

(2) recommendations for the elimination of functions identified as redundant, or substantially the same as functions or services which are performed by the Department of Transportation or other public or private organizations prior to the transfer of functions under this section; and

(3) recommendations to modify or eliminate those functions that do not provide substantial economic or safety benefits to the general public.

(g) CONFORMING AMENDMENTS.—

(1) EXECUTIVE LEVEL PAY RATES.—

(A) Section 5314 of title 5, United States Code, is amended by striking "Chairman, Interstate Commerce Commission.".

(B) Section 5315 of title 5, United States Code, is amended by striking "Members, Interstate Commerce Commission.".

(2) TERMINATION OF COMMISSION.—Sections 10301 through 10308 of title 49, United States Code, are repealed.

(3) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 1994.

(h) DEFINITIONS.—In this section—

(1) the term "Commission" means the Interstate Commerce Commission;

(2) the term "function" means a function, power, or duty; and

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

(i) RESCISSION AND TRANSFER OF FUNDS.—Of the funds made available under the heading "Interstate Commerce Commission—Salaries and Expenses" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122)—

(1) $18,000,000 is rescinded; and

(2) $15,000,000 shall be transferred to and merged with the appropriation in such Act for "DEPARTMENT OF TRANSPORTATION—OFFICE OF THE SECRETARY—Immediate Office of the Secretary".

SEC. 306. RESCISSION OF FUNDS FROM TENNESSEE VALLEY AUTHORITY FUND.

Of the funds in the Area and Regional Account of the Tennessee Valley Authority Fund, $23,000,000 is rescinded.

SEC. 307. RESCISSION OF FUNDS FOR APPALACHIAN REGIONAL COMMISSION.

Of the funds made available under the heading "Appalachian Regional Commission" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $59,000,000 is rescinded.

SEC. 308. IMPROVEMENTS TO MANAGEMENT OF VETERANS' HOSPITALS.

The Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall implement for the Veterans Health Administration a financing system known as a "Prospective Payment System". In implementing such a system, the Secretary shall classify each individual receiving health care and services under chapter 17 of title 38, United States Code, in a Diagnosis-Related Group (DRG). The Prospective Payment System implemented by the Secretary shall be modeled as closely as is practicable on the Prospective Payment System in use for the Medicare program under title XVIII of the Social Security Act. The Secretary may, to the extent necessary to implement this section, waive any provisions of law inconsistent with this section. In implementing this section, it shall be a goal of the Secretary to achieve savings in outlays for the Department of Veterans Affairs medical system of not less than $1,000,000,000 over the five-year period of fiscal years 1994 through 1998.

SEC. 309. RESCISSION OF FUNDS FOR LEGAL SERVICES CORPORATION.

Of the funds made available under the heading "Legal Services Corporation—Payment to the Legal Services Corporation" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $20,000,000 is rescinded.

SEC. 310. TERMINATION OF STATE JUSTICE INSTITUTE.

(a) IN GENERAL.—The State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) is repealed.

(b) RESCISSION OF FUNDS.—Of the funds made available under the heading "State Justice Institute—Salaries and Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $6,775,000 is rescinded.

SEC. 311. IMPROVEMENT OF U.S. MARSHALS SERVICE.

(a) PHASING OUT OF POLITICAL APPOINTEES.—

(1) UNCONFIRMED APPOINTEES.—Any individual serving as a United States marshal to whose appointment to such office the Senate has not given its advice and consent as of the date of the enactment of this Act, may no longer serve in such position on or after such date of enactment, except pursuant to appointment by the Attorney General under the amendments made by this section. The Attorney General shall, before appointing any other individual to such vacated position, offer such vacated position to the individual then serving as deputy marshal in that office of United States marshal. The individual appointed to fill such vacated position shall be appointed for the remainder of the unexpired term of his or her predecessor.

(2) CONFIRMED APPOINTEES.—Any individual who, on the date of the enactment of this Act, is a United States marshal to whose appointment the Senate has given its advice and consent, may not serve in such position on or after December 31, 1994, except pursuant to appointment by the Attorney General under the amendments made by this section. The Attorney General shall, before appointing any other individual to such vacated position, offer such vacated position to the individual then serving as deputy marshal in that office of United States marshal. The individual appointed to fill such vacated position shall be appointed for the remainder of the unexpired term of his or her predecessor.

(b) APPOINTMENT OF UNITED STATES MARSHALS.—Section 561 of title 28, United States Code, is amended—

(1) in subsection (c) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(2) in subsection (d) by striking "President" and inserting "Attorney General".

(c) OVERALL REDUCTION IN NUMBER OF POSITIONS.—

(1) ELIMINATION OF POSITIONS OF DEPUTY MARSHAL.—The position of deputy marshal in the 70 judicial districts having the least population of all judicial districts shall be abolished, as of—

(A) the date of the enactment of this Act, in a case in which subsection (a)(1) applies; or

(B) the date on which the United States marshal leaves office under the first sentence of subsection (a)(2), in a case in which such subsection applies;

and no equivalent position in such districts shall thereafter be created.

(2) OVERALL REDUCTION.—The number of full-time equivalent positions in the United States Marshals Service as of January 1, 1995, may not exceed the number of full-time equivalent positions in the United States Marshals Service on the date of the enactment of this Act, minus 70.

(d) CONFORMING AMENDMENTS.—(1) Section 562 of title 28, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 37 of such title, are repealed.

(2) Section 569 of such title is amended—

(A) by striking "(a)"; and

(B) by striking subsection (b).

SEC. 312. RESCISSION OF FUNDS FOR BATF.

Of the funds made available under the heading "Bureau of Alcohol, Tobacco and Firearms—Salaries and Expenses" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), $2,000,000 is rescinded.

SEC. 313. RESCISSION OF FUNDS FOR CONSTRUCTION OF NEW FEDERAL OFFICES AND COURTHOUSES.

Of the funds made available under the heading "General Services Administration—Federal Buildings Fund" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), $288,000,000 is rescinded.

SEC. 314. LIMITATION ON OFFICE EQUIPMENT AND FURNISHINGS PURCHASES BY DEPARTING MEMBERS OF THE HOUSE OF REPRESENTATIVES.

The first section of the Act entitled "An Act to authorize the disposition of certain office equipment and furnishings, and for other purposes", enacted October 20, 1974 (2 U.S.C. 59a) is repealed.

SEC. 315. RESCISSION OF FUNDS FOR EXECUTIVE OFFICE OF THE PRESIDENT.

(a) IN GENERAL.—Of the funds made available for each account under the heading "Executive Office of the President and Funds Appropriated to the President" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), there is rescinded an amount equal to 5 percent of such funds.

(b) ADDITIONAL OFFICES.—Of the funds made available for each account under the heading "Executive Office of the President" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), there is rescinded an amount equal to 5 percent of such funds.

SEC. 316. RESCISSION OF FUNDS FOR LEGISLATIVE BRANCH.

(a) IN GENERAL.—Of the funds made available for each account in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), there is rescinded an amount equal to 7.5 percent of such funds.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) funds made available under the heading "Congressional Operations—Senate"; or

(2) funds for which amounts are rescinded by section 317.

SEC. 317. RESCISSION OF FUNDS FOR HOUSE FRANKING.

Of the funds made available under the heading "House of Representatives—Salaries and Expenses" in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), $12,000,000 is rescinded, to be derived from "Official Mail Costs".

SEC. 318. PROVISIONS RELATING TO ANNUAL PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) CALENDAR YEAR 1994.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) LIMITATION ON FUTURE ADJUSTMENTS.—Effective as of December 31, 1994, paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 is amended—

(1) by striking "(2) Effective" and inserting "(2)(A) Subject to subparagraph (B), effective"; and

(2) by adding at the end the following:

"(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule.".

SEC. 319. SES ANNUAL LEAVE ACCUMULATION.

(a) IN GENERAL.—Effective on the last day of the last applicable pay period beginning in calendar year 1993, subsection (f) of section 6304 of title 5, United States Code, is repealed.

(b) SAVINGS PROVISION.—Notwithstanding the amendment made by subsection (a), in the case of an employee who, on the effective date of subsection (a), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304, such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.

(c) CONFORMING AMENDMENT.—Section 6304(a) of title 5, United States Code, is amended by striking "(e), (f), and (g)" and inserting "(e) and (g)", effective as of the effective date of subsection (a).

(d) RESCISSION OF FUNDS.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for

fiscal year 1994 for purposes of payments for accrued leave upon termination of employment, $2,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 320. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,053,600 during fiscal year 1994;

(2) 1,999,600 during fiscal year 1995;

(3) 1,945,600 during fiscal year 1996;

(4) 1,895,600 during fiscal year 1997; and

(5) 1,851,600 during fiscal year 1998.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

(f) RESCISSION OF FUNDS.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of employee compensation, $2,122,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 321. RESCISSION OF FUNDS FOR TRAVEL ACCOUNTS.

(a) IN GENERAL.—Of the funds made available in any appropriations Act for fiscal year 1994 to any executive department or agency, or any entity in the legislative branch, for purposes of official travel, 15 percent is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) the Department of Defense, the Department of Justice, the Department of State, the Department of the Treasury, the Department of Veterans Affairs, or any agency or office within any such department; or

(2) the Office of Personnel Management in carrying out its responsibilities under the Voting Rights Act of 1965.

SEC. 322. TERMINATION OF FEDERAL ADVISORY COMMITTEES.

(a) TERMINATION.—The entities described in subsection (b) are terminated.

(b) ENTITIES DESCRIBED.—The entities referred to in subsection (a) are the following:

(1) Preservation of Jazz Advisory Commission.

(2) Mt. Saint Helen's Scientific Advisory Board.

(3) Advisory Panel for the Dictionary of Occupational Titles.

(4) U.S. Army Medical Research and Development Advisory Board.

(5) Secretary of the Navy's Advisory Committee on Naval History.

(6) Scientific Advisory Committee on Effects.

(7) Advisory Committee on Publications Subvention.

(8) National Advisory Council on Educational Research and Improvement.

(9) Advisory Panel for the Decontamination of TMI-2.

(10) Technical Advisory Group on Cigarette Fire Safety.

(11) Advisory Commission of Swine Health Protection.

(c) SAVINGS PROVISIONS.—

(1) CONTINUATION OF AGREEMENTS, GRANTS, CONTRACTS, PRIVILEGES, AND OTHER ADMINISTRATIVE ACTIONS.—All agreements, grants, contracts, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by an entity described in subsection (b) in the performance of its functions or by a court of competent jurisdiction with respect to those functions, and

(B) which are in effect on the date of the enactment of this Act, or were final before that date of enactment and are to become effective on or after that date of enactment,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(3) SUITS INVOLVING COUNCIL OR OFFICE.—No suit, action, or other proceeding commenced by or against an entity described in subsection (b), or by or against any individual in the official capacity of such individual as an officer or employee of such an entity, shall abate by reason of the enactment of this section.

SEC. 323. INCREASE IN THRESHOLD FOR APPLICATION OF DAVIS-BACON ACT.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of March 3, 1931 (40 U.S.C. 276a et seq.) (known as the "Davis-Bacon Act") is amended by striking "$2,000" and inserting "$100,000".

(b) RESCISSION OF FUNDS.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of construction activities under the Act of March 3, 1931 (40 U.S.C. 276a et seq.) (known as the "Davis-Bacon Act") or similar prevailing wage requirements applicable to projects assisted by Federal funds, $62,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 324. ELIMINATION OF CERTAIN REPORTS REQUIRED ON CONTRACTS COVERED BY DAVIS-BACON ACT.

(a) IN GENERAL.—The first sentence of section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) (known as the "Copeland Act") is amended by striking "shall furnish weekly a statement with respect to the wages paid each employee during the preceding week" and inserting "shall furnish, at least once per month, a statement of compliance with the labor standards provisions of applicable law, certifying the payroll with respect to the wages paid employees during the preceding period for which the statement is furnished, covering each week any contract work is performed".

(b) RESCISSION OF FUNDS.—Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of construction activities submitted under section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) (known as the "Copeland Act"), $55,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 325. FEES FOR APPLICATIONS FOR ALCOHOL LABELING AND FORMULA REVIEWS.

(a) IN GENERAL.—The Secretary of the Treasury or his delegate (in this section referred to as the 'Secretary') shall establish a program requiring the payment of user fees for—

(1) requests for each certificate of alcohol label approval required under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and for each request for exemption from such requirement, and

(2) requests for each formula review, and requests for each statement of process (including laboratory tests and analyses), under such Act or under chapter 51 of the Internal Revenue Code of 1986.

(b) PROGRAM CRITERIA.—

(1) IN GENERAL.—The fees charged under the program required by subsection (a) shall be determined such that the Secretary estimates that the aggregate of such fees received during any fiscal year will be $5,000,000.

(2) MINIMUM FEES.—The fee charged under the program required by subsection (a) shall not be less than—

(A) $50 for each request referred to in subsection (a)(1), and

(B) $250 for each request referred to in subsection (a)(2).

(c) APPLICATION OF SECTION.—Subsection (a) shall apply to requests made on or after the 90th day after the date of the enactment of this Act.

(d) DEPOSIT AND CREDIT AS OFFSETTING RECEIPTS.—The amounts collected by the Secretary under the program required by subsection (a) (to the extent such amounts do

not exceed $5,000,000) shall be deposited into the Treasury as offsetting receipts and ascribed to the alcohol compliance program of the Bureau of Alcohol, Tobacco, and Firearms.

SEC. 326. INCREASE IN SEC REGISTRATION FEES.

(a) SECURITIES ACT OF 1933.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking "one-fiftieth of 1 per centum" and inserting "1/29 of 1 percent".

(b) SECURITIES EXCHANGE ACT OF 1934.—Sections 13(e)(3) and 14(g)(1)(A)(i) of the Securities Exchange Act of 1934 (47 U.S.C. 78m(e)(3), 78n(g)(1)(A)(i)) are each amended by striking "1/50 of 1 per centum" and inserting "1/29 of 1 percent".

(c) DEPOSIT AND CREDIT AS OFFSETTING RECEIPTS.—The amounts collected under the provisions amended by this section shall be deposited into the Treasury as offsetting receipts and ascribed to the salaries and expenses account of the Securities and Exchange Commission.

(d) APPLICABILITY.—The amendments made by subsections (a) and (b) shall not apply after September 30, 1998.

SEC. 327. TRAVEL, TOURISM, AND EXPORT PROMOTION FEES.

(a) TRAVEL AND TOURISM FEES.—

(1) IN GENERAL.—Each State that participates in marketing activities or tourism promotion abroad through the United States Travel and Tourism Administration shall pay a fee in an amount determined by such Administration so that the total receipts from such fees shall equal the budget of such Administration.

(2) DEPOSIT AND CREDIT AS OFFSETTING RECEIPTS.—The amounts collected under this subsection shall be deposited into the Treasury as offsetting receipts and ascribed to the salaries and expenses account of the United States Travel and Tourism Administration.

(b) EXPORT PROMOTION FEES.—

(1) IN GENERAL.—The Secretary of Commerce or his delegate (in this subsection referred to as the "Secretary") shall establish a program requiring the payment of user fees for all services provided to all entities outside the Federal Government by the International Trade Administration in carrying out its export promotion programs.

(2) SETTING OF FEES.—The fees charged under the program required by paragraph (1) shall be determined such that the Secretary estimates that the aggregate of such fees received during the following fiscal years will equal the following amounts:

(A) $100,000,000 during fiscal year 1994.

(B) $212,154,000 during fiscal year 1995.

(C) $224,821,000 during fiscal year 1996.

(D) $237,830,000 during fiscal year 1997.

(E) $251,648,000 during fiscal year 1998.

(3) APPLICATION OF SECTION.—Paragraph (1) shall apply to services provided on or after the 90th day after the date of the enactment of this Act.

(4) DEFINITION.—As used in this subsection, the term "export promotion program" has the meaning given that term in section 201(d) of the export administration amendments act of 1985 (15 U.S.C. 4051(d)) and includes—

(A) the provision of information and technical assistance; and

(B) any form of assistance in the marketing of goods and services.

(5) DEPOSIT AND CREDIT AS OFFSETTING RECEIPTS.—The amounts collected by the Secretary under the program required by paragraph (1) (to the extent such amounts do not exceed the amounts specified in paragraph (2)) shall be deposited into the Treasury as offsetting receipts and ascribed to the operations and administrations account of the International Trade Administration.

TITLE IV—HUMAN RESOURCES

SEC. 401. REDUCTION IN FUNDING FOR ARTS AND HUMANITIES PROGRAMS.

(a) NATIONAL ENDOWMENT FOR THE ARTS.—Section 11(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)(1)) is amended by striking subparagraphs (A), (B), and (C), and inserting the following:

"(A) for fiscal year 1994, $166,823,000,

"(B) for fiscal year 1995, $163,487,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1994 to carry out the activities of the Endowment, whichever is less,

"(C) for fiscal year 1996, $160,217,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1995 to carry out the activities of the Endowment, whichever is less,

"(D) for fiscal year 1997, $157,012,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1996 to carry out the activities of the Endowment, whichever is less, and

"(E) for fiscal year 1998, $153,872,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1997 to carry out the activities of the Endowment, whichever is less.".

(b) NATIONAL ENDOWMENT FOR THE HUMANITIES.—Section 11(d)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)(2)) is amended by striking subparagraphs (A), (B), and (C), and inserting the following:

"(A) for fiscal year 1994, $173,941,000,

"(B) for fiscal year 1995, $170,462,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1994 to carry out the activities of the Endowment, whichever is less,

"(C) for fiscal year 1996, $167,053,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1995 to carry out the activities of the Endowment, whichever is less,

"(D) for fiscal year 1997, $163,712,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1996 to carry out the activities of the Endowment, whichever is less, and

"(E) for fiscal year 1998, $160,438,000 or an amount equal to 98 percent of the total amount appropriated for fiscal year 1997 to carry out the activities of the Endowment, whichever is less.".

(c) SMITHSONIAN INSTITUTION.—Notwithstanding any other law, the funds appropriated for the Smithsonian Institution for fiscal year 1994, 1995, 1996, 1997, or 1998 may not be obligated in an amount that exceeds 98 percent of the funds appropriated for such purpose for the preceding fiscal year.

(d) NATIONAL GALLERY OF ART.—Notwithstanding any other law, the funds appropriated for the National Gallery of Art for fiscal year 1994, 1995, 1996, 1997, or 1998 may not be obligated in an amount that exceeds 98 percent of the funds appropriated for such purpose for the preceding fiscal year.

(e) CORPORATION FOR PUBLIC BROADCASTING.—Notwithstanding any other law, the funds appropriated for the Corporation for Public Broadcasting for fiscal year 1995, 1996, 1997, or 1998 may not be obligated in an amount that exceeds 98 percent of the funds appropriated for such purpose for the preceding fiscal year.

(f) RESCISSION OF FUNDS.—Of the funds made available under each of the headings "National Endowment for the Arts", "National Endowment for the Humanities", "Smithsonian Institution", and "National Gallery of Art" in the Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138), 2 percent is rescinded.

SEC. 402. ELIMINATION OF OPERATING SUBSIDIES FOR VACANT PUBLIC HOUSING.

(a) IN GENERAL.—Section 9(a)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437g(a)(3)(B)) is amended—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking the period at the end and inserting "; and"; and

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

"(vi) no payment may be provided under this section for any dwelling unit that has been vacant for a period of 180 days or more unless such unit is vacant because of comprehensive modernization, major reconstruction, demolition, or disposition activities that have been funded or approved.".

(b) ELIMINATION OF ANNUAL CONTRIBUTION RESERVE.—Section 14(p) of the United States Housing Act of 1937 (42 U.S.C. 1437l(p)) is amended by striking paragraph (3).

(c) RECAPTURE OF ANNUAL CONTRIBUTION RESERVE.—The Secretary of Housing and Urban Development shall recapture any amounts reserved from annual contributions for public housing agencies and deposited in accounts established on behalf of the agencies pursuant to paragraph (3) of section 14(p) of the United States Housing Act of 1937 (as in effect immediately before the date of the enactment of this Act).

(d) RESCISSION OF FUNDS.—Of the funds made available under the heading "Department of Housing and Urban Development—Housing Programs—Payments for Operation of Low-Income Housing Projects" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), $54,000,000 is rescinded.

SEC. 403. SUBSTITUTION OF VOUCHER ASSISTANCE FOR PUBLIC HOUSING NEW CONSTRUCTION.

(a) TERMINATION OF ASSISTANCE FOR CONSTRUCTION OF PUBLIC HOUSING.—

(1) LOAN AUTHORITY.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may not enter into any new commitment to make loans under section 4 of the United States Housing Act of 1937 to public housing agencies for the development or acquisition of public housing projects by such agencies.

(2) CONTRIBUTION AUTHORITY.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may not enter into any new contract to make contributions under section 5 of the United States Housing Act of 1937 to public housing agencies for the development or acquisition of public housing projects by such agencies.

(3) EXISTING COMMITMENTS.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may make contributions and loans for the development or acquisition of public housing projects only pursuant to legally binding commitments to make such loans or contracts for such contributions entered into on or before the date of the enactment of this Act.

(4) INAPPLICABILITY TO INDIAN HOUSING.—The provisions of this section shall not apply to public housing developed pursuant to a contract between the Secretary of Housing

and Urban Development and an Indian housing authority.

(5) DEFINITIONS.—For purposes of this section, the terms "Indian housing authority", "project", "public housing", and "public housing agency" have the meanings given the terms in section 3(b) of the United States Housing Act of 1937.

(b) PERMISSIBLE USES.—Vouchers for rental assistance provided with the amounts made available under this section may be used for the rental of dwelling units or costs of residency, as determined by qualified voucher recipients.

(c) RESCISSION AND TRANSFER OF FUNDS.—Of the funds made available under the heading "Department of Housing and Urban Development—Housing Programs—Annual Contributions for Assisted Housing" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124)—

(1) $367,000,000 is rescinded from the total amount under such heading and from the amount specified under such heading for the development or acquisition cost of public housing; and

(2) $230,701,000 of the amount specified under such heading for the development or acquisition cost of public housing shall be reallocated to and merged with the amount specified under such heading for the housing voucher program under section 8(o) of the United States Housing Act of 1937.

SEC. 404. REFORM OF HUD MULTIFAMILY PROPERTY DISPOSITION.

(a) FINDINGS.—The Congress finds that—

(1) the portfolio of multifamily housing project mortgages insured by the FHA is severely troubled and at risk of default, requiring the Secretary to increase loss reserves from $5,500,000,000 in 1991 to $11,900,000,000 in 1992 to cover estimated future losses;

(2) the inventory of multifamily housing projects owned by the Secretary has more than tripled since 1989, and, by the end of 1993, may exceed 75,000 units;

(3) the cost to the Federal Government of owning and maintaining multifamily housing projects escalated to approximately $250,000,000 in fiscal year 1992;

(4) the inventory of multifamily housing projects subject to mortgages held by the Secretary has increased dramatically, to more than 2,400 mortgages, and approximately half of these mortgages, with over 230,000 units, are delinquent;

(5) the inventory of insured and formerly insured multifamily housing projects is rapidly deteriorating, endangering tenants and neighborhoods;

(6) over 5 million families today have a critical need for housing that is affordable and habitable; and

(7) the current statutory framework governing the disposition of multifamily housing projects effectively impedes the Government's ability to dispose of properties, protect tenants, and ensure that projects are maintained over time.

(b) MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11) is amended to read as follows:

"SEC. 203. MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.

"(a) GOALS.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall manage or dispose of multifamily housing projects that are owned by the Secretary or that are subject to a mortgage held by the Secretary in a manner that—

"(1) is consistent with the National Housing Act and this section;

"(2) will protect the financial interests of the Federal Government; and

"(3) will, in the least costly fashion among reasonable available alternatives, further the goals of—

"(A) preserving housing so that it can remain available to and affordable by low-income persons;

"(B) preserving and revitalizing residential neighborhoods;

"(C) maintaining existing housing stock in a decent, safe, and sanitary condition;

"(D) minimizing the involuntary displacement of tenants;

"(E) maintaining housing for the purpose of providing rental housing, cooperative housing, and homeownership opportunities for low-income persons; and

"(F) minimizing the need to demolish multifamily housing projects.

The Secretary, in determining the manner in which a project is to be managed or disposed of, may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

"(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' means any multifamily rental housing project which is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959.

"(2) SUBSIDIZED PROJECT.—The term 'subsidized project' means a multifamily housing project receiving any of the following types of assistance immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary:

"(A) Below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act.

"(B) Interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act.

"(C) Direct loans made under section 202 of the Housing Act of 1959.

"(D) Assistance in the form of—

"(i) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

"(ii) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975); or

"(iii) housing assistance payments made under section 8 of the United States Housing Act of 1937 (excluding payments made for tenant-based assistance under section 8),

if (except for purposes of section 183(c) of the Housing and Community Development Act of 1987) such assistance payments are made to more than 50 percent of the units in the project.

"(3) FORMERLY SUBSIDIZED PROJECT.—The term 'formerly subsidized project' means a multifamily housing project owned by the Secretary that was a subsidized project immediately prior to its acquisition by the Secretary.

"(4) UNSUBSIDIZED PROJECT.—The term 'unsubsidized project' means a multifamily housing project owned by the Secretary that is not a subsidized project or a formerly subsidized project.

"(c) MANAGEMENT OR DISPOSITION OF PROPERTY.—

"(1) DISPOSITION TO PURCHASERS.—The Secretary is authorized, in carrying out this section, to dispose of a multifamily housing project owned by the Secretary on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate considering the low-income character of the project and the requirements of subsection (a), to a purchaser determined by the Secretary to be capable of—

"(A) satisfying the conditions of the disposition;

"(B) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and repair expenses to ensure that the project will remain in decent, safe, and sanitary condition;

"(C) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(D) providing adequate organizational staff and financial resources to the project; and

"(E) meeting such other requirements as the Secretary may determine.

"(2) CONTRACTING FOR MANAGEMENT SERVICES.—The Secretary is authorized, in carrying out this section—

"(A) to contract for management services for a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), on a negotiated, competitive bid, or other basis at a price determined by the Secretary to be reasonable, with a manager the Secretary has determined is capable of—

"(i) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and maintenance expenses to ensure that the project will remain in decent, safe, and sanitary condition;

"(ii) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(iii) providing adequate organizational, staff, and other resources to implement a management program determined by the Secretary; and

"(iv) meeting such other requirements as the Secretary may determine; and

"(B) to require the owner of a multifamily housing project that is subject to a mortgage held by the Secretary to contract for management services for the project in the manner described in subparagraph (A).

"(d) MAINTENANCE OF HOUSING PROJECTS.—

"(1) HOUSING PROJECTS OWNED BY THE SECRETARY.—In the case of multifamily housing projects that are owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall—

"(A) to the greatest extent possible, maintain all such occupied projects in a decent, safe, and sanitary condition;

"(B) to the greatest extent possible, maintain full occupancy in all such projects; and

"(C) maintain all such projects for purposes of providing rental or cooperative housing.

"(2) HOUSING PROJECTS SUBJECT TO A MORTGAGE HELD BY THE SECRETARY.—In the case of any multifamily housing project that is subject to a mortgage held by the Secretary, the Secretary shall require the owner of the project to carry out the requirements of paragraph (1).

"(e) REQUIRED ASSISTANCE.—In carrying out the goal specified in subsection (a)(3)(A), the Secretary shall take not less than one of the following actions:

"(1) CONTRACT WITH OWNER.—Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available, with owners of

multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary.

"(A) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING CERTAIN ASSISTANCE.—In the case of a subsidized or formerly subsidized project referred to in subparagraphs (A) through (C) of subsection (b)(2)—

"(i) the contract shall be sufficient to assist at least all units covered by an assistance contract under any of the authorities referred to in subsection (b)(2)(D) before acquisition, unless the Secretary acts pursuant to the provisions of subparagraph (C);

"(ii) in the case of units requiring project-based rental assistance pursuant to this paragraph that are occupied by families who are not eligible for assistance under section 8, a contract under this subparagraph shall also provide that when a vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8; and

"(iii) the Secretary shall take actions to ensure the availability and affordability, as defined in paragraph (3)(B), for the remaining useful life of the project, as defined by the Secretary, of any unit located in any project referred to in subparagraphs (A) through (C) of subsection (b)(2) that does not otherwise receive project-based assistance under this subparagraph. To carry out this clause, the Secretary may require purchasers to establish use or rent restrictions maintaining affordability, as defined in paragraph (3)(B).

"(B) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING OTHER ASSISTANCE.—In the case of a subsidized or formerly subsidized project referred to in subsection (b)(2)(D)—

"(i) the contract shall be sufficient to assist at least all units in the project that are covered, or were covered immediately before foreclosure on or acquisition of the project by the Secretary, by an assistance contract under any of the authorities referred to in such subsection, unless the Secretary acts pursuant to provisions of subparagraph (C); and

"(ii) in the case of units requiring project-based rental assistance pursuant to this paragraph that are occupied by families who are not eligible for assistance under section 8, a contract under this paragraph shall also provide that when a vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8.

"(C) EXCEPTIONS TO SUBPARAGRAPHS (A) AND (B).—In lieu of providing project-based assistance under subparagraph (A) or (B), the Secretary may require certain units in unsubsidized projects to contain use restrictions providing that such units will be available to and affordable by very low-income families for the remaining useful life of the project, as defined by the Secretary, if—

"(i) the Secretary matches any reduction in units otherwise required to be assisted with project-based assistance under subparagraph (A) or (B) with at least an equivalent increase in units made affordable to very low-income persons within unsubsidized projects;

"(ii) low-income tenants residing in units otherwise requiring project-based assistance under subparagraph (A) or (B) upon disposition receive section 8 tenant-based assistance; and

"(iii) the units described in clause (i) are located within the same market area.

"(D) CONTRACT REQUIREMENTS FOR UNSUBSIDIZED PROJECTS.—Notwithstanding actions taken pursuant to subparagraph (C), in unsubsidized projects, the contract shall at least be sufficient to provide—

"(i) project-based rental assistance for all units that are covered or were covered immediately before foreclosure or acquisition by an assistance contract under—

"(I) section 8(b)(2) of the United States Housing Act of 1937 (as such section existed before October 1, 1983) (new construction and substantial rehabilitation); section 8(b) of such Act (property disposition); section 8(d)(2) of such Act (project-based certificates); section 8(e)(2) of such Act (moderate rehabilitation); section 23 of such Act (as in effect before January 1, 1975); or section 101 of the Housing and Urban Development Act of 1965 (rent supplements); or

"(II) section 8 of the United States Housing Act of 1937, following conversion from section 101 of the Housing and Urban Development Act of 1965; and

"(ii) tenant-based assistance under section 8 of the United States Housing Act of 1937 for tenants currently residing in units that were covered by an assistance contract under the Loan Management Set-Aside program under section 8(b) of the United States Housing Act of 1937 immediately before foreclosure or acquisition of the project by the Secretary.

"(2) ANNUAL CONTRIBUTION CONTRACTS.—In the case of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary, enter into annual contribution contracts with public housing agencies to provide tenant-based assistance under section 8 of the United States Housing Act of 1937 to all low-income families who are eligible for such assistance on the date that the project is acquired by the purchaser. The Secretary shall take action under this paragraph only after making a determination that there is available in the area an adequate supply of habitable affordable housing for low-income families. Actions taken pursuant to this paragraph may be taken in connection with not more than 10 percent of the aggregate number of units in subsidized or formerly subsidized projects disposed of by the Secretary annually.

"(3) OTHER ASSISTANCE.—

"(A) IN GENERAL.—In accordance with the authority provided under the National Housing Act, reduce the selling price, apply use or rent restrictions on certain units, or provide other financial assistance to the owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure, or after sale by the Secretary, on terms which will ensure that—

"(i) at least those units otherwise required to receive project-based section 8 assistance pursuant to subparagraphs (A), (B), or (D) of paragraph (1) are available to and affordable by low-income persons; and

"(ii) for the remaining useful life of the project, as defined by the Secretary, there shall be in force such use or rent restrictions as the Secretary may prescribe.

"(B) DEFINITION.—A unit shall be considered affordable under this paragraph if—

"(i) for very low-income tenants, the rent for such unit does not exceed 30 percent of 50 percent of the area median income, as determined by the Secretary, with adjustments for family size; and

"(ii) for low-income tenants other than very low-income tenants, the rent for such unit does not exceed 30 percent of 80 percent of the area median income, as determined by the Secretary, with adjustments for family size.

"(C) VERY LOW-INCOME TENANTS.—The Secretary shall provide assistance under section 8 of the United States Housing Act of 1937 to any very low-income tenant currently residing in a unit otherwise required to receive project-based assistance under section 8, pursuant to subparagraph (A), (B), or (D) of paragraph (1), if the rents charged such tenants as a result of actions taken pursuant to this paragraph exceed the amount payable as rent under section 3(a) of the United States Housing Act of 1937.

"(4) TRANSFER FOR USE UNDER OTHER PROGRAMS OF THE SECRETARY.—

"(A) IN GENERAL.—Enter into an agreement providing for the transfer of a multifamily housing project—

"(i) to a public housing agency for use of the project as public housing; or

"(ii) to an owner or another appropriate entity for use of the project under section 202 of the Housing Act of 1959 or under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

"(B) REQUIREMENTS FOR AGREEMENT.—The agreement described in subparagraph (A) shall—

"(i) contain such terms, conditions, and limitations as the Secretary determines appropriate, including requirements to assure use of the project under the public housing, section 202, and section 811 programs; and

"(ii) ensure that no current tenant will be displaced as a result of actions taken under this paragraph.

"(f) OTHER ASSISTANCE.—In addition to the actions authorized by subsection (e), the Secretary may take any of the following actions:

"(1) SHORT-TERM LOANS.—Provide short-term loans to facilitate the sale of multifamily housing projects to nonprofit organizations or to public agencies if—

"(A) authority for such loans is provided in advance in an appropriations Act;

"(B) such loans are for a term of not more than 5 years;

"(C) the Secretary is presented with satisfactory documentation, evidencing a commitment of permanent financing to replace such short-term loan, from a lender who meets standards set forth by the Secretary; and

"(D) the terms of such loans are consistent with prevailing practices in the marketplace or the provision of such loans results in no cost to the Government, as defined in section 502 of the Congressional Budget Act.

"(2) TENANT-BASED ASSISTANCE.—In connection with projects referred to in subsection (e), make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to very low-income families (as defined in section 3(b)(2) of the United States Housing Act of 1937) that do not otherwise qualify for project-based assistance.

"(3) ALTERNATIVE USES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to notice to and comment from existing tenants, allow not more than—

"(i) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during any 1-year period to be made available for uses other than rental or cooperative uses, including low-income homeownership opportunities, or in any particular project, community space, office space for tenant or housing-related service providers or security programs, or small business uses, if such uses benefit the tenants of the project; and

"(ii) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during any 1-year

period to be used in any manner, if the Secretary and the unit of general local government or area-wide governing body determine that such use will further fair housing, community development, or neighborhood revitalization goals.

"(B) DISPLACEMENT PROTECTION.—The Secretary shall make available tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to any tenant displaced as a result of actions taken by the Secretary pursuant to subparagraph (A), and the Secretary shall take such actions as the Secretary determines necessary to ensure the successful use of any tenant-based assistance.

"(g) AUTHORIZATION OF USE OR RENT RESTRICTIONS IN UNSUBSIDIZED PROJECTS.—In carrying out the goals specified in subsection (a), the Secretary may require certain units in unsubsidized projects to contain use or rent restrictions providing that such units will be available to and affordable by very low-income persons for the remaining useful life of the property, as defined by the Secretary.

"(h) CONTRACT REQUIREMENTS.—

"(1) CONTRACT TERM.—

"(A) IN GENERAL.—Contracts for project-based rental assistance under section 8 of the United States Housing Act of 1937 provided pursuant to this section shall be for a term of not more than 15 years; and

"(B) CONTRACT TERM OF LESS THAN 15 YEARS.—Notwithstanding subparagraph (A), to the extent that units receive project-based assistance for a contract term of less than 15 years, the Secretary shall require that rents charged to tenants for such units not exceed the amount payable for rent under section 3(a) of the United States Housing Act of 1937 for a period of at least 15 years.

"(2) CONTRACT RENT.—

"(A) IN GENERAL.—The Secretary shall set contract rents for section 8 project-based rental contracts issued under this section at levels that, in conjunction with other resources available to the purchaser, provide for the necessary costs of rehabilitation of such project and do not exceed the percentage of the existing housing fair market rents for the area (as determined by the Secretary under section 8(c) of the United States Housing Act of 1937) as the Secretary may prescribe.

"(B) UP-FRONT GRANTS AND LOANS.—If such an approach is determined to be more cost-effective, the Secretary may utilize the budget authority provided for project-based section 8 contracts issued under this section to—

"(i) provide project-based section 8 rental assistance; and

"(ii)(I) provide up-front grants for the necessary cost of rehabilitation; or

"(II) pay for any cost to the Government, as defined in section 502 of the Congressional Budget Act, for loans made pursuant to subsection (f)(1).

"(i) DISPOSITION PLAN.—

"(1) IN GENERAL.—Prior to the sale of a multifamily housing project that is owned by the Secretary, the Secretary shall develop a disposition plan for the project that specifies the minimum terms and conditions of the Secretary for disposition of the project, the initial sales price that is acceptable to the Secretary, and the assistance that the Secretary plans to make available to a prospective purchaser in accordance with this section. The initial sales price shall reflect the intended use of the property after sale.

"(2) COMMUNITY AND TENANT INPUT INTO DISPOSITION PLANS AND SALES.—

"(A) IN GENERAL.—In carrying out this section, the Secretary shall develop procedures to obtain appropriate and timely input into disposition plans from officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

"(B) TENANT ORGANIZATIONS.—The Secretary shall develop procedures to facilitate, where feasible and appropriate, the sale of multifamily housing projects to existing tenant organizations with demonstrated capacity or to public or nonprofit entities which represent or are affiliated with existing tenant organizations.

"(C) TECHNICAL ASSISTANCE.—

"(i) USE OF FUNDS.—To carry out the procedures developed under subparagraphs (A) and (B), the Secretary is authorized to provide technical assistance, directly or indirectly, and to use amounts appropriated for technical assistance under the Emergency Low Income Housing Preservation Act of 1987, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, or under this section for the provision of technical assistance under this section.

"(ii) SOURCE OF FUNDS.—Recipients of technical assistance funding under the Emergency Low Income Housing Preservation Act of 1987, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, or under this section shall be permitted to provide technical assistance to the extent of such funding under any of such programs or under this section, notwithstanding the source of funding.

"(j) RIGHT OF FIRST REFUSAL.—

"(1) PROCEDURE.—

"(A) NOTIFICATION BY SECRETARY OF THE ACQUISITION OF TITLE.—Not later than 30 days after acquiring title to a project, the Secretary shall notify the unit of general local government and the State agency or agencies designated by the Governor of the acquisition of such title.

"(B) EXPRESSION OF INTEREST.—Not later than 45 days after receiving notification from the Secretary under subparagraph (A), the unit of general local government or designated State agency may submit to the Secretary a preliminary expression of interest in the project. The Secretary may take such actions as may be necessary to require the unit of general local government or designated State agency to substantiate such interest.

"(C) TIMELY EXPRESSION OF INTEREST.—If the unit of general local government or designated State agency has expressed interest in the project before the expiration of the 45-day period referred to in subparagraph (B), and has substantiated such interest if requested, the Secretary, upon approval of a disposition plan for a project, shall notify the unit of general local government and designated State agency of the terms and conditions of the disposition plan and give the unit of general local government or designated State agency not more than 90 days after the date of such notification to make an offer to purchase the project.

"(D) NO TIMELY EXPRESSION OF INTEREST.—If the unit of general local government or designated State agency does not express interest before the expiration of the 45-day period referred to in subparagraph (B), or does not substantiate an expressed interest if requested, the Secretary, upon approval of a disposition plan, may offer the project for sale to any interested person or entity.

"(2) ACCEPTANCE OF OFFERS.—Where the Secretary has given the unit of general local government or designated State agency 90 days to make an offer to purchase the project, the Secretary shall accept an offer that complies with the terms and conditions of the disposition plan. The Secretary may accept an offer that does not comply with the terms and conditions of the disposition plan if the Secretary determines that the offer will further the goals specified in subsection (a) by actions that include extension of the duration of low-income affordability restrictions or otherwise restructuring the transaction in a manner that enhances the long-term affordability for low-income persons. The Secretary shall, in particular, have discretion to reduce the initial sales price in exchange for the extension of low-income affordability restrictions beyond the period of assistance contemplated by the attachment of assistance pursuant to subsection (e). If the Secretary and the unit of general local government or designated State agency cannot reach agreement within 90 days, the Secretary may offer the project for sale to the general public.

"(3) PURCHASE BY UNIT OF GENERAL LOCAL GOVERNMENT OR DESIGNATED STATE AGENCY.—Notwithstanding any other provision of law, a unit of general local government (including a public housing agency) or designated State agency may purchase a subsidized or formerly subsidized project in accordance with this subsection.

"(4) APPLICABILITY.—This subsection shall apply to projects that are acquired on or after the effective date of this subsection. With respect to projects acquired before such effective date, the Secretary may apply—

"(A) the requirements of paragraphs (2) and (3) of section 203(e) as such paragraphs existed immediately before the effective date of this subsection; or

"(B) the requirements of paragraphs (1) and (2) of this subsection, if the Secretary gives the unit of general local government or designated State agency—

"(i) 45 days to express interest in the project; and

"(ii) if the unit of general local government or designated State agency expresses interest in the project before the expiration of the 45-day period, and substantiates such interest if requested, 90 days from the date of notification of the terms and conditions of the disposition plan to make an offer to purchase the project.

"(k) DISPLACEMENT OF TENANTS AND RELOCATION ASSISTANCE.—

"(1) IN GENERAL.—Whenever tenants will be displaced as a result of the disposition of, or repairs to, a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall identify tenants who will be displaced, and shall notify all such tenants of their pending displacement and of any relocation assistance which may be available. In the case of a multifamily housing project that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), the Secretary shall require the owner of the project to carry out the requirements of this paragraph.

"(2) RIGHTS OF DISPLACED TENANTS.—The Secretary shall assure for any such tenant (who continues to meet applicable qualification standards) the right—

"(A) to return, whenever possible, to a repaired unit;

"(B) to occupy a unit in another multifamily housing project owned by the Secretary;

"(C) to obtain housing assistance under the United States Housing Act of 1937; or

"(D) to receive any other available relocation assistance as the Secretary determines to be appropriate.

"(l) MORTGAGE AND PROJECT SALES.—

"(1) IN GENERAL.—The Secretary may not approve the sale of any loan or mortgage held by the Secretary (including any loan or mortgage owned by the Government National Mortgage Association) on any subsidized project or formerly subsidized project, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the assignment of the loan or mortgage on such project to the Secretary.

"(2) SALE OF CERTAIN PROJECTS.—The Secretary may not approve the sale of any subsidized project—

"(A) that is subject to a mortgage held by the Secretary; or

"(B) if the sale transaction involves the provision of any additional subsidy funds by the Secretary or a recasting of the mortgage, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed sale of the project.

"(3) MORTGAGE SALES TO STATE AND LOCAL GOVERNMENTS.—Notwithstanding any provision of law that may require competitive sales or bidding, the Secretary may carry out negotiated sales of subsidized or formerly subsidized mortgages held by the Secretary, without the competitive selection of purchasers or intermediaries, to units of general local government or State agencies, or groups of investors that include at least one such unit of general local government or State agency, if the negotiations are conducted with such agencies, except that—

"(A) the terms of any such sale shall include the agreement of the purchasing agency or unit of local government or State agency to act as mortgagee or owner of a beneficial interest in such mortgages, in a manner consistent with maintaining the projects that are subject to such mortgages for occupancy by the general tenant group intended to be served by the applicable mortgage insurance program, including, to the extent the Secretary determines appropriate, authorizing such unit of local government or State agency to enforce the provisions of any regulatory agreement or other program requirements applicable to the related projects; and

"(B) the sales prices for such mortgages shall be, in the determination of the Secretary, the best prices that may be obtained for such mortgages from a unit of general local government or State agency, consistent with the expectation and intention that the projects financed will be retained for use under the applicable mortgage insurance program for the life of the initial mortgage insurance contract.

"(4) SALE OF MORTGAGES COVERING UNSUBSIDIZED PROJECTS.—Notwithstanding any other provision of law, the Secretary may sell mortgages held on unsubsidized projects on such terms and conditions as the Secretary may prescribe.

"(m) REPORT TO CONGRESS.—Not later than June 1 of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a report describing the status of multifamily housing projects owned by or subject to mortgages held by the Secretary, which report shall include—

"(1) the name, address, and size of each project;

"(2) the nature and date of assignment;

"(3) the status of the mortgage;

"(4) the physical condition of the project;

"(5) an occupancy profile of the project, including the income, family size, and race of current residents as well as the rents paid by such residents;

"(6) the proportion of units in a project that are vacant;

"(7) the date on which the Secretary became mortgagee in possession;

"(8) the date and conditions of any foreclosure sale;

"(9) the date of acquisition by the Secretary;

"(10) the date and conditions of any property disposition sale;

"(11) a description of actions undertaken pursuant to this section, including—

"(A) a comparison of results between actions taken after enactment of the Housing and Community Development Act of 1993 and actions taken in years prior to such enactment;

"(B) a description of any impediments to the disposition or management of multifamily housing projects, together with a recommendation of proposed legislative or regulatory changes designed to ameliorate such impediments;

"(C) a description of actions taken to restructure or commence foreclosure on delinquent multifamily mortgages held by the Department; and

"(D) a description of actions taken to monitor and prevent the default of multifamily housing mortgages held by the Federal Housing Administration;

"(12) a description of any of the functions performed in connection with this section that are contracted out to public or private entities or to States, including—

"(A) the costs associated with such delegation;

"(B) the implications of contracting out or delegating such functions for current Department field or regional personnel, including anticipated personnel or work load reductions;

"(C) necessary oversight required by Department personnel, including anticipated personnel hours devoted to such oversight;

"(D) a description of any authority granted to such public or private entities or States in conjunction with the functions that have been delegated or contracted out or that are not otherwise available for use by Department personnel; and

"(E) the extent to which such public or private entities or States include tenants of multifamily housing projects in the disposition planning for such projects;

"(13) a description of the activities carried out under subsection (j) during the preceding year; and

"(14) a description and assessment of the rules, guidelines, and practices governing the Department's management of multifamily housing projects that are owned by the Secretary (or for which the Secretary is mortgagee in possession) as well as the steps that the Secretary has taken or plans to take to improve the management performance of the Department.".

(c) EFFECTIVE DATE.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this section. The notice shall invite public comments, and the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

SEC. 405. TERMINATION OF ANNUAL DIRECT GRANT ASSISTANCE.

(a) TERMINATION.—Pursuant to section 704(d) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note), the annual payments under section 702 of the Covenant shall terminate as of September 30, 1993.

(b) REPEAL.—Sections 3 and 4 of the Act of March 24, 1976 (Public Law 94-241; 48 U.S.C. 1681 note), as amended, are repealed, effective October 1, 1993.

TITLE V—SOCIAL SERVICES AND RETIREMENT

SEC. 501. INCREASE IN RETIREMENT AGE UNDER FERS TO 65.

(a) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VIII—SPECIAL RULES FOR CERTAIN POST-1993 NEW EMPLOYEES AND MEMBERS

"§ 8481. Applicability

"(a) This subchapter sets forth special rules in conformance with which this chapter shall be applied with respect to any employee who first becomes an employee subject to this chapter, or who is first elected as a Member, after December 31, 1993.

"(b) Nothing in this subchapter shall be considered to apply with respect to any employee or Member not described in subsection (a) or to have any effect except for the purpose referred to in such subsection.

"§ 8482. Immediate retirement

"Deem section 8412 to be amended as follows:

"(1) Subsection (c) is amended by striking '62' and inserting '65'.

"(2) Subsections (a), (b), (f), and (g) are repealed.

"§ 8483. Deferred retirement

"Deem section 8413 to be amended as follows:

"(1) Subsection (a) is amended by striking '62' and inserting '65'.

"(2) Subsection (b) is repealed.

"§ 8484. References to age 62

"(a) Deem section 8415 to be amended as follows:

"(1) Subsection (f) is repealed.

"(2) Subsection (g)(2)(B) is amended by striking 'is at least 62 years of age and'.

"(b) Deem section 8442 to be amended in subsections (c)(2)(B) and (g)(2)(B) by striking '62' each place it appears and inserting '65'.

"(c) Deem section 8452(b)(1) to be amended by striking 'sixty-second' and inserting 'sixty-fifth'.".

(b) CHAPTER ANALYSIS.—The analysis for chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"SPECIAL RULES FOR CERTAIN POST-1993 NEW EMPLOYEES AND MEMBERS

"8481. Applicability.

"8482. Immediate retirement.

"8483. Deferred retirement.

"8484. References to age 62.".

SEC. 502. PROVISION RELATING TO GOVERNMENT CONTRIBUTIONS TO THE THRIFT SAVINGS PLAN.

Section 8432(c)(2)(B) of title 5, United States Code, is amended by adding at the end the following:

"Clause (ii) shall not apply with respect to any employee or Member described in section 8481(a).".

SEC. 503. DEFERRAL UNTIL AGE 62 OF COST-OF-LIVING ADJUSTMENTS FOR MILITARY RETIREES WHO FIRST ENTERED MILITARY SERVICE ON OR AFTER JANUARY 1, 1994.

Section 1401a(b)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the case of a member or former member under age 62 (other than a member retired under chapter 61 of this title) who first became a member on or after January 1, 1994, such increase shall not become payable as part of the retired pay of the member or former member until the month in which the member or former member becomes 62 years of age.".

SEC. 504. CONSOLIDATION OF CERTAIN SOCIAL SERVICES PROGRAMS INTO A SINGLE BLOCK GRANT PROGRAM.

(a) AT-RISK CHILD CARE PROGRAM MERGED INTO PROGRAM OF BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.—

(1) CONSOLIDATION OF SERVICES.—Section 2002(a)(2)(A) of the Social Security Act (42 U.S.C. 1397a(a)(2)(A)) is amended by inserting "(including services that could have been provided under section 402(i), as in effect immediately before the effective date of section 504 of the Common Cents Deficit Reduction Act of 1993)" after "child care services".

(2) CONSOLIDATION OF FUNDING.—Section 2003(c) of such Act (42 U.S.C. 1397b(c)) is amended—

(A) in paragraph (4), by striking "and";

(B) in paragraph (5), by striking "each fiscal year after fiscal year 1989." and inserting "the fiscal years 1990, 1991, 1992, 1993, and 1994; and"; and

(C) by adding at the end the following:

"(6) $2,976,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998.".

(b) CERTAIN DISCRETIONARY SOCIAL SERVICES PROGRAMS MERGED INTO PROGRAM OF BLOCK GRANTS TO STATES FOR SOCIAL SERVICES BUT LEFT DISCRETIONARY.—

(1) CONSOLIDATION OF SERVICES.—Section 2002 of such Act (42 U.S.C. 1397a) is amended—

(A) in subsection (a), by adding at the end the following:

"(3) In addition to payments pursuant to paragraph (1), the Secretary may make payments to a State under this title for a fiscal year in an amount equal to its additional allotment for such fiscal year, to be used by such State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

"(4) For purposes of paragraph (3)—

"(A) services which are directed at the goals set forth in section 2001 include services that could have been provided under—

"(i) the Community Services Block Grant Act;

"(ii) the Child Care and Development Block Grant Act of 1990;

"(iii) title III or VII of the Older Americans Act of 1965; or

"(iv) the State Dependent Care Development Grants Act,

as in effect immediately before the effective date of section 504 of the Common Cents Deficit Reduction Act of 1993; and

"(B) expenditures for such services may include expenditures described in paragraph (2)(B).'"; and

(B) in each of subsections (b), (c), and (d), by inserting "or additional allotment" after "allotment" each place such term appears.

(2) CONSOLIDATION OF FUNDING.—Section 2003 of such Act (42 U.S.C. 1397b) is amended by adding at the end the following:

"(d) The additional allotment for any fiscal year to each State shall be determined in the same manner in which the allotment for the fiscal year is determined for the State under the preceding subsections of this section, except that, in making such determination the following amounts shall be used in lieu of the amount specified in subsection (c):

"(1) $2,301,000,000 for the fiscal year 1995;

"(2) $2,359,000,000 for the fiscal year 1996;

"(3) $2,419,000,000 for the fiscal year 1997; and

"(4) $2,478,000,000 for the fiscal year 1998.".

(c) CONFORMING AMENDMENTS AND REPEALS.—

(1) COMMUNITY SERVICES BLOCK GRANT ACT.—The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is hereby repealed.

(2) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is hereby repealed.

(3) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by striking titles III and VII.

(4) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—The State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.) is hereby repealed.

(5) AT-RISK CHILD CARE PROGRAM.—

(A) PROGRAM AUTHORITY.—Section 402 of the Social Security Act (42 U.S.C. 602) is amended—

(i) in subsection (g)(7), by striking "and subsection (i)"; and

(ii) by striking subsection (i).

(B) FUNDING PROVISIONS.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by striking subsection (n).

(d) EFFECTIVE DATE.—The amendments and repeals made by this section shall take effect on October 1, 1994.

SEC. 505. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

(a) IN GENERAL.—Section 401(b)(8) the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

SEC. 506. ELIMINATION OF EDUCATION PROGRAMS THAT HAVE LARGELY ACHIEVED THEIR PURPOSE.

(a) PUBLIC LIBRARY CONSTRUCTION.—

(1) REPEAL.—Title II of the Library Services and Construction Act (20 U.S.C. 355a et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 4(a)(2) of such Act (20 U.S.C. 351b(a)(2)) is repealed.

(b) FOLLOW THROUGH PROGRAM.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(c) LAW-RELATED EDUCATION.—Section 1565 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2965) is repealed.

(d) LAW SCHOOL CLINICAL EXPERIENCE PROGRAM.—Part G of title IX of the Higher Education Act of 1965 (20 U.S.C. 1132u et seq.) is repealed.

(e) RESCISSION OF FUNDS.—

(1) LIBRARY CONSTRUCTION.—Of the funds made available under the heading "Department of Education—Libraries" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112), $17,792,000 is rescinded, to be derived from public library construction.

(2) SCHOOL IMPROVEMENT PROGRAMS.—Of the funds made available under the heading "Department of Education—School Improvement Programs" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112)—

(A) $8,478,000 is rescinded, to be derived from the follow through program; and

(B) $5,952,000 is rescinded, to be derived from the law-related education program.

(3) LAW SCHOOL CLINICAL EXPERIENCE.—Of the funds made available under the heading "Department of Education—Higher Education" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112), $14,920,000 is rescinded, to be derived from the law school clinical experience program.

TITLE VI—AGRICULTURE AND HEALTH CARE

SEC. 601. DEPARTMENT OF AGRICULTURE REORGANIZATION.

(a) CLOSURE AND CONSOLIDATION OF OFFICES.—During the period beginning on the date of the enactment of this Act and ending on September 30, 1998, the Secretary of Agriculture shall close or consolidate not less than 1,200 field offices of the agencies of the Department of Agriculture described in subsection (d).

(b) PURPOSE OF CLOSURE AND CONSOLIDATION.—In addition to reducing expenditures of the Department of Agriculture, the closure and consolidation of field offices pursuant to this section is intended to improve services provided to agricultural producers in the United States through the greater use of multipurpose field offices combining the services of more than one of the agencies described in subsection (d).

(c) CORRESPONDING REDUCTIONS AND REORGANIZATION.—As part of the closure and consolidation of field offices under subsection (a), the Secretary of Agriculture shall—

(1) eliminate not less than 7,500 full-time employment positions in the Department of Agriculture; and

(2) reorganize the headquarters corresponding to the agencies described in subsection (d).

(d) FIELD OFFICES DESCRIBED.—The field offices to be closed and consolidated under this section shall be selected from among the field offices of the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, the Farmers Home Administration, and the Federal Crop Insurance Corporation.

(e) RESCISSION OF FUNDS.—Of the funds made available for the Department of Agriculture in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $13,000,000 is rescinded. The Secretary of Agriculture shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 602. REDUCTION IN TRIPLE BASE FOR DEFICIENCY PAYMENTS FOR BASIC AGRICULTURAL COMMODITIES UNDER AGRICULTURE PROGRAMS.

(a) WHEAT.—Section 107B(c)(1)(C)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1445b-

3a(c)(1)(C)(ii)) is amended by striking "85 percent" and inserting "82.5 percent".

(b) FEED GRAINS.—Section 105B(c)(1)(C)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1444f(c)(1)(C)(ii)) is amended by striking "85 percent" and inserting "82.5 percent".

(c) UPLAND COTTON.—Section 103B(c)(1)(C)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1444-2(c)(1)(C)(ii)) is amended by striking "85 percent" and inserting "82.5 percent".

(d) RICE.—Section 101B(c)(1)(C)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(C)(ii)) is amended by striking "85 percent" and inserting "82.5 percent".

SEC. 603. IMPOSITION OF 20 PERCENT COINSURANCE ON CLINICAL LABORATORY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Paragraphs (1)(D) and (2)(D) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) are each amended—

(1) by striking "(or 100 percent" and all that follows through "the first opinion))"; and

(2) by striking "100 percent of such negotiated rate" and inserting "80 percent of such negotiated rate".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to tests furnished on or after January 1, 1994.

SEC. 604. IMPOSITION OF 20 PERCENT COINSURANCE ON HOME HEALTH SERVICES UNDER MEDICARE.

(a) IN GENERAL.—

(1) PART A.—Section 1813(a) of the Social Security Act (42 U.S.C. 1395e(a)) is amended by adding at the end the following new paragraph:

"(5) The amount payable for a home health service furnished to an individual under this part shall be reduced by a copayment amount equal to 20 percent of the average of all the per visit costs for such service furnished under this title determined under section 1861(v)(1)(L) (as determined by the Secretary on a prospective basis for services furnished during a calendar year).".

(2) PART B.—Section 1833(a)(2) of such Act (42 U.S.C. 1395l(a)(2)) is amended—

(A) in subparagraph (A), by striking "to home health services," and by striking the comma after "opinion)";

(B) in subparagraph (D), by striking "and" at the end;

(C) in subparagraph (E), by striking the semicolon at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(F) with respect to any home health service—

"(i) the lesser of —

"(I) the reasonable cost of such service, as determined under section 1861(v), or

"(II) the customary charges with respect to such service,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), or

"(ii) if such service is furnished by a public provider of services, or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this clause), free of charge or at nominal charges to the public, the amount determined in accordance with section 1814(b)(2),

less a copayment amount equal to 20 percent of the average of all per visit costs for such service furnished under this title determined under section 1861(v)(1)(L) (as determined by the Secretary on a prospective basis for services furnished during a calendar year);".

(3) PROVIDER CHARGES.—Section 1866(a)(2)(A)(i) of such Act (42 U.S.C. 1395cc(a)(2)(A)(i)) is amended—

(A) by striking "deduction or coinsurance" and inserting "deduction, coinsurance, or copayment"; and

(B) by striking "or (a)(4)" and inserting "(a)(4), or (a)(5)".

(b) COVERAGE OF COST SHARING UNDER THE QUALIFIED MEDICARE BENEFICIARY PROGRAM FOR INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF POVERTY.—Section 1902(a)(10)(E) of such Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) by striking "and" at the end of clause (ii), and

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

"(iv) for making medical assistance available for the medicare cost-sharing consisting of the coinsurance applicable to home health services under sections 1813(a)(5) and 1833(a)(2)(F) for individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved; and".

(c) EFFECTIVE DATES.—

(1) MEDICARE.—The amendments made by subsection (a) shall apply to home health services furnished on or after January 1, 1994.

(2) MEDICAID.—The amendments made by subsection (b) shall apply to calendar quarters beginning on or after January 1, 1994, without regard to whether or not regulations to carry out such amendments have been promulgated by such date.

SEC. 605. RELATING MEDICARE PART B PREMIUM TO INCOME FOR CERTAIN HIGH INCOME INDIVIDUALS.

(a) INCREASE IN PREMIUM.—

(1) IN GENERAL.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended by adding at the end the following:

"(g)(1) Notwithstanding the previous subsections of this section, in the case of an individual whose modified adjusted gross income in a taxable year ending with or within a calendar year (as reported by the individual under section 1893(a)) is equal to or exceeds the sum of the threshold amount described in paragraph (4) and $25,000, the amount of the monthly premium for the calendar year shall be increased by an amount such that the total monthly premium (determined without regard to subsection (b)) is equal to 200 percent of the monthly actuarial rate for enrollees age 65 and over as determined under subsection (a)(1) for that calendar year. The preceding sentence shall not apply to any individual whose threshold amount is zero.

"(2) Notwithstanding the previous subsections of this section, in the case of an individual not described in paragraph (1) whose modified adjusted gross income in a taxable year ending with or within a calendar year (as reported by the individual under section 1893(a)) exceeds the threshold amount described in paragraph (4), the amount of the monthly premium for the calendar year shall be increased by an amount which bears the same ratio to the amount of the increase determined under paragraph (1) as such excess bears to $25,000. The preceding sentence shall not apply to any individual whose threshold amount is zero.

"(3) Using information provided by the Secretary of the Treasury under section 6103(l)(14) of the Internal Revenue Code of 1986, the Secretary shall determine the actual modified adjusted gross income of individuals enrolled in this part during a taxable year and adjust the monthly premium applicable to an individual during a calendar year to take into account any overpayments or underpayments in the premium during the previous calendar year resulting from the application of this subsection.

"(4) In this subsection and section 1813(c), the term 'threshold amount' means—

"(A) except as otherwise provided in this paragraph, $70,000,

"(B) $90,000 in the case of an individual who files a joint return under section 6013 of the Internal Revenue Code of 1986, and

"(C) zero in the case of an individual who—

"(i) is married at the close of the taxable year (as determined under section 7703 of the Internal Revenue Code of 1986) but does not file a joint return for such year, and

"(ii) does not live apart from the individual's spouse at all times during the taxable year.".

(2) CONFORMING AMENDMENT.—Section 1839(f) of such Act (42 U.S.C. 1395r(f)) is amended by striking "if an individual" and inserting the following: "if an individual (other than an individual subject to an increase in the monthly premium under this section pursuant to subsection (g))".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to the monthly premium under section 1839 of the Social Security Act for months beginning after February 1994 in taxable years beginning after December 31, 1993.

(b) REPORTING REQUIREMENT FOR BENEFICIARIES.—Title XVIII of the Social Security Act is amended by adding at the end the following:

"REPORT TO SECRETARY ON ESTIMATED MODIFIED ADJUSTED GROSS INCOME

"SEC. 1893. (a) IN GENERAL.—

"(1) INDIVIDUALS COVERED THROUGHOUT YEAR.—Not later than November 1 of each year (beginning with 1994), each individual enrolled under part B shall submit to the Secretary (in such form and manner as the Secretary may require, in consultation with the Secretary of the Treasury) an estimate of the individual's modified adjusted gross income anticipated for the taxable year ending with or within the following calendar year, to be used (subject to section 1839(g)(3)) to determine whether the individual is to be subject to an increase in the monthly part B premium under section 1839(g) for such following calendar year.

"(2) SPECIAL RULE FOR FIRST YEAR OF COVERAGE.—For the first year in which an individual is enrolled under part B, the individual shall submit to the Secretary (at such time and in such form and manner as the Secretary may require, in consultation with the Secretary of the Treasury) an estimate of the individual's modified adjusted gross income anticipated for the taxable year ending with December 31 of such year, to be used to determine whether the individual is to be subject to an increase in the monthly part B premium under section 1839(g) for such year.

"(b) SPECIAL RULE FOR 1994.—Not later than 60 days after the date of the enactment of this section, each individual described in subsection (a) shall submit to the Secretary an estimate of the individual's modified adjusted gross income for the taxable year ending December 1993, to be used to determine (subject to section 1839(g)(3)) whether the individual is to be subject to an increase in the monthly part B premium under section 1839(g) during 1994.

"(c) MODIFIED ADJUSTED GROSS INCOME DEFINED.—In subsection (a), the term 'modified adjusted gross income' means, with respect to an individual for a taxable year, the individual's adjusted gross income under the Internal Revenue Code of 1986, determined

without regard to sections 931 or 933 of such Code.".

(c) DISCLOSURE OF CERTAIN TAX INFORMATION BY SECRETARY OF TREASURY.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end thereof the following new paragraph:

"(14) DISCLOSURE OF RETURN INFORMATION TO MEANS-TEST MEDICARE.—

"(A) IN GENERAL.—The Secretary shall, upon written request from the Administrator of the Health Care Financing Administration, disclose to the officers and employees of such Administration return information necessary to determine the modified adjusted gross income (as defined in section 1893(c) of the Social Security Act) of any medicare beneficiary (as defined in paragraph (12)(E)), to be used to determine whether the beneficiary is to be subject to an increase in the monthly part B premium under section 1839(g) of such Act.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Any officer or employee of the Health Care Financing Administration receiving return information under subparagraph (A) shall use such information only for purposes of, and to the extent necessary in, establishing the modified adjusted gross income (as so defined) of any medicare beneficiary (as so defined)."

(2) CONFORMING AMENDMENTS.—Paragraphs (3)(A) and (4) of section 6103(p) of such Code are each amended by striking "or (13)" each place it appears and inserting "(13), or (14)".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply with respect to information for taxable years beginning after December 31, 1993.

SEC. 606. INCREASE IN MEDICARE HOSPITAL INSURANCE DEDUCTIBLE FOR CERTAIN HIGH-INCOME INDIVIDUALS.

(a) INCREASE IN DEDUCTIBLE.—

(1) IN GENERAL.—Section 1813 of the Social Security Act (42 U.S.C. 1395e) is amended by adding at the end the following new subsection:

"(c)(1)(A) Notwithstanding the previous subsections of this section, in the case of an individual whose modified adjusted gross income in a taxable year ending with or within a calendar year (as reported by the individual under section 1893(a)) exceeds the threshold amount (described in section 1839(g)(4)), the inpatient hospital deductible otherwise applicable with respect to an individual for a spell of illness that begins during such year shall be increased—

"(i) in the case of an individual whose modified adjusted gross income exceeds such threshold amount by less than $5,000, by 33 percent of such deductible; or

"(ii) in the case of any other such individual, by 33 percent of such deductible for each $5,000 by which the individual's modified adjusted gross income exceeds such threshold amount.

"(B) Notwithstanding subparagraph (A), the total inpatient hospital deductible applicable to an individual for a spell of illness may not exceed—

"(i) for 1994, $2,000; and

"(ii) for any succeeding year, the amount described in this subparagraph for the preceding calendar year, changed and adjusted in the same manner as the inpatient hospital deductible is changed and adjusted under subsection (b)(1).

"(2) Using information provided by the Secretary of the Treasury under 6103(l)(14), the Secretary shall determine the actual modified adjusted gross income of individuals enrolled in this part during a taxable year and apply the following rules:

"(A) In the case of an individual subject to an increase in the inpatient hospital deductible under paragraph (1) during a year whose modified adjusted gross income did not exceed the threshold amount (described in section 1839(g)(4)) for such year, the Secretary shall refund to the individual the amount of such increase.

"(B) In the case of an individual to which the inpatient hospital deductible applied for inpatient hospital services furnished in a year and whose actual modified adjusted gross income exceeded the threshold amount (described in section 1839(g)(4)) for such year, if such individual was not subject to an increase in such deductible during the year under paragraph (1)—

"(i) the Secretary shall collect the amount by which the deductible would have been increased if the modified adjusted gross income reported by the individual under section 1893(a) was equal to the individual's actual modified adjusted gross income from the hospital that furnished the inpatient hospital services (either directly or through reductions in payments to the hospital for subsequently furnished services); and

"(ii) the individual shall be liable to the hospital for payment of such amount.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to inpatient hospital services for which a spell of illness (as defined in section 1861(a) of the Social Security Act) begins after February 1994 in taxable years beginning after December 31, 1993.

(b) CONFORMING AMENDMENT TO REPORTING REQUIREMENT FOR BENEFICIARIES.—Section 1893 of such Act, as added by section 605(b), is amended—

(1) in subsection (a), by striking "part B" each place it appears in paragraphs (1) and (2) and inserting "part B or entitled to benefits under part A"; and

(2) by striking "1839(g)" each place it appears in subsections (a) and (b) and inserting the following: " 1839(g) or an increase in the inpatient hospital deductible under section 1813(c)".

(c) CONFORMING AMENDMENT TO DISCLOSURE REQUIREMENT FOR SECRETARY OF THE TREASURY.—Section 6103(l)(14)(A) of the Internal Revenue Code of 1986, as added by section 605(c), is amended by striking "1839(g)" and inserting the following: " 1839(g) or an increase in the inpatient hospital deductible under section 1813(c)".

SEC. 607. ESTABLISHMENT OF STANDARD PAYMENT RATES FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—

(1) STANDARD PAYMENT RATES DESCRIBED.—Title XVIII of the Social Security Act is amended by inserting after section 1889 the following new section:

"STANDARD PAYMENT RATES FOR HOME HEALTH SERVICES

"SEC. 1890. (a) IN GENERAL.—Notwithstanding section 1814(b)(1), section 1833(a)(2)(A), or any other provision of this title, the amount of payment made under this title for home health services furnished by a home health agency on or after January 1, 1994, shall equal the adjusted standard per visit payment rate determined under subsection (b) for the category of home health services involved (as defined in subsection (d)(1)) for the fiscal year during which the services are furnished.

"(b) DETERMINATION OF ADJUSTED STANDARD PER VISIT PAYMENT RATES.—

"(1) IN GENERAL.—The adjusted standard per visit payment rate for home health services furnished in a fiscal year is equal to—

"(A) the base per visit rate for the category of home health services involved for the fiscal year determined under paragraph (2), adjusted for area wage differences under paragraph (3); and

"(B) in the case of home health services in the category of services described in subsection (d)(1)(A) that involve the furnishing of non-routine medical supplies directly identifiable as services for an individual patient (but not including durable medical equipment, prosthetic devices, or orthotics and prosthetics), the amount described in subparagraph (A) increased by the medical supply add-on described in paragraph (4).

"(2) BASE PER VISIT RATE.—

"(A) INITIAL RATE.—The base per visit rate for a category of home health services furnished by a home health agency in fiscal year 1994 shall be an amount equal to 93 percent of the mean of the labor-related and nonlabor costs for that category of services utilized for purposes of computing limits under section 1861(v)(1)(L) for cost reporting periods beginning on or after July 1, 1993, and before July 1, 1994, increased by the cost reporting period adjustment factor for January 1994 (as specified in the regulation setting forth such limits).

"(B) SUBSEQUENT YEARS.—The base per visit rate for a category of home health services furnished by a home health agency in a fiscal year beginning on or after October 1, 1994 is the base per visit rate for that category of services for the preceding fiscal year increased by the home health market basket percentage increase (as defined in subsection (d)(2)) for such fiscal year.

"(3) ADJUSTING FOR AREA WAGE LEVELS.—The Secretary shall adjust the base per visit rate determined under paragraph (2) for home health services furnished by a home health agency for a fiscal year by utilizing the area wage index applicable during the fiscal year under section 1886(d)(3)(E) to hospitals located in the geographic area in which the agency is located (determined without regard to whether such hospitals have been reclassified to a new geographic area pursuant to section 1886(d)(8)(B), a decision of the Medicare Geographic Classification Review Board or the Secretary under section 1886(d)(10)).

"(4) MEDICAL SUPPLY ADD-ON DESCRIBED.—The medical supply add-on described in this paragraph is equal to—

"(A) for fiscal year 1994, the estimated national average cost of non-routine medical supplies directly identifiable as services for an individual patient (but not including durable medical equipment, prosthetic devices, or orthotics and prosthetics) associated with a home health visit, as estimated by the Secretary based upon the best data available and updated through fiscal year 1994 by the Secretary's estimate of the increase in the medical equipment and supplies component of the supplies and rental consumer price index for all urban consumers (U.S. city average), from the end of the period from which the data was drawn through fiscal year 1994; and

"(B) for a subsequent fiscal year, the add-on for the preceding fiscal year increased by the Secretary's estimate of the percentage increase in the index referred to in subparagraph (A) for the fiscal year involved.

"(c) COST REPORTING REQUIREMENTS.—

"(1) IN GENERAL.— Not later than January 1, 1994, the Secretary shall implement a system under which a random sample of home

health agencies shall submit cost reports. Cost reports submitted under such system shall be used solely for purposes of comparing the costs of home health agencies with the adjusted standard payment rates established under subsection (b).

"(2) SYSTEM DESCRIBED.—The system developed under paragraph (1) shall—

"(A) utilize a different random sample of agencies for each 12-month period,

"(B) include in such random sample 5 percent of all home health agencies, and

"(C) to the greatest extent practicable and consistent with the preceding provisions of this paragraph, avoid requiring a home health agency to submit a cost report pursuant to paragraph (1) more than once in any 5-year period.

"(3) REPORTS OF ADDITIONAL AGENCIES.—Any home health agency that is not required to submit a cost report pursuant to paragraph (1) for a cost reporting period may be required by the Secretary to submit a simplified cost report for such period, in accordance with regulations issued by the Secretary. The Secretary may use such reports solely for the purposes described in such paragraph.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'category of home health services' means any one of the following home health services:

"(A) Skilled nursing services.

"(B) Physical therapy services.

"(C) Occupational therapy services.

"(D) Speech therapy services.

"(E) Medical social services.

"(F) Home health aide services.

"(2) The term 'home health market basket percentage increase' means, with respect to a fiscal year, the percentage by which the cost of the mix of goods and services comprising home health services will exceed the cost of such mix of goods and services for the preceding fiscal year, as estimated by the Secretary before the fiscal year begins.".

(2) EXCEPTIONS AND ADJUSTMENTS FOR COSTS SIGNIFICANTLY IN EXCESS OF PAYMENTS.—The Secretary of Health and Human Services shall provide by regulation for such exceptions and adjustments to the payment amounts established for home health services under section 1890(a) of the Social Security Act (as added by paragraph (1)) as the Secretary deems appropriate for services for which a home health agency incurs costs that significantly exceed such payment amounts for reasons beyond the agency's control, subject to any limits the Secretary may establish to ensure that such an exception or adjustment does not result in the reimbursement of any costs that the Secretary does not find to be reasonable.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO PART A.—(A) Section 1814(b) of such Act (42 U.S.C. 1395f(b)) is amended in the matter preceding paragraph (1) by striking "1813 and 1886" and inserting "1813, 1886, and 1890".

(B) Section 1813(a)(5) of such Act, as added by section 604(a)(1), is amended by striking "the average of all the per visit costs" and all that follows and inserting "the payment amount determined for such services under section 1890(a).".

(2) AMENDMENTS RELATING TO PART B.—(A) Section 1832(a)(2)(F) of such Act, as added by section 604(a)(2), is amended—

(i) by amending clause (i) to read as follows:

"(i) the payment amount determined for such service under section 1890(a), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A);"; and

(ii) in the matter following clause (iii), by striking "the average of all the per visit costs" and all that follows and inserting "the payment amount determined for such services under section 1890(a).".

(B) Section 1861(v)(l)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following new clause:

"(iv) Clauses (i), (ii), and (iii) shall not apply to any services furnished on or after January 1, 1994.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished during cost reporting periods beginning on or after January 1, 1994.

SEC. 608. ELIMINATING FEDERAL SUPPORT FOR HONEY.

(a) Section 207(a) of the Agricultural Act of 1949 is amended to read as follows:

"(a) IN GENERAL.—For each of the 1991 through 1995 crops of honey, the price of honey shall be supported through loans, purchases, or other operations, except that for the 1994 and 1995 crops, the price of honey shall be supported through recourse loans.

"(1) For the 1991 through 1993 crop years, the rate of support shall be not less than 53.8 cents per pound.

"(2) For the 1994 and 1995 crop years, the Secretary shall provide recourse loans to producers at such a rate that minimizes costs and forfeitures, except that such rate shall not be less than 44 cents a pound. Section 407 shall not be applicable to honey forfeited to the Commodity Credit Corporation under loans made under this paragraph.

"(3) A producer who fails to repay a loan made under paragraph (2) by the end of the crop year following the crop year for which such loan was made shall be ineligible for a loan under this section for subsequent crop years, except that the Secretary may waive this provision in any case where in which the Secretary determines that the failure to repay the loan was due to hardship conditions or circumstances beyond the control of the producer.".

(b) Section 207(b) of the Agricultural Act of 1949 is amended by striking "for a crop" and inserting "for the 1991 through 1993 crops".

(c) Section 207(c) of the Agricultural Act of 1949 is amended by striking "1998" and inserting "1993".

(d) Section 207(e) of the Agricultural Act of 1949 is amended by—

(1) striking subparagraphs (D) through (G);

(2) inserting "and" after the semicolon following subparagraph (B); and

(3) changing the semicolon following subparagraph (C) to a period.

(e) Section 207(j) of the Agricultural Act of 1949 is amended by striking "1998" and inserting "1995".

(f) Section 405(a) of the Agricultural Act of 1949 is amended by striking in the first sentence "section 405A" and inserting "sections 207 and 405A".

(g) Section 405A(a) of the Agricultural Act of 1949 is amended by striking all that follows "1992 crop year," and inserting "and $150,000 in the 1993 crop year.".

(h) A provision of this section may not affect the liability of any person under any provision of law as in effect before the effective date of the provision.

TITLE VII—ENFORCEMENT

SEC. 701. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.

(a) DIRECT SPENDING.—None of the changes in direct spending and receipts resulting from this Act shall be reflected in estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) DISCRETIONARY SPENDING.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays), as adjusted, set forth in 601(a)(2) of the Congressional Budget Act of 1974 for each of fiscal years 1994 through 1998 as follows:

(1) For fiscal year 1994, reduce new budget authority by $5,477,000,000 and reduce outlays by $2,987,000,000.

(2) For fiscal year 1995, reduce new budget authority by $8,198,000,000 and reduce outlays by $6,967,000,000.

(3) For fiscal year 1996, reduce new budget authority by $9,546,000,000 and reduce outlays by $9,372,000,000.

(4) For fiscal year 1997, reduce new budget authority by $10,376,000,000 and reduce outlays by $11,080,000,000.

(5) For fiscal year 1998, reduce new budget authority by $11,211,000,000 and reduce outlays by $12,113,000,000.

(c) SECTION 602 ALLOCATIONS.—

(1) HOUSE APPROPRIATIONS COMMITTEE.—The allocations in effect under section 602(a)(1) of the Congressional Budget Act of 1974 for fiscal year 1994 for the Committee on Appropriations of the House of Representatives are reduced by $5,477,000,000 in outlays and by $3,056,000,000 in budget authority.

(2) SENATE APPROPRIATIONS COMMITTEE.—The allocations in effect under section 602(a)(2) of the Congressional Budget Act of 1974 for fiscal year 1994 for the Committee on Appropriations of the Senate are reduced by $5,477,000,000 in outlays and by $3,056,000,000 in budget authority.

(3) SUBALLOCATIONS.—Each Committee on Appropriations is authorized and directed to immediately adjust its suballocations among its subcommittees for fiscal year 1994 to reflect the lower allocations provided by subsection (a) in a manner that accurately reflects the changes in law made by this Act and to promptly report to its House of Congress suballocations revised under this subsection.

(4) EFFECT.—The allocations and suballocations as adjusted by this section shall be deemed to be allocations made under section 602(a)(1) and suballocations made under section 602(b)(1) of the Congressional Budget Act of 1974.

(5) SECTION 601.—Section 601(a)(2) of the Congressional Budget Act of 1974 is amended by inserting "or as adjusted pursuant to section 701(b) of the Common Cents Deficit Reduction Act of 1993" before the period at the end.