HOUSE OF REPRESENTATIVES—*Wednesday, July 13, 1994*

The House met at 10 a.m.

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

We know, O gracious God, that Your ways are above our ways and Your spirit above our spirits. Yet, we know too that You are with us in all the moments of life—in joy and sorrow, in struggle and in tranquility. When our plans go amiss, give us patience; when we miss the mark, correct us; and when we grow weary of the disappointments that certainly come to each person, grant us that peace that passes all human understanding, for You are our Creator and the sustainer of all our lives. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 149, not voting 44, as follows:

[Roll No. 318]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bilbray
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Combest
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clay
Coble
Collins (GA)
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Emerson
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—44

Barcia
Becerra
Bentley
Bishop
Blackwell
Boucher
Brown (CA)
Clinger
Collins (MI)
Condit
Crane
Danner
Doolittle
Dornan
Engel
Ewing
Ford (MI)
Ford (TN)
Gallo
Geren
Hancock
Huffington
Johnson, Sam
Laughlin
Manton
McCrery
McCurdy
McDade
Mink
Murphy
Neal (NC)
Obey
Oxley
Porter
Reed
Ridge
Rowland
Slattery
Tejeda
Thurman
Valentine
Washington
Whitten
Young (AK)

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Minnesota [Mr. RAMSTAD] will lead the House in the Pledge of Allegiance.

Mr. RAMSTAD 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.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, this morning I was having a meeting in my office during the vote on the Journal, No. 318. The bell system in my office was not operating properly. When I realized that a vote was occurring, I hurried to the Capitol but arrived just after the vote closed. I want the RECORD to reflect that I would have voted "aye."

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

IMPROVEMENTS MADE DURING CLINTON ADMINISTRATION

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

Mr. GENE GREEN of Texas. Mr. Speaker, watching our 1-minutes yesterday, I was amazed at the distorted perception and the short-term memories of my Republican colleagues. I would like to remind all of my colleagues today and the American people of the progress that has been made in our economy over the past year and the improvements that have been made under the Clinton administration.

For the first time in 12 years, our Tax Code actually reflects some fairness. Fifteen million taxpayers received a tax cut this last April 15. Over 3 million jobs have been created since January 1993, and the economic forecasts predict future growth.

Those who claim that the economy was improving before the Democrats took control are the same ones who said last year that the President's economic plan would cripple our economy. Here we are over 1 year later and the only thing that is crippled is that same old tired rhetoric that we heard yesterday. The projected deficit as a share of gross national product is down almost half. We need to brag about America. We need to brag about what good is happening in Congress and this administration instead of just listening to the naysayers.

UNANSWERED QUESTIONS IN DEATH OF VINCE FOSTER

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

Mr. BURTON of Indiana. Mr. Speaker, there are several unanswered questions in special counsel Robert Fisk's report on the White House lawyer's death, Mr. Vince Foster.

First, who moved Vince Foster's body?

Second, blonde hair, not Mr. Foster's, was found on the body. Whose hair was it?

Third, carpet and other wool fibers were found on the body. Where did this come from?

Fourth, semen was found on his underwear. Did he have a sexual encounter between 1 and 5 the day he died and, if so, with whom and, if so, it is hard to understand the state of mind of someone thinking about sex and committing suicide at the same time.

Fifth, why were there no skull fragments found at the park?

Sixth, all kinds of bullets were found at the site using modern technology, but not the one that killed Mr. Foster.

Seventh, why was the gun in Mr. Foster's right hand when he was left-handed?

Eighth, why did the man who found Foster's body say there was no gun in either hand when he found the body?

□ 1030

Mr. Speaker, tonight we will go into more detail about why the President's people invaded Vince Foster's office right after his death. There are a lot of questions that need to be answered.

GOOD NEWS FOR AMERICAN FAMILIES

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

Mr. MILLER of California. Mr. Speaker, there obviously are no depths to which our colleagues will not seek to try to make points. It is very unfortunate for Vince Foster's family that the gentleman from Indiana would take on like that.

But in spite of him and in spite of his attacks on the President to try to derail what was announced today in the Los Angeles Times and papers all across the country, there is good news for Americans. There is good news for American families and for American workers.

The fact is, because of the President's economic plan, we see that we will achieve almost $700 billion in deficit reduction over the next 5 years as opposed to the $500 billion that we had anticipated when we passed the President's plans with no Republican votes. Not a single Republican would belly up to the bar to cast a vote that turned out to be real deficit reduction.

After 12 years, they were so used to talking about deficit reduction and not doing anything about it, they thought that is the way you would achieve it.

This President inherited a deficit that was out of control, and now we see the deficit reduction will far exceed, far exceed anything that anybody had anticipated.

And where is it coming from? It is coming because more Americans are going back to work, because lower interest rates have allowed corporations to reschedule their debt and able to hire more people and invest in new jobs. That is what the President promised, and that is what the President is delivering.

HEALTH SECURITY EXPRESS

(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, the health security express is gearing up and coming to Washington.

Organized by the White House and liberal special interest groups, this express will bus in thousands of activists late this summer to lobby for the passage of the Clinton health care bill.

It is not certain if they will take Greyhound, but their motto will surely be "Leave your health care to U.S.," as in the U.S. Government.

Most Americans, though, do not want to get on this express.

They do not want their health care quality run off the road. They don't want the Government to make the choices on what doctor to see. And they do not trust the Government to control one-seventh of the economy.

In fact, President Clinton's health care reform plan is so unpopular, polls show that most folks would rather wait for the Congress to pass a better bill.

Mr. Speaker, the health security express is getting ready to come to Washington. Most Americans, though, would prefer it stay home.

THE ECONOMY IS ON THE MOVE AGAIN

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

Ms. DELAURO. Mr. Speaker, today I am proud to join my colleagues to talk about the budget that we passed last year and the positive effects of that budget.

Today, the Office of Management and Budget will release its mid session review of the budget. The numbers show an economy on the move again. Last year, we made the tough choices, passed a budget package that has created jobs, lowered the deficit, cut spending, and cut taxes. A budget that has put people first again.

We have created jobs—6,398 private sector jobs a day. We have lowered the deficit. And it is not going to be the $500 billion once projected but $700 billion over the next several years. We have reduced the deficit 2 years in a row for the first time in two decades.

We have cut spending and cut the bureaucracy. Spending is projected to be lower during the Clinton administration than during either the Bush or Reagan administrations. More than 115 programs have been eliminated from the 1995 budget.

We have cut taxes for millions of Americans. The earned income tax credit rewards work and cuts taxes for 15 million working families who make less than $27,000 a year.

Yes, there is still much work to be done. But those of us who stood with the President and made the tough choices last year can be proud today that both our economy and our priorities are back on track.

CURRENT HEALTH CARE SYSTEM CAN BE FIXED

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

Mr. BOEHNER. Mr. Speaker and my colleagues, these Clinton-like health

care bills about to come to this floor all have one central thesis: "Let's make employers pay for it." It is because we do not have the honesty to ask the American people to pony up this money. We cannot afford it. We have got a burgeoning budget deficit, so let us just make somebody else pay for it: employers.

But employers are not going to pay for it. It is estimated that 1 million to 3 million Americans would lose their jobs if the Clinton health care bill were to become law. Another 23 million American workers are going to see reduced wages and reduced benefits because of the effects of this Clinton health care bill on their employers.

And so it is not America's employers who are going to pay, it is America's employees. As much as we want to help every American get health care, I do not know many workers in my district or around this country who want to give up their job, to give up their benefits or their wage increases so that others can have health care.

We can fix the problems in the current system without big Government-run health plans.

UNITED STATES HOUSING AID FOR RUSSIAN SOLDIERS

(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, reports say Uncle Sam has offered Russian soldiers $25,000 to buy a house if they would leave the Baltics.

Now, if this is correct, ladies and gentlemen, what is next? How about Haiti; we just send Cedras to Las Vegas and slip in Aristide? Or how about just take the North Korean Politburo, send them to Disney World and stop all the nuclear weapons? Or just bribe everybody in Bosnia to stop fighting?

Unbelievable. But what gets me, $25,000 for every Russian soldier to buy a house is called diplomacy. But to try and help an American soldier whose base closed and is losing their job, that is called pork.

Beam me up. I say tell Bully Boris to get out of the Baltics. If we have any money to spend, Congress, spend it and help the American soldiers losing their jobs and tell the Russians to develop a market economy. They will like it.

MANDATES: ANOTHER TAX ON WORKERS

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

Mr. HASTERT. Mr. Speaker, we have heard a lot of, I guess, reconstructionist history over the last year about tax increases and who pays and who does not. We have also heard the same stories about job creation.

But we ought to realize where jobs come from in the last year has been out of the tough economic decisions of small businesses and their competitiveness in being able to put people to work.

Well, there is no shortage of economic studies that find massive job losses resulting from any imposition of employer mandates to small businesses to fund the Clinton health care plan.

A survey of 40 studies found estimates running from 600,000 to 3.8 million jobs destroyed by the imposition of what should be called by its true name: a new payroll tax.

Mandate is just another bogus term concocted by the White House spin doctors to hide the true nature of their proposals which, as usual, are yet another tax hike on the middle and working class.

THE LINE-ITEM VETO

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

Mr. STUPAK. Mr. Speaker, last year on April 29, 1993, the House passed the line-item veto by a vote of 258 to 157. A year and 3 months later, we are still waiting for action by the other body.

Therefore, I call upon the other body to act upon the line-item veto.

The line-item veto is an essential tool in restoring fiscal responsibility. When we were sent to Washington with a mandate to cut the deficit, and I have cast the tough votes to reduce the deficit, through the President's deficit-reduction package, plus an additional $68 billion, though the deficit is on the way down, we still need fiscal responsibility and accountability.

Getting the line-item veto to the President will go even further in reducing unwarranted spending and increase the accountability of both the legislative and executive branches of Government.

This week I urge everyone to support the line-item veto. This initiative is a major step in providing reductions in spending that my constituents in northern Michigan and throughout the Nation are asking for.

DO NOT RISK UNITED STATES LIVES IN HAITI

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

Mr. RAMSTAD. Mr. Speaker, I could not sleep at all last night.

I was haunted by the rumors swirling around the Capitol of an imminent United States invasion of Haiti. I was haunted by a call I received yesterday from the mother of a young Air Force pilot in my district sent to Puerto Rico on a couple of hours notice "to be on the highest alert."

Mr. Speaker, I could not answer that young pilot's mother when she asked me, "Why?

"Why invade Haiti when the President has yet to define any American national security interest?

"Why risk American lives when even former President Aristide said recently, 'I am against a military invasion.' "

Mr. Speaker, considering the cost of an invasion in blood and money, not to mention the danger and expense of a long-term peacekeeping force, I hope and pray the President revives the diplomatic effort and rejects the plan for a United States military invasion of Haiti.

Otherwise many other American mothers will be calling us to ask, "Why?"

□ 1040

AMERICANS WANT UNIVERSAL HEALTH CARE COVERAGE NOW

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

Mr. BILBRAY. Mr. Speaker, I have heard the comments of my colleagues on the other side of the aisle on health care. I do not know who they are talking to out there; probably going to the country club and sitting down with their high-paid executives talking about why health care and mandatory employer mandates will not work.

But let me tell you, I talked to the people out there. I will tell you, people take me by the arm and say, "Congressman, we need help." Twenty-six percent of Nevadans have no health care, and it is growing; 17 percent nationally.

People want health care, and they do not want to wait until the next Congress, they want it now. We are willing to work with our colleagues from the other side of the aisle to try to find a solution to make sure health care works and that we get everybody in this country covered, we keep costs down, and make sure Americans receive what other people in other industrialized nations do: Medical care that is guaranteed, universal, and you cannot take it away, and prior existing conditions are not precluded. We need this kind of help, we need this help from both sides of the aisle. And you are kidding yourselves if you think the American people do not want universal health care; they do. They want it now, not a year from now, not 5 years from now and not 10 years from now.

BLOWING IN THE WIND

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

Mr. HEFLEY. Mr. Speaker, recently I learned that the Justice Department

has an opinion line. Dial 1-800-LINE-2-AG, and you can pass on your opinions to Janet Reno about anything at all; justice by polling. I can just see the new Statue of Justice: She is still blindfolded, still has her scale, but on the other hand she is holding her index finger raised high in the wind to see which way the wind is blowing. But on second thought, Mr. Speaker, if we are going to do justice by polling, why not make a little money from it with a 900 number?

Jeffrey Dahmer is up for sentencing. How about 1-900-HANG-HIM? S&L crooks getting away with it? 1-900-BAIL-OUT. Important Congressmen stealing from the taxpayer? 1-900-PORK-PIE.

Mr. Speaker, the Justice Department has been badly politicized under the current administration. Everyone knows that. But do we have to be so obvious about it?

IN SUPPORT OF A REQUIREMENT FOR INFANT SAFETY RESTRAINTS ON AIRPLANES

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

Mrs. UNSOELD. Mr. Speaker, one of the victims of last week's tragic USAir crash in Charlotte, NC, was a 9-month-old baby flying unrestrained on her mother's lap. The mother, who survived with injuries, tried with all her might to hold on to her daughter. She simply could not do it.

You may think larger person—a stronger person—could have held on to that baby. Think again. During a crash landing, a 30-pound child feels more like a 480-pound weight, 480 pounds.

Clearly, the Federal Aviation Administration recognizes the risk parents take by flying with infants on their laps. That is why the FAA recommends infants be secured during take off and landing. But they cannot bring themselves to require it. That is right—they require that you, the other passengers, the flight attendants, the pilot, the bags in the overhead compartment and the soda cans in the kitchen be secured, but not your infant. This is crazy—and it can be deadly.

All I am asking is that children under the age of 2 be given the same protections as you or I. Please support the youngest and most vulnerable of your constituents. Think of their futures. Support H.R. 1533, legislation Representative LIGHTFOOT and I introduced to require infant safety restraints on airplanes. Better still, urge the FAA to take the initiative to require infant restraints without an act of Congress.

CAMPAIGN MODE ON HEALTH CARE REFORM

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

Mr. GOSS. Mr. Speaker, the White House and congressional Democrats are deep in campaign mode on health care. They are preoccupied with damage control in 1994 congressional elections and saving the Clinton Presidency in 1996. That is understandable if you look at the polls. Sunday's New York Times reports that Democrats view health care reform as a do-or-die issue. Chairman of the DCCC, VIC FAZIO, says, "Health care will be the key to the 1994 elections. It will play to our advantage only if we use every aspect of the debate to reinforce our key overall political/economic message." Maybe that is why Democrats are meeting behind closed doors among themselves: They want to insure total control of this health care debate. But Americans want open debate and they want a bipartisan solution. They do not want what Mark Mellman, a Democratic strategist, is urging: "What Members of Congress need to do is to say they are supporting universal coverage but will be different in significant ways." That is a quote from the New York Times of Sunday. That is doublespeak, it is talking out of both sides of your mouth, and it is a Democrat speaking.

Mr. Speaker, we need open debate for all to see on health care. It is too important to do otherwise.

THE DEMOCRATIC ECONOMIC PLAN IS WORKING

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

Mr. RICHARDSON. Mr. Speaker, for a dozen years, the Republican Party talked about reducing the deficit. They talked about reining in Federal spending. They talked about making our Government fit the reality of our pocketbooks.

But for a dozen years, there was too much talk, and not enough action.

The deficit swelled. Spending soared. The Republicans, for all their tough talk, brought us right to the brink of bankruptcy.

Then President Clinton and the Democrats in this Congress decided it was time to put America's house in order. Just yesterday, the Office of Management and Budget shared the results of that 18-month effort. And the results are dramatic:

Federal spending, as a percentage of our gross domestic product, is lower than under Bush or Reagan.

By the end of this decade, we will have slashed almost 275,000 Federal positions, making the Federal work force smaller than it has been since the Kennedy administration.

By next year, the deficit, as a percentage of national income, will be half as big as it was when Bill Clinton took office.

Next year will be the first time the deficit has gone down for 3 years in a row since the buck stopped on Harry Truman's desk.

The Republicans called our economic plan a job killer. They said it was a one-way ticket to a recession. Not a single Republican voted for it.

So the real question is: When will the Republicans give us credit for doing what they could not do for 12 long years? When will they stop carping about the Democratic economic plan, and start working with us to keep this Nation on the road to recovery?

THE DOC HOLIDAY SCHOOL OF MEDICINE

(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, the administration has obviously taken a page from the Doc Holiday School of Medicine by shooting from the hip and attacking Congress for its health care coverage.

But a Roll Call editorial states that the plan covering Congress and all Federal workers "is more attractive than Mrs. Clinton's own proposal."

It goes on to state that the Federal employee plan offers "a choice of about 300 different health insurance plans, whereas the Clinton plan guarantees a choice of only 3. Federal employees will lose their breadth of coverage if the Clinton plan is enacted. If Mrs. Clinton were truly interested in giving all Americans the same insurance that Congress has, she would favor one of several bills to allow employers and ordinary citizens to buy into the Federal plan."

Interestingly enough, Republican health care bills would allow the choice option to continue, while the Clinton plan would end it.

It would seem that the White House has once again either misdiagnosed or misprescribed the illness. No wonder they do not want America to be able to get a second opinion from Republicans.

MEDICAL MALPRACTICE REFORM

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

Mr. GRAMS. Mr. Speaker, imagine if every time consumers went to the doctor they had to write three checks to pay the bill, one to the physician, and then one to the lawyer, and one to the liability insurance company. Do you think consumers would tolerate this if they knew the costs? They certainly would not.

79-059 O—97 Vol. 140 (Pt. 11) 46

If you told those same consumers that serious medical malpractice reform would save them $500 per hospital stay, they would wonder what is taking us so long to correct this problem.

Medical malpractice reform, would bring down the costs of hospital stays, reduce the cost of medical liability insurance, and reduce the rate of defensive medicine. But, amazingly enough, there is no real medical malpractice reform in any of the health care reform bills reported by the House committees. That is why I am going to introduce the Medical Malpractice Fairness Act of 1994 later this week.

In fact, former Vice President Dan Quayle has strongly endorsed this legislation and urged its passage this year because unlike other proposals before Congress, this legislation is true reform that Americans want, need, and demand.

Mr. Speaker, I strongly urge my colleagues to become original cosponsors of the Medical Malpractice Fairness Act of 1994.

□ 1050

FRAUDULENT CLAIMS FOR THE EARNED INCOME CREDIT

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

Mr. LEHMAN. Mr. Speaker, I rise in support of H.R. 4225, legislation which will be an important first step toward much-needed welfare reform for low-income working Americans. There is no question that current mechanisms for helping recipients must be tightened as an integral part of any major changes in the system.

The earned income credit [EIC] is a refundable tax credit for people with children who have an income less than $23,050. The EIC was established to increase the amount of income which low-income workers keep after taxes. The credit allows welfare families to work their way out of poverty and off the welfare program. However, the EIC can be abused when the IRS allows certain filers who provide incomplete or erroneous information to receive the credit.

While studies have shown that the earned income credit is an effective means of boosting low-income earners who work, they have also shown that nearly 1 in 3 of the 12.6 million families who received the EIC in 1990 may have been ineligible for it. As the EIC expands from an estimated $12 billion this year to about $25 billion in 1998, we must be sure that only eligible workers are receiving this tax break.

Specifically, this legislation requires the IRS to verify the taxpayer and dependent identification number before they can receive the credit—no number, no credit. We should not move on to new and costly welfare programs before we fix the responsibility and accountability of existing multibillion-dollar programs for low-income Americans.

Mr. Speaker, I urge my colleagues to support this timely legislation.

BUMBLING FOREIGN POLICY INTENSIFYING HAITIAN CRISIS

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

Mr. MILLER of Florida. Mr. Speaker, I rise today to express my dismay over the current United States policy toward Haiti. It appears that for the first time in U.S. history pure ineptness on the part of the administration is being used as the rationale for sending young marines into harm's way.

Last week, the policy du jour approach to foreign policy took on new meaning when we literally announced three separate Haiti policies in 3 days. Our cruel sanctions policy has not worked—in fact it intensified the refugee crisis. Our promise to give asylum to Haitians did not work—it only sent more Haitians onto those overcrowded, dangerous boats. And the American people were forced to suffer the indignity of the Panamanian President telling Bill Clinton no Haitians would be allowed in Panama. This refugee crisis was created by the pure bumbling of Bill Clinton's foreign policy team, and now that crisis is being used as a rationale for invasion.

But before they think that invasion will solve their problems, let us remember how the Clinton administration's ineptness led to loss of life in Somalia 10 months after the invasion. I do not believe Bill Clinton should attempt to solve his public relations problems on the backs of U.S. Marines.

AMERICA'S HEROES

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

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to some of the most selfless men and women in our country, our emergency responders. Last week, on July 6, 14 firefighters gave their lives in the line of duty as they fought a forest fire in Glenwood Springs, CO. These men and women were among the best our country has to offer. In this case, Mr. Speaker, they came from the elite U.S. Forest Service firefighting groups including the Smokejumpers, the Helitacks, and the Hotshots. Fourteen of the fifty-two firefighters on that Colorado ridge did not escape, including nearly half of the Preneville, OR, Hotshots.

Fires, floods, hurricanes, tornados, earthquakes, manmade disasters are handled every day in this country by the 1½ million men and women who are our bravest Americans. In honor of these 14 fallen heroes, Mr. Speaker, let us recommit ourselves to the fullest possible support of America's domestic defenders.

WHAT ARE THEY AFRAID OF?

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

Mr. ROTH. Mr. Speaker, something must be said about the coverup that is going on here in Washington. I ask my colleagues, Did you see the paper this morning? There was an article entitled "Congress to Shield Whitewater Papers." I commend this article to every Member of Congress.

Mr. Speaker, this is a very serious situation. The documents, for example, which detail contacts between the White House and the Treasury Department about the early stages of the Whitewater investigation, they are, and I quote, being kept in safes and secure rooms under guard.

What? What are they afraid of? What are they hiding? What is the White House and Democratic leadership afraid of? In order to review these documents, Mr. Speaker, one has to sign a statement, a confidentiality agreement.

This is the first time that has happened in our history. Not even in Watergate were Members asked to sign a confidentiality agreement.

Now there are rumors here on Capitol Hill that there is information in the documents that is highly embarrassing to people at the White House. Well, the American people have a right to know. This Government does belong to the people and should be of the people, by the people, and for the people.

This is a serious situation. I ask the leadership of this House and the Members to look into this. We cannot allow this coverup to continue.

SUPPORT THE EXPORT ADMINISTRATION ACT

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

Mr. GEJDENSON. Mr. Speaker, we in this Congress have begun to turn the American economy around, not by ourselves, but working with small business across this country.

Now the budget passed, sadly by only Democrat votes, and was able to work with an economy ready to respond. We have another opportunity coming before this House to help the economy, and that is to pass the Export Administration Act.

Mr. Speaker, in our competition with Japan and Germany, American companies are shackled and prevented from engaging in the international market

in technology that is generally available. In our bill we are tougher on terrorists, but we let the administration lead the effort to take advantage of the international marketplace where the future of our economy will be built.

I ask my colleagues to focus on the Export Administration Act as it comes to the floor in the next several days and to make sure those of my colleagues interested in its passage helps us fight off amendments that would leave American companies in a more complicated situation than they were at the height of the Brezhnev era. We need to take advantage of international markets and of international security, not destroy American opportunity by passing some of these very negative amendments.

DISTRICT OF COLUMBIA HOUSING DEPARTMENT SPENDS $10,000 AT RESORT IN PUERTO RICO

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

Mr. WALSH. Mr. Speaker, today's front page of the Washington Post is very enlightening. The District of Columbia's housing department, rated the worst in the country, recently sent eight employees to a resort in Puerto Rico to study public housing at a cost of over $10,000 to the taxpayer. This is the same department that spent $1.3 million to spruce up its own headquarters while hundreds of its housing units are unrepaired and uninhabitable and while hundreds of Americans live homeless and on the streets of Washington, DC.

Mr. Speaker, when we take up the District of Columbia appropriations bill, I ask my colleagues to remember this. Our choice is to fix the budget ourselves by amendment or to defeat it and send it back to the Mayor and the city council. This is our responsibility.

DEMOCRATS CONFRONTING HEALTH CARE ISSUES IN AN HONEST AND FORTHRIGHT MANNER

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

Mr. COLEMAN. Mr. Speaker, I think it appropriate that some of us, at least, begin to respond to some of the suggestions by the Republicans about the health care plans that have been placed before us for consideration. One of my colleagues from Texas just a few minutes ago suggested that, if Hillary Clinton was honest about all of this, she would have given us all these options, and then he said, I believe he said, if I am not mistaken, that then employers and employees could have gone out, paid for, bought, those plans. Interesting analysis.

What is it that is missing? I suggest to my colleagues that a lot of people cannot go out and just pay for plans. That is part of the problem. "Why in the world," I ask my colleagues, "do you think we got 40 million Americans without health care coverage, most of them being children in America today?"

I think it is wrong for anybody in this House to try to sweep under the rug how we are going to pay for health care, and I think that for the President and the Democrats to have confronted this issue in an honest and forthright plan with one proposal for payment by employers and employees for a new health care system for all Americans is not deceiving at all.

In fact, Mr. Speaker, it is the most honest thing that has been put forward in my years in the Congress here. It is about time somebody said how we are going to pay for things we say we want or we need.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. DURBIN). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

□ 1059

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 12, 1994, the amendment offered by the gentleman from Tennessee [Mr. QUILLEN] had been disposed of, and title IV was open to amendment at any point.

Are there further amendments to title IV?

□ 1100

AMENDMENT OFFERED BY MR. CUNNINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: On page 53, after line 24, insert the following:

SEC. 416. NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED.

With the exception of lands owned by the California State Lands Commission and the Catellus Development Corporation, the owners of all lands acquired pursuant to this Act and the Wilderness Act or their designees shall be entitled to full use and enjoyment of such lands and nothing in the Act shall be—

(1) construed to impose any limitation upon any otherwise lawful use of these lands by the owners thereof or their designees,

(2) construed as authority to defer the submission, review, approval or implementation of any land use permit or similar plan with respect to any portion of such lands, or

(3) construed to grant a cause of action against the owner thereof or their designee, except to the extent that the owners thereof or their designees may, of their own accord, agree to defer some or all lawful enjoyment and use of any such lands for a certain period of time.

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

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

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, yesterday we offered this amendment, and the gentleman from California [Mr. MILLER] offered a perfecting amendment. We asked to be protected under the rights of the House so we could work out the language, and we withdrew the amendments.

The gentleman from Colorado [Mr. ALLARD], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from California [Mr. MILLER], and I and the staffs sat back and worked out the language of the perfecting amendment, and the reason is this: Let me go through just briefly what this is about. The problem is that when the Federal Government wants to take land away from private citizens under eminent domain or anything else, quite often there is not the money to pay for the land, and in the meantime that rancher, homeowner, or private owner has to live under the restrictions and cannot improve the land. Therefore, the land goes down in value, and by the time the Federal Government pays that individual the land may be worth a nickel on the dollar.

That is not right, Mr. Chairman, and the gentleman from California [Mr. MILLER] agrees with that.

What our amendment did not make clear is that we want in the meantime for the rancher or the private owner to be able to go ahead and utilize the land in a normal way. We do not want, as the gentleman from California [Mr. MILLER] suggested in his perfecting amendment, to add toxic waste dumps in that area, which would really deflate the value of the land when the Federal Government took it over, and it would cost billions of dollars to take it over, or to affect the Mining Act on parks.

So we have worked it out, and I think the gentleman from Colorado [Mr. ALLARD], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from California [Mr. MILLER], and myself offer a good amendment, and I think we are in agreement with it. I do agree that the Clean Air Act would be a fine addition there.

Mr. Chairman, let me yield to my friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, let me suggest that I go ahead and offer my amendment to the perfecting amendment first.

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] will have to yield back his time in order for the gentleman to do that.

Mr. CUNNINGHAM. Mr. Chairman, I will do that, and I would like the amendment to be issued as the Miller-Allard-Tauzin-Cunningham amendment.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California to the amendment offered by Mr. CUNNINGHAM: In the matter proposed to be inserted by the amendment, strike "With the exception" and all that follows and insert "Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any federal license or permit other than a license or permit related to activities governed by 16 U.S.C. §4601-22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. §1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.) or regulations applicable to oil and gas development as set forth in 36 CFR 9.B."

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

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

There was no objection.

Mr. MILLER of California. Mr. Chairman, I want to thank my colleague, the gentleman from California [Mr. CUNNINGHAM] for his help in putting together this compromise which I think will clearly ensure that the concerns that he and others and I have about the impacts on private land inholdings when we change the status of Federal lands or create Federal lands around those private properties, that we not inhibit the ability of the property owner to engage in the beneficial use of that property as he might have before the Federal reservation was created.

My amendment goes to two points. Since we are creating these reserves in this bill, we maintain that the mining operations there would be subject to mining in the park, which has been on the books for many years, and we also make sure the generic provision in the law that prohibits one from operating a hazardous waste site facility on an inholding within the parks not be overridden. But other than that, we make it very clear that one will not be prejudiced nor will one be barred from getting a permit. That person might have to go to the local county or the State or some other local jurisdiction to get it because of the fact that they are an inholding. And we also make it clear we do not want the bureaucracy to muscle in on inholdings, trying to extend to those private properties restrictions that the Congress in its wisdom chose not to extend to those properties.

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

Mr. MILLER of California. Yes, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from California for yielding.

I was asked not to negotiate on this bill, and the reason that I decided to do it is that the gentleman from California [Mr. MILLER] and I have worked, not only on education and labor matters, but on other issues together, and we may disagree on issues, but not once has he ever said we would sit down and work out something that has not happened, and I appreciate that.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really was not going to seek time, but I would like to have some exchange with the chairman of the committee, if I may.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, in order to clarifying precisely the gentleman's amendment, as well as the Cunningham-Huffington amendment, does relative to inholders, let us assume that the inholder goes to a local county—and it largely would be county authority—and has a proposed change or use of his property and the county signs off on it but in turn for one reason or another the department does not. How does that procedure work? What actually happens?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I think in fact the department has no authority on whether to sign off or not sign off on it, unless it had to do with these two provisions.

If you go down to the county and say, "I want to remodel my home" or "I want to add a barn onto my farm," if you need those permits at the local level, that is between you and the county. The purpose of this amendment is to suggest that they do not get to sign off on that. If you were going to build a power plant, they could come in under applicable law. If there are 404 permits or endangered species or clean air issues, they could come in under those provisions, but they can do that today.

Mr. LEWIS of California. So, Mr. Chairman, the gentleman is suggesting that outside of very special circumstances like a power company or something that is directly affected by established Federal law, that local planning authority would totally control that planning process?

Mr. MILLER of California. The Park Service could go in. I guess the Park Service could go in and complain about the impact if you were going to put in 500 homes, for instance.

Mr. LEWIS of California. Sure.

Mr. MILLER of California. But that is their standing. Like any other entity, they could come into that process, but they do not get special status in that process to make determinations because of the Federal lands around that facility. If they can make their case that this is incompatible or what have you, that is fine, but that in itself is not the basis to deny the permit. They do not have that special standing.

Mr. LEWIS of California. Mr. Chairman, as the chairman of the committee knows, in the other body a portion of the eastern Mojave, the Landfair Valley was left out of the bill, in no small part because of a very sizable number of private property owners, inholders, or potential inholders. So the gentleman is suggesting that where those people would be following a normal development process, that is, building a home or a barn or otherwise, they would be totally under the direction of and be able to get response from the local planning authority that is already well-established?

Mr. MILLER of California. Mr. Chairman, the gentleman is correct. Again, within the guidelines and within applicable law, the Park Service can participate, and if it rose to such an occasion that the Park Service thought it was inconsistent——

Mr. LEWIS of California. Then they could testify?

Mr. MILLER of California. Then they could go in and try to condemn the property, as we pointed out yesterday.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER], to the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred seventy-nine thousand four hundred and eighteen acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated May 1994 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1994 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-four thousand acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated May 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated May 1994 or prior, and which shall be known as the Mojave Wilderness.

(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on a map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 503. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

AMENDMENT OFFERED BY MR. VENTO

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

The Clerk reads as follows:

Amendment offered by Mr. VENTO: Page 54, lines 13 and 14, strike "one hundred seventy-nine thousand four hundred and eighteen acres" and in lieu thereof insert "one hundred sixty-two thousand one hundred and thirty-eight acres".

Mr. VENTO. Mr. Chairman, this is a simple amendment. It would reduce the wilderness designation within the enlarged Death Valley National Park by about 17,280 acres.

The result will be to leave a nonwilderness zone along the southern boundary of the national park, where the park adjoins the Fort Irwin National Training Center.

This change is desired by the Defense Department. They have indicated that they are concerned about difficulties that might arise in connection with policing of the Fort Irwin boundary if the adjacent national park lands were designated as wilderness.

Frankly, Mr. Chairman, I am not certain that the Defense Department's concerns are not exaggerated. However, in the interests of removing doubts about this point, and to make this portion of the bill more like the corresponding portion of the version passed by the Senate, I urge the House to adopt this amendment.

□ 1110

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

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding to me.

The minority agrees with this amendment. We think it is a good amendment, and we go along with it.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his support and interest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitle "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

LAND TENURE ADJUSTMENTS

SEC. 603. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

DISPOSAL PROHIBITION

SEC. 604. Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness or parks designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness or parks designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

MANAGEMENT OF NEWLY ACQUIRED LANDS

SEC. 605. Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

NATIVE AMERICAN USES

SEC. 606. In recognition of the past use of the parks and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or wilderness areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious

Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

WATER RIGHTS

SEC. 607. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

STATE SCHOOL LANDS

SEC. 608. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than $5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal lands or interests therein, or Federal land valued at more than $5,000,000, the agreement shall be submitted to the Committees, together with a report containing—

(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and

(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.

(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.

(e) If exchanges of all of the State School Lands are not completed by October 1, 2004, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.

(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2009, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2009.

(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

EXCHANGES

SEC. 609. (a) Upon request of the Catellus Development Corporation, its subsidiaries or successors in interest (hereafter in this section referred to as "Catellus"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of Catellus or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to Catellus and to the Committees a list of the following:

(1) Lands of Catellus or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, in the following priority:

(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.

(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than $5,000,000, the Secretary shall provide to the Committees a detailed report of each such land exchange agreement.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to Catellus for exchange in accordance with this section.

(e) On January 3, 1999, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all Catellus lands eligible for exchange under this section for which an exchange has not been completed. With respect to any of such lands for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of Catellus (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by Catellus to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) Catellus may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. Upon approval by the Secretary in writing, the credits in Catellus's exchange account may be transferred or sold in whole or in part by Catellus to any other party, thereby vesting such party with all the rights formerly held by Catellus. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.

(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

AMENDMENTS OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. RICHARDSON:

Page 59, line 22, insert "(a)" after "'606.".

Page 60, after line 11, insert the following:

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

Page 62, after line 25, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

Page 66, after line 2, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

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

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

There was no objection.

Mr. RICHARDSON. Mr. Chairman, The en bloc amendments I am offering would be added to title VI of this bill.

The first amendment would amend section 606 entitled "Native American Uses" to allow for a 2-year study to be completed by the Secretary of Interior in consultation with the Timbisha Shoshone Tribe of lands which would be suitable for a reservation for the tribe. The lands to be considered are to come from aboriginal homeland areas of the Timbisha Shoshone Tribe.

The Timbisha Shoshone Tribe has been a federally recognized tribe since 1983 and has approximately 200 members. The recognition did not, however, convey a land base to the tribe. Without a land base the tribe is unable to pursue tribal self-determination or social and economic development for its members. The ancestral homeland of the Timbisha Shoshone includes lands in and surrounding the Death Valley area of California.

The Timbisha Shoshone Tribe's ancestral homelands are found on lands within the boundaries of the Death Valley National Monument and Death Valley National Park as described in the California Desert Protection Act of 1994, and as more particularly described in the "Death Valley Timbisha Shoshone Band of California: Final Determination for Federal Acknowledgment" (Fed. Reg. vol. 47 at page 50109 (Nov. 4, 1982). These lands are part of the tribe's aboriginal territory, but have been held by the Federal Government for other uses since 1933, including lands of the National Park Service, Bureau of Land Management, and other Federal departments and agencies.

The Timbisha Shoshone Tribe is the successor and direct descendant of the Panamint Shoshone whose traditional ancestral homeland for thousands of years encompassed a vast territory of hundreds of square miles in the Death Valley, CA area, and extending into western Nevada. The Timbisha Shoshone Tribe resides at the will of the U.S. Department of Interior, National Park Service, on a 40-acre tract of land managed and administered by the National Park Service.

My amendment does not put 1 acre of land into trust for the tribe. It simply authorizes, subject to the availability of appropriations, a study to identify lands which the tribe and the Secretary of Interior find to be appropriate for use as a reservation.

The second and third amendments I am offering give the Secretary of Interior the discretion to exclude from the lists referred to in section 608 and section 609 any lands which become surplus and are within or contiguous to any existing Indian tribal trust lands. Under sections 608 and 609 the Secretary is required to compile a list of any lands which may be deemed surplus by the Secretary and, therefore, eligible for possible trade with parcels inside areas which this legislation intends to designate as wilderness or national park units.

Again, these amendments would not provide any Indian tribe with 1 acre of land. They would merely allow the Secretary of Interior the ability to withhold a particular surplus parcel that is within or contiguous to the exterior boundary of existing trust land. Currently, some Indian trust land in California is checker-boarded with private or Federal land included within the trust land. If and when, this non-Indian land becomes available it may be more appropriate for that land to be conveyed to the tribe instead of to another entity which would increase problems related to the management of checker-boarded areas.

The native Americans of California deserve to have a few protections in this legislation and I believe my amendments allow for this. I urge my colleagues to support my amendments.

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

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

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

I think it is probably appropriate to require a study to see if a reservation could be established for the Timbisha Shoshones. I think that we should be careful not to raise undue expectations about the likelihood that Congress will agree to take lands out of parks, out of forests, out of wildlife refugees or wilderness areas once designated. That would be a concern.

The intent here, as I understand, and I would like the gentleman to respond to this, is that in order for anything to be established, we would have to come back and act on it. Congress would have to act on that particular matter.

Mr. RICHARDSON. Mr. Chairman, let me say that the gentleman is correct, but I think what is very important to the Subcommittee on Native American Affairs is to look at the entire aboriginal lands and keep that option open.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I think that if we excluded such lands in fact, as Members know, the gentleman, we have exchanged, maybe we should exclude parks, exclude wildernesses, I think that just tortures the logic of the study. In fact, we are better off having them included for the purpose of the study and learn if there are substantial claims within a park for example. We would hope that, for instance, for religious purposes or others that they would apply to the general law. But we should have the information and we would rather have it formally than trying to structure a study that would end up being incomplete.

Mr. RICHARDSON. Mr. Chairman, the gentleman is correct. We do want that.

Mr. VENTO. Mr. Chairman, I agree with the gentleman, and I urge adoption of the amendment.

AMENDMENTS OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENTS OFFERED BY MR. RICHARDSON

Mr. MILLER of California. Mr. Chairman, I offer amendments to the amendments.

The Clerk read as follows:

Amendments offered by Mr. MILLER of California to the amendments offered by Mr. RICHARDSON:

In the matter proposed to be inserted on page 62 after line 25, strike "The Secretary" and all that follows and insert after paragraph (3) as contained in such matter the following:

The Secretary may exclude, in his discretion, from such list lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

In the matter proposed to be inserted on page 66 after line 2, strike "The Secretary' and all that follows and insert after paragraph (3) as contained in such matter the following:

The Secretary may exclude, in his discretion, from such list lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MILLER of California. Mr. Chairman, this amendment clarifies that the Secretary of the Interior has discretionary authority to exclude from the negotiated exchanges lands which may be adjacent to tribal trust lands. It provides an assurance to Indian tribes that their interests will be considered in the decisions regarding which lands will be included in the exchanges, but it leaves those decisions within the discretion of the Secretary.

Mr. Chairman, the amendment is technical in nature and I urge my colleagues to support it.

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

Mr. MILLER of California. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding to me.

I think this is a very constructive amendment. What it would do is give discretion to the Secretary of the Interior. Naturally, we would accept it.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, first, I would like to express my appreciation to my colleague, the gentleman from New Mexico [Mr. RICHARDSON] for this amendment. He is addressing himself to a very sensitive problem that exists within my district, specifically dealing with the Timbisha Shoshone tribe.

The gentleman from New Mexico [Mr. RICHARDSON] is the chairman of the Subcommittee on Native American Affairs and has been extremely sensitive to these problems as we go about significant public policy changes within my district.

First, let me say that the Timbisha Shoshone tribe was originally kicked off of its land in 1933, as the Death Valley National Monument was established.

Since that time, to say the least, they have been frustrated by their relationship with the Federal Government.

The chairperson, Roy Kennedy, as well as the heads of the other tribes in the region, is very supportive of this approach.

Essentially what the gentleman from New Mexico [Mr. RICHARDSON] and the gentleman from California [Mr. MILLER] are attempting to do here is to make certain that the Timbisha Shoshone tribe don't lose one more time to the Federal Government. It is my strong desire that the Department of Interior is sensitive to not only the history of the tribe but their current problem that will result from creating a National Park in Death Valley.

The Timbisha Shoshone tribe has been more than patient with the Federal Government in connection with their relations with this Department. I urge the Director of the Park Service to go forward with this study to find the tribe a permanent land base, and I urge the House to support this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. MILLER] to the amendments offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendments to the amendments were agreed to.

□ 1120

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Mexico [Mr. RICHARDSON], as amended.

The amendments, as amended, were agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. ALLARD

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

The Clerk read as follows:

Amendment offered by Mr. ALLARD: On page 61, after line 13, insert the following:

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of Title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

Mr. ALLARD. Mr. Chairman, I rise today to offer an amendment to simply clarify the intent of Congress and provide protections for the Upper Colorado River Basin water entitlements. It ensures that there would be no undesirable impact on the Colorado River and its operations as a consequence of this act.

Specifically, this amendment does three things. First, it specifies that the federally owned dams located on the Colorado River in the Lower Basin would not be affected. Second, it protects State water laws and the interstate compacts pertaining to the Colorado River in the Upper Basin. Third, it ensures that no Federal rights to the Colorado River are reserved, expressly or impliedly, with respect to the Havasu and Imperial wilderness areas.

Mr. Chairman, I want to point out that this language is NOT new. It was also included in the Arizona Desert Wilderness Act, passed in October 1990—Public Law 101-628. When this bill came before the House, the Members wisely included language to ensure that there would be no adverse impact to the Colorado River operations.

As you know, the Havasu and Imperial wilderness areas straddle the Colorado River and the Arizona-California State line. When these refuges were established as wilderness on the Arizona side with the Arizona Wilderness Act, provided that no rights to the water of the Colorado River were reserved expressly or impliedly. This was done in recognition of the fact that the Havasu and Imperial designations were in close geographic proximity to the Colorado River and while the boundaries had been drawn at the high water mark and any effect on the Colorado River was thought by them unlikely, Arizona's Senator's DECONCINI and MCCAIN nonetheless, to avoid any confusion, unequivocally stated in the bill that no such rights were reserved.

These provisions were put in the act and assurances were also given during the debates that the act was not to supersede any existing compacts, treaties, Federal statutes of Supreme Court decrees governing interstate or intrastate water allocations. The law of the river, which included the operations of existing and future dams in either the upper or lower basin, was to be protected and not affected as a consequence of the wilderness designations.

Congress now has the California Desert Protection Act before it and this proposal also designates wilderness in the California portions of the Havasu and Imperial National Wildlife Refuges, on the California side of the Colorado River. The Senate, recognizing the desirability and need for treating both sides of the river in the same fashion, included the same protections for the Colorado River in its recently passed S. 21. The common treatment

thus accorded both halves of the two refuges lying astride the Colorado River along the Arizona-California border is important not only from the management and administration aspects but in addition, as the Senate committee report observes—at p. 32—these two refuges already have a reserved water right which is unaffected by the legislation. That right has already been quantified by the decree of the U.S. Supreme Court at the conclusion of the Arizona versus California litigation. 376 U.S. 340 at 346 (1964), with any consumptive use of water within a State to be charged to that State's apportionment of the waters of the Colorado River. While the water rights thus accorded and quantified by the Court were for the lands as wildlife refuges, certainly their additional designation as wilderness should not require any greater quantities of water. It would accordingly be duplicative as well as totally inconsistent with congressional action with respect to the Arizona lands to now place a Federal general reserved water right on the California side of the river.

To say that the Havasu and Imperial wilderness boundaries have been drawn so as not to include the Colorado River is hardly determinative of the concerns that have been expressed throughout both the Upper and Lower Basins—which include significant portions of seven States—Arizona, California, Colorado, New Mexico, Nevada, Utah and Wyoming. The only significant water source in the two affected areas is the Colorado River itself, including its impoundments and underflow. Uses of waters in these two areas would necessarily be supplied from the Colorado River. Accordingly, the protections provided by Congress in both the Arizona Act as well as by the Senate in acting on the California Desert bill—in S. 21—should be included in any final action by the Congress on the California Desert legislation. The Allard-Thomas language would provide consistency for the treatment of the Colorado with respect to the Havasu and Imperial wilderness areas in California.

Also noteworthy is the fact that the Allard-Thomas language is included in report language of H.R. 518. However, we do not believe report language is sufficient, as it is not legally binding. If the authors of this bill want to prevent the disruption of the Colorado River compact and they felt it was important enough to include in report language, then there should be no reason why this cannot be clarified in the bill. It is obviously a very important point for those of us in the West where water is our most precious commodity and this bill does not provide enough certainty for Members who represent States that supply water throughout the West. Without the Allard-Thomas language the bill would unravel the extremely complicated and fragile Colorado River Compact worked out by the States, California, Arizona, Nevada, Utah, New Mexico, Colorado and Wyoming.

Our concerns have been heightened by the discussion of boundaries and what constitutes water of the Colorado River contained in the Bureau of Reclamation's draft regulations for administering entitlements to Colorado River water in the lower basin, just released May 6. The Bureau says they have developed a method with the U.S. Geological Survey to identify wells yielding water originating from the river. This method "employs a presumption that all water beneath the lower Colorado River floodplain" and certain areas adjacent to it are believed to be hydrologically connected to mainstream Colorado River water, which will be subject to these regulations and will have to have a contract for the water with the Secretary of the Interior.

The details of these proposed regulations for simply defining the boundaries of the mainstream are extremely involved and comprehensive, not only with respect to the surface, but to the subsurface. One simply cannot be assured that any wilderness boundary that has been drawn excludes the impact of a Federal reserved right, unless any reserved right to the water of the Colorado is itself denied, as provided in the Arizona Act of 1990, and in S. 21. Even users of waters from wells in these areas as well as all areas upstream on the Colorado River could otherwise be adversely affected.

Before Statehood in 1876 Colorado submitted its Constitution to Congress to be ratified. In connection with water, considered the most precious and scarce resource in the West, the Colorado Constitution provided, "The right to divert the unappropriated waters of any natural stream to beneficial use shall never be denied."

Ever since that time Colorado has sought to protect its water resources from any Federal intrusion. The importance of water resource management on the Western way of life is not widely understood beyond the arid West and the technical intricacies involved in such management are even less understood. Any impact on the ability of Colorado and her sister States to maintain state control over water decisions, which a Federal reservation of water can entail, has been resisted because such reservations could prohibit Colorado and other Basin States from protecting their interests under the interstate compacts on the Colorado which are so important to them.

Some States, Nevada for example, provide that groundwater is subject to appropriation in a similar manner as surface water. A broad Federal reservation could indeed interfere with and possibly preclude a State official from approving an application for groundwater in any areas adjacent to a wilderness holding such a reservation.

The draft regulations of the Bureau of Reclamation call all water below the floodplain of the lower Colorado River and below certain elevations in adjacent areas to be water of the Colorado River, which must have contact with the Secretary of the Interior.

In light of these proposals, the only way to assure a Federal reserved right cannot impact an individual water right or a State's Compact entitlement is to deny that a reserved right to water of the Colorado River and its tributaries, either expressed or implied, is being created.

In summary, the protections provided by Congress in the Senate version of this bill, and the Arizona Act should be included in any final action by the Congress on the California Desert legislation.

Mr. MILLER of California. Mr. Chairman, we have had a chance to look at the amendment. We think the amendment does no harm, and we are prepared to accept it.

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, we had considered this amendment in the subcommittee and tried to persuade the gentleman from Colorado [Mr. ALLARD] that because of the way the boundaries are now drawn with regard to the California wilderness, that they are outside the watershed, our feeling or our belief was that there was no impact.

Mr. Chairman, I agree with the gentleman from California [Mr. MILLER] that it does give a measure of confidence, apparently it is in the Senate bill, and the gentleman from Colorado [Mr. ALLARD] and his allies continue to press in terms of providing for additional reassurance. I do not think it does any harm in terms of the basic language, although I do not know that it affords any additional protection, because the boundaries are ultimately outside of it.

In light of the comity here on the floor today, Mr. Chairman, I am willing to go along with the chairman of the committee and accept the amendment.

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

Mr. MILLER of California. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, I would like thank both gentleman for working with this particular Member on this issue, and am willing to assure that these Members in the Colorado River Compact States water rights are protected.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, as a cosponsor, I, too, want to

thank the gentleman from California. Again, I think it is important that this language be in the bill, but it is also important as a generic statement in terms of western water that there are not reserved water rights here, so I think it is a very important part of the this bill, and I appreciate the sponsors accepting this language.

Mr. Chairman, I am pleased to offer this amendment with the gentleman from Colorado. As you know, the Colorado River is extremely important to all of the States in the West.

Water is an essential part of life for many folks living in the arid West. The Colorado River is a vital lifeline for many folks throughout this region.

Almost 40 years ago, the States in the Colorado River Basin reached and agreement on how this valuable resource should be administered. The Colorado River compact has served the western States well and balanced the competing needs for water in this area.

What this amendment is designed to do is protect that important agreement and ensure that it is not destroyed by this legislation.

The amendment offered by myself and Mr. ALLARD closely resembles an amendment to the Arizona Desert Wilderness Act, which was approved in 1990.

It simply states that nothing in this bill would give the Federal Government a reserved water right on the Colorado River. It also states that the Havasu and Imperial Wilderness areas, which straddle the river, do not have any reserved right to the waters of the Colorado River.

The opponents of this amendment will tell you that this is a nonissue. That there is no Federal reserved water right to the Colorado River given in the desert protection bill.

However, I disagree. The very fact the legislation does not state that there is no Federal reserved water right to the Colorado River is troublesome. We have all seen how the Federal Government works. Once the feds get their foot in the door, they will trample on the rights of the States.

In addition, the opponents of this amendment claim the Havasu and Imperial Wilderness boundaries have been drawn so that the Colorado River is not affected. This is hardly conclusive and could change with fluctuations in the river's width and breadth.

The Colorado River is the only significant water source in these two areas. To say these wilderness areas will not be affected by the Colorado River is highly misleading.

Mr. Chairman, this amendment is sound and will remove any misconceptions about the Federal Government having a reserved water right on the Colorado River. It is vital for the people of the West to have this language included in this bill.

The Senate has already included this language in its version of the California Desert Protection Act, and I urge the House to do the same.

Support the Thomas-Allard amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. CUNNINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: Page 64, strike line 22 and all that follows through line 9 on page 69 (all of section 609).

Mr. CUNNINGHAM. Mr. Chairman, this amendment strikes from the bill, section 609, a provision which grants special, and I repeat special, treatment to one landowner and one landowner only that is affected by this bill. My colleague, the gentleman from California [Mr. HUFFINGTON], originally intended to offer this amendment. Unfortunately, due to a recent operation, and that was in his eye, he is unable to be here today. I want to commend him for his work on this important amendment which would eliminate an egregious and unfair special interest provision from the bill.

Section 609 permits one landowner and one landowner only to benefit from the unique land exchange arrangement with the Government under this bill. That landowner is the Catellus Development Corp., a multibillion-dollar real estate concern. While other landowners affected by this bill will become subject to the Department of the Interior's cumbersome and often unfair compensation procedures, that will not be the case for the multibillion-dollar Catellus Corp.

Mr. Chairman, unless this amendment is adopted, Catellus will be permitted to swap all of the 355,000 acres. Let me give the Members an idea. In the bill, they do not distinguish between excess and surplus land. Excess land by the Federal Government, if the Federal Government has no use, they can offer it up to another Federal agency. If they do not want it, then it is considered surplus. Surplus is if no Federal agency wants it, then it can go to anybody.

What this does, Mr. Chairman, it puts the Catellus Corp. on the same level as the Federal Government for land acquisition. They can take over military bases, and there is nothing in there that states that they could not even sell it to a foreign country like Japan or one of the other countries that invests here. It is absolutely wrong.

Mr. Chairman, if after the 10-year period Catellus has not exchanged all of their landholdings, the corporation would then be allowed to establish an exchange account. There is nothing in there in the 10-year period that even says they have to use those credits. They can wait and pick and choose.

Mr. Chairman, I have here a list of affected lands. They can buy the 9-acre site and exchange it for points in San Francisco. There is another 9.6 acres in Malibu, with a 6,000-square-foot house they can trade for. It is wrong, Mr. Chairman. In effect, Catellus would go to the head of the line of all private parties.

Mr. Chairman, we have talked about the little guy, we have talked about the middle of the roader, and we have talked about the rancher. This is a company with a multibillion-dollar prospectus. This provision means that Catellus would be compensated for 100 percent of their losses under this bill. That is dramatically different from the way our Government treats most people who become inholders as a result of Federal land acquisitions. That situation, will get worse under this bill, because this is the largest addition to Federal landholdings in history of the lower 48 continental States.

Mr. Chairman, under law it also says that one cannot exchange land outside the State of California. That is law. This bill reneges on that law, because there is not enough land in the State of California to replace the 335,000 acres, and we would be violating the law in that as well.

□ 1130

Clearly this provision is the kind of special interest legislation that undermines the public faith in the fairness-Government. If one is in a multimillion-dollar corporation with the money to hire good lobbyists, he will be taken care of. If they simply are a retired couple who bought a cabin in the desert or a small mining corporation, they are out of luck. "Take a number and wait for the Department of the Interior to tell you what they think your land is worth and whether or not they will intend to pay for it."

What might Catellus eventually get under the deal by being allowed exchange of 100 percent of their lands for property elsewhere? They may reap up to $100 million more than the actual value of their land in compensation. Additionally, they will be permitted to sell their exchange credits to others. They can go to one corporation and RTC lands and exchange those credits to that company who in turn could buy land for 10 cents on the dollar. That is not fair. It is not right.

Finally, it takes more than 10 years to dispose of all the land they may be eligible for property seized by the U.S. marshals, such as the 9 acres in beachfront property in Malibu. No other desert landholder will get such a sweetheart deal. I would love to get 9 acres in Malibu if I had a little ranch in the desert, and I think the chairman would, also. Catellus stock sold at $38 per share back in 1989 before the real

estate market collapsed, but that is simply not justification to treat one landholder so much better than every other landholder.

Mr. Chairman, this is not right. The amendment is correct. Let us take the special interests and let us put Catellus the same as everyone else and not give special interests to a gentlewoman from the other body.

PERFECTING AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer a perfecting amendment to section 609 that has been printed in the RECORD.

The Clerk read as follows:

Perfecting amendment offered by Mr. MILLER of California: Page 64, beginning on line 23, strike "the Catellus" and all that follows through "'Catellus')" and insert "holder of private lands (hereafter in this section referred to as the 'landowner')".

Page 65, line 3, strike "Catellus" and insert "the landowner".

Page 65, line 7, strike "Catellus" and insert "the landowner".

Page 65, line 9, strike "Catellus" and insert "the landowner".

Page 67, line 8, strike "Catellus" and insert "the landowner".

Page 67, line 12, strike "Catellus" and insert "private".

Page 67, line 17, strike "Catellus" and insert "each landowner".

Page 67, line 19, strike "Catellus" and insert "the landowner".

Page 67, line 23, strike "Catellus" and insert "The landowner".

Page 68, line 6, strike "Catellus's" and insert "the landowner's".

Page 68, line 8, strike "Catellus" and insert "the landowner".

Page 68, line 9, strike "Catellus" and insert "the landowner".

Mr. MILLER of California. Mr. Chairman, the provision to which the Cunningham amendment speaks to is in no way represented by the remarks he just made, and I understand that he is standing in for the gentleman from California [Mr. HUFFINGTON] who wanted to offer this amendment. Let me go through the provisions that are in the law and explain what we were trying to do.

We have two very large inholdings in and around these parks and these Federal lands. One of them which is the Catellus Corp. of which 41 percent of the Catellus Development Corp. is owned by the California retirees, the State retirees, the CALPERS system, some 900,000 retired public workers in our State, that is held in trust for them.

In the management of the park and in the management of those lands, these are checkerboard lands. Every other section is owned by the Federal Government and/or Catellus. In trying to manage those lands in the most efficient way for the Federal Government and eventually hopefully in the most efficient way for the retirees in California, we were trying to work out a means by which they could exchange those lands and maybe we could consolidate Federal lands and they could consolidate their lands. If that did not work out, we would give them the option to see if there were other Federal lands we could trade for so we could put together a management regime of these lands. Catellus would receive no special favor, they would not be allowed, and if the gentleman would look at the bottom of page 67, this is for lands within the State of California, this has to be done in accordance with the Federal Land Policy and Management Act of 1976. But because of the concerns he has raised, my amendment simply allows this provision to be used by any landowner in the area. We have indications from a number of landowners that they, too, would like to swap out. They are more than welcome to go through this process and the Secretary will provide a list of lands that will be available. If exchanges cannot be available, the Secretary will provide an appraisal of their lands. They will be able to take that appraisal and look for these surplus lands just like any other entity in this country which stands behind the original offers of the Federal Government. Eventually they, too, would be given an account where they could go in and hopefully they would take some RTC land from us. We are still managing it in the RTC.

As we know over the last 4 or 5 years, many people have gone in and bought RTC land and the economy has turned around in Houston or Dallas or Fort Worth or Arizona and, as I say, every person is entitled to his bargain. That is one way for us to get that land off our back, get the decent management and regime so we are not crossing back and forth over private properties in the management of this land or we can simply leave the status quo. Take Catellus out and we just leave it around and make it much more expensive to administer these parks and to essentially allow the California retired employees who are the stakeholders in this to have a bunch of checkerboard land out in the middle of the desert which they may or may not be able to ascribe some value to.

Mr. Chairman, there is nothing hidden here. This has been out in the open. It has been around for a long time. Some people say it is the size of it, but that is how the railroads ended up with the land. They were given these alternating sections. We are trying to provide some consolidation. I have no problem extending that to any other affected landowners in the areas. They can do the same thing. Hopefully we will, one, whittle down the backlog of excess and surplus property and we will whittle down some of the RTC property and we will end up with the management of those properties that are affected by this bill and in some instances those landowners who want out will be able to consolidate their properties so that they can leave.

Mr. Chairman, that is what is going on here. This amendment would simply make it apply to all landowners and then people can decide if they want to strike that provision across the board.

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

Mr. MILLER of California. I yield to the gentleman from California.

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

I believe, Mr. Chairman, the RTC properties are exempt.

Mr. MILLER of California. They were in originally. They have now been taken out.

Mr. CUNNINGHAM. Where that could come into effect is past the 10-year period, they could sell their credits to someone else or use it for RTC property.

Mr. MILLER of California. The gentleman is correct.

Mr. CUNNINGHAM. I think this would be expensive, but at least it gives fairness to ranchers or someone who wants to exchange their land in the same way. I have no problem. I have been advised they do want a recorded vote on it, but I do not have any problem with the amendment.

Mr. MILLER of California. The gentleman has no problem with the amendment?

Mr. CUNNINGHAM. I do not.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to express my appreciation to the gentleman from California [Mr. MILLER] for his perfecting amendment. Essentially his perfecting amendment would substitute an amendment that we were going to offer at another time during the debate on this section of the bill. It does address a very important question which I think is important to the public and the membership of the House. It is one thing to lightly talk about putting all property owners in the same place on the playing field when it comes to getting themselves out of a major shift in Federal public land policies. Specifically, when the Federal Government acquires private property. It is another thing to recognize what the original solution was to sizable landholders in the area on the part of the committee.

Mr. Chairman, Catellus is a sizable corporation. But, what it actually is, is a company which was originally the landholder for the Santa Fe Railroad. Now, Catellus is a publicly traded corporation separate from the Santa Fe Railroad. Not quite a half a million acres but a sizable number of acres, approximately 355,000 acres spread throughout that desert region.

The committee made the decision that they had to solve the problem of some of those large landholders including Catellus, it was essentially to say that they would get at the front of the line. Indeed, when it came to a new

park where Catellus lands were involved, the Natural Resources Committee felt that they would be given broad possibility in terms of essentially chits they could hold in their pocket and trade for other Federal assets.

The original language actually allowed them to go the RTC and trade for properties that were taken back as a result of the savings and loan scandal. As a practical fact of life. Catellus, initially the landholder for the railroads, has another relationship that is very interesting here. Over recent years, the public employees union in California has seen the potential values in those railroad lands or Catellus stock. They have progressively purchased that stock.

□ 1140

Now they own nearly 50 percent of the Catellus stock. So, now we do not have just the robber barons to worry about here. Essentially, we have got a process where there is a broad public employee base relative to their retirement system that was being protected by way of this amendment.

These issues were crystallized in the committee hearings in the Senate. Almost nobody discussing this whole subject area outside of the very inner bowels of the committee knew about these provisions the last time the House considered this legislation. The committee in the Senate thought this was outrageous and essentially did what the Huffington-Cunningham amendment would accomplish.

There is little doubt that the small miner, the small property owner, people who work for a living day in and day out need to be treated equally in this process.

So I support my colleague's amendment, the amendment offered by the gentleman from California, as well as the chairman's perfecting amendment. But, indeed, the public does need to know that there were special groups being taken care of in a very special way as this bill left the House the last time and as it was originally being proposed in the Senate committee.

When we are talking about millions of acres of land and thousands of small property owners, it is very, very important that the House be sensitive to those needs, the needs of the small person and make sure their voice is heard. That is what is happening in this case.

Mr. Chairman, I am including at this point in the RECORD several newspaper articles, as follows:

[From the San Francisco Chronicle, June 6, 1994]

GREED ON THE RANGE

(By Debra J. Saunders)

The rap on the Decade of Greed goes like this: In the Bad 1980s, aka the Reagan-Bush Years, leveraged buyouts reflected an accumulation sickness in the private sector. Amid a buying frenzy, amoral speculators would take over mom-and-pop operations with money they didn't have. The companies then were run to the ground. In the end, pensioners were left holding worthless junk bonds while raids on company assets cost workers their jobs.

Congress now is emulating the worst of the leveraged buyout kings. In the crime bills which passed the House and Senate, lawmakers expanded federal crimes even as the deficit has forced cuts in the federal criminal justice system. In April, the Senate passed the California Desert Protection Act, sponsored by Senator Dianne Feinstein, which "protects"—Feinstein's word—9 million acres of the California desert. The bill's acquisition pricetag of up to $300 million, plus about $7 million in annual upkeep, would be met by raiding other federal assets, or deficit spending. There could be a vote on a companion House measure, sponsored by California Democratic Representatives George Miller and Richard Lehman, as early as this week.

The questions Capital Hillians aren't asking: Does America need California desert preserves larger than the state of Maryland? And: Aren't the existing 2 million acre Death Valley National Monument and 500,000 acre Joshua Tree National Monument enough? The question backers aren't answering with any credibility: How are they going to pay for all this wasteland?

Feinstein and Interior Secretary Bruce Babbitt insist that the bill can be paid for with savings squeezed from within the Interior Department budget. If this is true, Babbitt and Feinstein would pay for these million acres of scrub by raiding the budgets of *real* parks, like Yosemite and Yellowstone. That is, they would emulate the leveraged buyout and fund new acquisitions by looting other assets.

Last week The Chronicle ran a story about Yosemite's staffing woes. Despite a boom in visitorship and growing crime rate, Yosemite's staff is half the size it was 20 years ago. Yosemite charges a $5 fee for visiting cars, which brought in $5.4 million last year. That $5 mil was sent to the Interior Department, which sent back only $920,000. How much less might Yosemite get next year so that Feinstein and company can siphon more dollars to the Size of Maryland National Lizard Refuge?

As critics have pointed out, Congress has a habit of buying lands it can't care for. Senate Appropriations Chairman Robert Byrd warned, "We cannot adequately maintain the parks that we now have. * * *" This kind of overspending cannot go on forever. Already, national parks suffer from a $2.9 billion maintenance backlog. If Congress keeps this up, a systems crash is inevitable.

Ironically, the House bill even contains something of a bailout for a corporate concern that took a bath in California's real estate crash, the Catellus Development Corporation. Catellus owns almost 1 million acres of California desert, land that was given to its parent company, the Santa Fe Railroad, by the federal government. The House bill would allow Catellus to swap more than 300,000 acres for as much as a $400,000 credit for this who-else-wants-it acreage, according to Representative Jerry Lewis, a Republican from the desert area. And that $400,000 could be exchanged in a below-market trade for other federal properties. No coincidence: 40 percent of Catellus, which lost $53 million in 1993, is owned by CalPERS, the politically influential state employee retirement fund, which would benefit from the bill.

"The bottom line is we can't afford not to have this park," Babbitt once said. Wrong. America cannot afford these wide acres. Other parks will pay for Babbitt's snake-oil pitch and Feinstein's voodoo financing.

[From the San Francisco Examiner]

REAL ESTATE SYNDICATOR CAPITALIZES ON CATELLUS

(By Bradley Inman)

Not everyone lost money on Catellus. The real estate firm that got the California Public Employees Retirement System to invest in Catellus Development Corp. has been rewarded handsomely.

JMB Realty Corp. was paid a finder's fee or acquisition fee of $7.96 million when Calpers first invested in Catellus, according to Roger Franz, Calpers' mortgage investment officer. Moreover, the Chicago-based real estate firm is paid an annual asset management fee of $2.38 million.

In the 1980s, JMB was one of the nation's largest real estate syndicators, raising money for a raft of property deals across the country, including bringing Catellus and Calpers together. Today, JMB is a property manager, developer and real estate adviser.

"Have you ever heard of someone getting such a fee to manage a stock? It's the most bizarre thing you can imagine," former California State Sen. Dave Elder said earlier this year when Calpers upped its stake in Catellus. While in the state Legislature, the Long Beach Democrat was a frequent critic of Calpers' investment in Catellus.

"It (the fee) is certainly unique," said Mike Kirby, principal in the Newport Beach-based Green Street Advisors, which does institutional research on publicly traded real estate firms. He also described the fee as "excessive, foolish, ridiculous and outrageous" by Wall Street standards.

Calpers Chief Investment Officer DeWitt Bowman defended the fee, noting that it was "competitive with private placement fees at the time."

The fees are part of a partnership agreement that Calpers has with JMB, in which the realty concern acts as managing general partner of Bay Area Real Estate Investment Associates (BAREI). BAREI was formed to invest in Catellus, although Calpers put up 98.8 percent of the money.

"Compared to what some investment bankers get, JMB's (upfront) fees are very low," said Bowman.

He conceded that the ongoing fee may be higher, but he pointed out that "most Wall Street fees are expensed up front and are often very handsome. We spread ours out over the life of the investment."

According to Calpers, the fees go to compensate JMB for independent analysis of Catellus and to represent the pension fund on the board of directors. The two JMB directors on the Catellus board, Darla Totusek Flanagan and Judd D. Malkin, also received $15,000 from Catellus to serve on the board along with $1,000 per board meeting.

A JMB representative referred calls regarding BAREI to Calpers.

Bowman said, "Generally, we get our money's worth."

[From Human Events, June 3, 1994]

INSIDE WASHINGTON: WILL BACK-ROOM DEAL DERAIL DESERT BILL?

Following the Memorial Day recess, the House will consider final approval of the California Desert Protection Act, a monumental environmental bill (HR 518) designed to transfer millions of acres of land in southern California to "protected wilderness." While thousands of endangered property

owners, farmers and local miners on the land are mounting opposition, the bill's sponsors have tried to clear the way for passage by inserting a special financial arrangement—originally crafted by Sen. Dianne Feinstein (D.-Calif.)—for the politically connected Catellus Development Corp., which has large land holdings in the area.

Angered by the inequities and huge additional costs of such a provision, Rep. Jerry Lewis (R.-Calif.) is now planning to fight the Catellus deal, which, if removed, could jeopardize the passage of the bill itself.

Introduced over eight years ago by then Sen. Alan Cranston (D.), the California Desert Protection Act was the result of persistent lobbying by a number of environmental groups—particularly the Sierra Club—that argued that the southern California desert was at serious risk from mining and off-road vehicle use. The bill proposed redesignating tracts of land in and around the East Mojave desert from multiple use standards under the Bureau of Land management to strictly protected wilderness in the National Park Service.

The final version of the bill, however, ended up applying to an immense area far exceeding any original estimates. Shutting off about 7.5 million acres of variegated land (the size of the state of Maryland) to resource extraction and virtually any other use, it represents the largest withdrawal of federal land in the history of the lower 48 states.

The mining industry, which has predicted the bill will cause the loss of $1.6 billion in mineral production per year and 12,000 to 20,000 jobs on the extremely valuable lands, has been a staunch opponent. Also aggrieved are the thousands of private property holders within the areas (inholders) who would face stringent land use regulations and lengthy negotiations with the Park Service over the status of their lands (see Human Events, April 22, 1994).

But perhaps the biggest hurdle for the bill's proponents has been the status of approximately 418,000 acres of land in the protected areas owned by the huge Catellus Corp. According to a staffer on the House Natural Resources Committee, lobbyists for the Catellus Corp.—one of California's biggest land development concerns, with $2.1 billion in real estate assets—were able to hold up the bill for years while they tried to get better terms for their land.

But when Sen. Feinstein was elected in 1992, she resubmitted the ailing California Desert Protection Act originally sponsored by Cranston and made it one of her top legislative priorities. And Feinstein—who has had a close and amicable relationship with the San Francisco-based Catellus Corp. since her days as mayor of that city—was determined to smooth out the rough spots.

FEINSTEIN DEVISES SPECIAL CATELLUS PLAN

In her bill, Feinstein granted Catellus an extremely favorable arrangement for the transfer of its lands. While all other landholders in the protected areas would face the standard, drawn-out, allegedly "fair-market price" government purchases, the Feinstein bill established for Catellus a "special land account"—an unprecedented legal arrangement that will enable the company to immediately exchange its desert lands for other federal property in the state of California or for its cash value.

Such a provision is a hugely important privilege considering that the National Park Service is already about $9 billion and many years behind in payments to numerous property owners under its normal acquisition procedures.

Several members of the Senate Energy and Natural Resources Committee opposed the deal singling out Catellus for the right to swap its property for valuable lands, such as Resolution Trust Corp.-seized property or land no longer used by the military.

Republican critics, who decried the concessions made to Catellus as patently unfair to the other desert landholders and estimated that financing the deal would eventually cost American taxpayers an additional $2 to $3 billion, were able to kill the provision in the Senate version of the bill, which then passed 69 to 29 (See Human Events rollcall, April 22, page 23).

But now, the Catellus provision has reappeared in the House bill being aggressively pushed by Natural Resources Committee Chairman George Miller (D.-Calif.), also of the San Francisco area. Specifically, the bill declares, "The Secretary [of Interior] shall establish an account in the name of Catellus. Upon the transfer of title by Catellus to * * * the United States, the Secretary shall credit the exchange account in the amount of the appraised value. Catellus may use the credits in its account to bid for surplus federal property in California * * * [or] the credits may be sold in whole or part by Catellus to any other party."

The land deal with Catellus has provoked bitter reaction from area mining organizations and property rights groups already angry about the bleak future of their own holdings. Chuck Cushman, executive director of the National Inholders Association, remarked, "It definitely appears that as far as the bill goes, some people are more equal than others."

Don Fife, director of government relations at the National Association of Mining Districts, commented, "[The Catellus deal] is the ultimate in political cynicism. To please the Sierra Club they propose this reckless bill that will thoroughly decimate the miners and * * * then to push it through they cut this huge land deal with Catellus. * * *"

UNDUE FAVORITISM?

Sen. Feinstein, who is up for re-election this fall, is drawing particularly harsh criticism for her role in the desert deal. Besides sponsoring an economically devastating proposal—all four congressmen from affected districts have opposed the bill—she now, with the Catellus deal, also has given the appearance of being involved in a conflict of interest.

In 1984, when mayor of San Francisco, she entered into a massive business/government venture with Catellus to develop the Mission Bay Project, an urban renewal program on San Francisco Bay. In announcing the awarding of a $2.1-billion contract to Catellus to build the project, she declared, "I am prepared to support it before various government bodies."

Now, 10 years later, and considerably over budget, the joint San Francisco Mission Bay project is still unfinished. And the firm that Feinstein chose to build it is now in serious financial trouble. Last year Catellus posted a $400-million loss and its stock has continued to tumble from a high of $38 to about $8 a share.

And the condition of Catellus' health grew considerably more critical for Cranston, and now Feinstein, after the huge California state pension fund Calpers acquired 41% of the stock of Catellus before the firm's stock began to decline.

In a letter to Cranston in 1990, Calpers clearly expressed its demand for a special Catellus deal in the impending desert bill. Dale Hansen, executive officer for Calpers, wrote, "Calpers paid $428 million for this investment [in Catellus], and unless [the bill] adequately compensates owners of land and mineral rights, hundreds of thousands of working people and retired persons in California could suffer financial injury."

Hansen concluded, "The bill must be amended to: (1) exclude a portion of the Catellus holdings thought to have significant mineral deposits, and (2) provide for adequate compensation for other Catellus-owned land."

Rep. Lewis, who says that the Catellus deal is just one aspect of an entirely rotten land acquisition deal, told Human Events, "The Feinstein bill raises visions of robber barons of the Old West. While Sen. Feinstein has largely accommodated large corporate interests, she has forgotten the little guy, the inholders whose land make up our desert."

But Lewis promises that the Catellus provision will not stay in the final bill without a bitter fight on the House floor. He plans to propose an amendment that either the Catellus deal be struck from the bill or that its "special account" for land swaps be extended to everyone holding land within the proposed wilderness areas. Either provision would deal a nearly fatal blow to this massive proposed land grab, but would, as Lewis notes, finally inject a modicum of fairness and sanity into the government's acquisition of private land.

[From the San Francisco Examiner, July 20, 1993]

RIDING OUT THE SLUMP

(By Bradley Inman)

Unlike so many California property companies—most of which are private and struggling—Catellus Development Corp. can't mask how the state's slumping real estate market has hammered the San Francisco-based firm.

The company still has big dreams for its vast property holdings, including San Francisco's 313-acre Mission Bay community. But it is a publicly traded company and its stock performance tells the painful story of the firm's 4-year life, which perfectly parallels the 48-month downturn in the real estate market here.

Take the earliest investor in Catellus. Just before the company was spun off from the Santa Fe Pacific Corp. in 1990, the $81 billion California Public Employment Retirement System (Calpers) bought 19.9 percent of Catellus at a price equivalent to $38 a share or $398 million.

Last week, the stock was trading around $6.75 a share. On paper, the pension fund's original investment sank a whopping 82 percent, representing a $326 million loss. By this measure, Wall Street has been less forgiving of Catellus than the overall California real estate market, which has collapsed 30 to 50 percent.

"If Calpers had just gone out and bought raw land anywhere in California (with their $398 million investment in Catellus), they would have been better off," said consultant Jeffrey Lewis, who has advised Calpers on other real estate transactions.

But while stock investors have heavily discounted the value of Catellus Development Corp., real estate people still drool over the prospects of the company's land holdings. In some of California's most ideal urban settings, these complex deals promise megaprofits on futuristic new towns, massive shopping destinations and expansive new neighborhoods.

Catellus is caught between two worlds: Wall Street and real estate development.

Most property developers are dream peddlers who must aggressively sell the prospects of their projects so that banks lend, so that cities grant approvals and so that consumers use and buy their space.

On its four massive mixed-use projects in California, for example, Catellus has successfully sold its dreams to local civic leaders, elected officials and hometown lenders.

Wall Street, on the other hand, doesn't care much for long-term promises and cares even less about dreamers: It wants to hear about quarterly earnings, cash flow and stock value.

Less than a year after Calpers picked up its expensive 19.9 percent stake in Catellus, the company's stock went public and opened at $8.50 per share. It rose to $15 per share but has been languishing at $5.75 to $8.25 for the last year.

FORMED AT REAL ESTATE PEAK

Catellus was formed at a time when California's real estate market seemed to offer prosperity at every turn, and Santa Fe Pacific's $3.1 billion property portfolio was viewed as a magnificent asset buried inside the railroad giant.

But since 1989, the California real estate market has collapsed and Catellus' holdings have plummeted 31 percent, according to company appraisals which valued its property at $2.1 billion at the end of 1992.

Add a sour market to a tradition by Wall Street to discount land companies and you have a depressed stock.

"This isn't a bankruptcy situation and it's not a $1 stock, but the company hasn't performed as expected," said Mike Kirby of the Newport Beach-based Green Street Advisors, an institutional research firm that does ongoing analysis of Catellus and other publicly traded real estate companies.

However, while Green Street isn't bullish on the stock, it gives Catellus management credit for effectively steering the company through troubled times.

"Vernon Schwartz is a bright capable guy," said Green Street's Jon Fosheim, referring to Catellus' chairman, president and chief executive officer.

Other analysts also give good reviews of management and are more bullish on the firm's prospects. "Catellus is a good company in bad times," said Barry Vinocur, publisher of Realty Stock Review in Shrewsbury, N.J. "It should be a solid long-term growth play."

"This is definitely an undervalued company, but anyone developing in this market has trouble creating value," said San Francisco-based Montgomery Securities' real estate analyst James Wilson.

SELLING TO SHOW A PROFIT

Though it generates sizable revenues from its many industrial office parks, the company has had to sell off small parts of its 950,000 acres of property to show a profit. The vast majority of the holdings are agriculture land and mountain property.

One real estate observer equated this strategy to "someone drinking his own blood to survive."

But company executives say that the land-selling scheme was always an integral part of the Catellus plan.

"We are selling land out of our surplus of desert and mountain holdings—it's not property that is imminently or near-term developable," said Mary Burczyk, a Catellus vice president.

Green Street's Fosheim confirms that "the game plan has always depended on selling land." But he also said that "therein lies the whole problem with the company: Just as they need the liquidity (from land sales) to develop and cover their debt service, they need to sell land at a time when land values have collapsed."

On the dream front, Catellus faces some formidable challenges as a developer.

After putting together a complex entitlement with the cities of Emeryville and Oakland, Catellus is furthest along with its East Baybridge discount warehouse retail project. The company is breaking ground later this summer on the 40-acre site at the crossroads of Interstates 580 and 80 along the Emeryville-Oakland border, which retail experts say is one of the best retail locations in all of California. The 462,000 square-foot project will have a Home Depot, Office Max, Pak 'N Save and SportMart.

SLOW-MOVING MISSION BAY

Moving much slower is Mission Bay, which in many ways embodies the gap between the dream and booked earnings. This project has won all sorts of honors and accolades for its master plan and for the nearly 10-year planning process undertaken by the City and Catellus.

But at best, the company won't break ground on the site until 1994 or 1995. And it plans to start with a modest 150- to 200-unit subdivision on a project that promises 8,000 homes.

Catellus is still negotiating with the City about how to undertake and guarantee the environmental clean-up on the former industrial site, which has toxic problems. Regardless, the company hasn't been too eager to proceed because the real estate market has been so bad, according to Catellus Vice President James W. Augustino.

The company's 1,400-home golf course community in Fremont has received local approvals but, according to Burczyk, financing for the golf course is difficult to obtain in this market. Nevertheless, she said, "It's on track even if it's not on the fast track."

Catellus is also trying to get approval for a major mixed-used project in downtown Los Angeles, and plans for a commercial development in downtown San Diego are stalled by the downturn in the economy.

SCRAMBLING TO RESTRUCTURE

In the meantime, Catellus has been scrambling to restructure its debt, including a $388 million first mortgage loan with the Prudential Insurance Co. of America and a $109 million convertible bond with Calpers.

Prudential committed to refinancing the loan, which comes due in 1994 and 1996. Earlier this year, Calpers doubled its stake in Catellus by converting the bond into $141 million in stock. This boosted Calpers ownership in Catellus to 40 percent.

While company executives say this investment shows a commitment by Calpers, observers say the pension fund had no other choice. If it had demanded payment on the bond, Catellus would have been strapped for funds, hurting its ability to pursue development projects and jeopardizing Calpers' original 19.9 percent stake.

"Short term, we are obviously concerned, but we view Catellus as a long-term investment," said DeWitt Bowman, Calpers' chief investment officer. "We are in a hold position with the investment."

Added Roger Franz, Calpers' mortgage investment officer, "In our portfolio, Catellus is an alternate investment—somewhat similar to a venture capital investment—where there is no expectation of a return for, say, 5 to 7 years."

What's next?

Both its standing on Wall Street and the future of its big projects are driven so much by the state's real estate market. If the market turns around, "a land-rich company can double overnight," said Green Street's Kirby. "Catellus is going to be a timing call."

A turnaround in the real estate market will also help the company finance its big development projects, drive up the value of its land holdings and increase demand for the developments. Catellus' fate is, in many ways, out of the hands of its board of directors and its executives.

On the other hand, because of Wall Street constraints, Catellus can't act like a cavalier developer, which pushes forward in a good market or bad. Wall Street forces the company to be conservative and measured.

These same limits may account for Catellus' survival. Big risks in a bad market have forced many real estate developers out of business.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my friend, the gentleman from California, for yielding to me.

As a Member who has not been intimately acquainted with the details of the Catellus provisions, I have a few basic questions. I am trying to sort this out as we go through the debate.

My friend, the gentleman from California [Mr. MILLER], described the Catellus investment as being basically retirees in the California retirement system. But as I understand it now, as to Catellus, it is a little deeper than that, in that the Catellus Corp. is a landholding corporation for the Santa Fe Railroad. Is that right?

Mr. LEWIS of California. That is my understanding. Their origin was that.

Mr. MILLER of California. If the gentleman will yield, just a point of clarification, I think the gentleman from California [Mr. LEWIS] said earlier they no longer are that. They are a separate publicly held corporation. I believe about 40 to 45 percent of the stock is now owned by CALPERS.

Mr. HUNTER. So it is a corporation which is now publicly owned, and that means that it has a mix of investors, some of whom are the CALPERS, which is the retirement system in California, but also some people are simply Wall Street investors who thought it was a good investment who bought stock in Catellus. So it is a mixture.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Speaker, I will continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, so it is a mixture of owners, some of whom are simply stock investors; others are individuals who invested in CALPERS,

which is the retirement plan for public employees in California, who have invested about, or who have about 40 percent of the stock presently held by Catellus?

Mr. LEWIS of California. Something in excess of that, but the gentleman is correct.

Mr. HUNTER. What the gentleman is talking about is a deal in which, in order to consolidate, as the chairman said, property holdings in the California desert, some of which will be wilderness that is presently checkerboarded private-public-private-public, and Catellus being formerly the railroad holding company, holds a great deal of this land. How much is the gentleman talking about? How much acreage?

Mr. LEWIS of California. In excess of 355,000 acres. Some estimates are as high as 400,000 acres.

Mr. HUNTER. Four hundred thousand acres. The one provision originally of the bill gave Catellus, this holding corporation which holds 400,000 acres in fee, fee simple of land in the proposed wilderness, will be given a menu of other properties held by the Federal Government throughout California or throughout the United States where they could pick and choose which ones they wanted to take in exchange for their giving up ownership of the desert lands?

Mr. LEWIS of California. The original language was much broader than the gentleman suggests. Catellus essentially would have been put at the front of the line, given what could essentially be described as chits. As they saw properties that were within the Federal collection of properties, they could use those chits for value and trade that property. It included not just land that was, like, land in the State of California, but in an unprecedented fashion, land anywhere in the country, and then from there, even other Federal assets were originally included, RTC properties, for example.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. I would love to be on the board of directors of a corporation and be able to trade those chits for the assets that are really the public's assets or citizen taxpayers' assets and select from those that I thought were really valuable to me. These assets could include strengths in financial institutions going broke, et cetera.

Mr. HUNTER. So you are saying originally the holding company, the Catellus Corp., could say, "We like this string of condominiums down here. We think we might be able to buy it at fire-sale prices if it is RTC?"

Mr. LEWIS of California. That was the original plan. Yes.

Mr. HUNTER. If I could carry this a little bit further, could you contrast this with, say, a rancher who had 20 acres that was going to be taken that is an inholding in the wilderness area? What choices would that rancher have? Would he be able to look at this menu of properties throughout the United States and make an acquisition or use the chit system you have discussed to acquire those properties?

Mr. LEWIS of California. The amendment, as it would be perfected by the chairman, would put all property owners on an equal footing. They would not be able to trade for properties around the country, as I understand it, but nevertheless, those properties available to them, they would be put on an equal footing which seems to be appropriate.

Mr. HUNTER. Just lastly, as I understand it, basically the chairman's amendment does the same thing the Huffington-Cunningham-Lewis amendment would do, that is, put everybody, Catellus Corp. and small landowners, all on the same playing field where they all have the same opportunity to choose from properties around the country?

Mr. LEWIS of California. Yes, The chairman's perfecting amendment has essentially combined an amendment offered by the gentleman from California [Mr. CUNNINGHAM] and the amendment that was going to be proposed by the gentleman from California [Mr. HUFFINGTON]. As you know, the gentleman from California [Mr. HUFFINGTON] is not able to be here today because of a medical problem.

Mr. HUNTER. Just one last question, and maybe the chairman could elucidate on this, is there any constraint on this still that will be in place under this amendment where the Catellus Corp. and the other landowners now will be able to look at other property around the State or around the country and say, "We would like to trade for that one, we would like to trade for that one?" Have we constrained that at all in this amendment, or will all parties have that opportunity?

Mr. LEWIS of California. It is my understanding that the language, presuming the perfecting amendment, would put all landowners or property owners in the same position on a level playing field.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. If the chairman would correct me if I am incorrect, I believe that his perfecting amendment essentially would establish the same language that would be a part of the bill as it currently exists coming from the other body? Is that correct?

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

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding to me.

First of all, I would like to thank the gentleman from California [Mr. HUFFINGTON] and the gentleman from California [Mr. MILLER]; two different ways to solve the same problem, but it takes care of the little guy, and I think that is important in this.

I would also like to thank the gentleman from California [Mr. LEWIS], because I knew you and the gentleman from California [Mr. HUNTER] were going to offer an amendment later, this same amendment, which neutralized and gave the little guy the same rights as the Catellus. I only wish that the other body would have taken this into account instead of looking after the special interests.

I thank the gentleman from California, and I thank the gentleman from California [Mr. MILLER] for the perfecting amendment.

I ask my colleagues to support it.

Mr. LEWIS of California. I appreciate my colleagues being patient with the time on this matter.

The gentleman from California [Mr. HUFFINGTON] has put a great deal of time and effort into this amendment and was going to present the amendment today. Unfortunately, a detached retina has delayed his arrival here in Washington. In the meantime, I urge the Members to support this perfecting amendment.

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

Mr. Chairman, I am speaking in favor of the amendment.

Mr. Chairman, most of what I have to say has been covered. However, there are some areas here that I think are extremely important, for the purpose of land ownership in areas which are surrounded by public lands that either needs clarification beyond that of this amendment, or some type of colloquy that would explain to the average person what has transpired with respect to the arrangement made between the gentleman from California [Mr. CUNNINGHAM] and the chairman over yesterday's activities.

First, let me explain something here that I think is important, and that is the assets of the Catellus Corp., one cannot deny, are theirs and theirs alone to which they are entitled.

□ 1150

However, I would point out that by far, largely a very high percentage, if not virtually all, of the property held by Catellus is a result of the Railroad Act of the 1860's in which, as an encouragement for the railroads to build

westward, the Federal Government gave them optional, that is, on each side of the railroad, sections of land as an inducement to spend this money to build the railroad for which then they could sell the land as a means of an incentive to go out and borrow these large amounts of money and to make this large investment.

I mention this because the railroad was the original, basic monetary investment in the Catellus property, which originated with Santa Fe. These lands, which constitute a large part of my district, have since been invested in by other parties.

Now having set that stage, I would like to point out that in the area, particularly between the Coachella Valley and Palm Springs area and the Colorado River, if one takes a look at the land map they will see a checkerboard on top of a checkerboard on top of a checkerboard of private ownership, public ownership, private ownership, by sections of land.

The problem we have here is manyfold in that the current legislation before us says that if you own a piece of property in this section that is going to be designated wilderness, you are no longer—you will no longer have access to this property unless you can walk to it.

All right. Now we have that and we have that property surrounded by public land. When we talk about individuals—and they want to dispose of that property because it now is to be in a wilderness area. Unless this amendment is passed, as I understand the structure of its language, then the owner of that section of land, say x amount of acres, cannot sell that land as Mr. Catellus or some other person could—and I mean "Mr." in the sense of the corporation—so he or she becomes a party of the 14th part if they get in line, and there are 14 pieces of the bone left. I think this is not the right thing to do, as I have outlined in the origin of the properties. And I take exception to the fact that we have virtually thousands of private property owners who own sections of land, quarter sections of land, all through the desert area both in my district, Mr. THOMAS' district and particularly in Mr. LEWIS' district, that will not have an opportunity to move forward.

Second, I think we need to clarify what is referred to as Federal surplus lands. Are we talking about, say, a Norton Air Force Base or a March Air Force Base or another Air Force base or an Army base or a Navy base; are these considered to be surplus Federal lands which have a value, which have a value to communities? And where in the pecking order do we have the Catelluses if this amendment is not passed in terms of the purchase of these lands, or the right to have them as that right relates to the economic value of that land within the community in which it exists?

So I have a great deal of concern here about not only how are we going to move forward and take care of the inholdings, where we want to develop a wilderness area and give that landowner a right that he or she deserves with respect to compensation for their land, for which we have none in the bill, I might add, but also how to maintain access to that property, the development of that property, without the approval of the Secretary of the Interior irrespective of whether or not the land use is designated by the county or the jurisdictional land use authority?

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

(By unanimous consent, Mr. MCCANDLESS was allowed to proceed for 1 additional minute.)

Mr. MCCANDLESS. Mr. Chairman, without the consent of the Secretary of the Interior, we cannot develop that, as I understand it, within a park, within a wilderness area, whatever it might be. This is a multi-faceted thing that deals with the real rights of a property owner.

Yes, the property owner is one of many who should contribute to the public welfare through the eventual sale of that property to the designated area, but in so doing, the property owner is entitled to a series of activities which are equal to those of a higher land use of ownership in terms of numbers.

Mr. Chairman, I do not know that the chairman of the committee would want to respond to this, but there are some real concerns here, given the fact that we are trying to develop wilderness areas, we are trying to address the issue of private ownership.

We talked about eminent domain, fair prices, and therein lie some real questions as to how that comes about based upon the history of the National Park Service and its dealings with private ownership.

I certainly would suggest to my colleagues that it is a good move to approve this amendment, and I ask that it be moved forward.

The CHAIRMAN. The question is on the perfecting amendment to section 604, offered by the gentleman from California [Mr. MILLER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting, 20.

[Roll No. 319]

AYES—419

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
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
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
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
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
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
Morella
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)

Peterson (MN)	Schaefer	Taylor (MS)
Petri	Schenk	Taylor (NC)
Pickett	Schiff	Tejeda
Pickle	Schroeder	Thomas (CA)
Pombo	Schumer	Thomas (WY)
Pomeroy	Scott	Thompson
Porter	Sensenbrenner	Thornton
Portman	Serrano	Thurman
Poshard	Sharp	Torkildsen
Price (NC)	Shaw	Torres
Pryce (OH)	Shays	Torricelli
Quillen	Shepherd	Towns
Quinn	Shuster	Traficant
Rahall	Sisisky	Tucker
Ramstad	Skaggs	Underwood (GU)
Rangel	Skeen	Unsoeld
Ravenel	Skelton	Upton
Reed	Slaughter	Valentine
Regula	Smith (IA)	Velazquez
Reynolds	Smith (MI)	Vento
Richardson	Smith (NJ)	Visclosky
Roberts	Smith (OR)	Vucanovich
Roemer	Smith (TX)	Walker
Rogers	Snowe	Walsh
Rohrabacher	Solomon	Waters
Romero-Barcelo (PR)	Spence	Watt
	Spratt	Waxman
Ros-Lehtinen	Stark	Weldon
Rose	Stearns	Wheat
Rostenkowski	Stenholm	Whitten
Roth	Stokes	Williams
Roukema	Strickland	Wilson
Roybal-Allard	Studds	Wolf
Royce	Stump	Woolsey
Rush	Stupak	Wyden
Sabo	Sundquist	Wynn
Sanders	Swett	Yates
Sangmeister	Swift	Young (AK)
Santorum	Synar	Young (FL)
Sarpalius	Talent	Zeliff
Sawyer	Tanner	Zimmer
Saxton	Tauzin	

NOT VOTING—20

Barlow	Johnson, Sam	Ridge
Bishop	Laughlin	Rowland
Danner	McCurdy	Slattery
Dicks	McDade	Volkmer
Ewing	Moran	Washington
Gallo	Murphy	Wise
Huffington	Obey	

□ 1216

Ms. VELÁZQUEZ, Ms. HARMON, Mr. ROEMER, and Mr. BATEMAN changed their vote from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment to strike offered by the gentleman from California [Mr. CUNNINGHAM].

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

So the perfecting amendment to strike was rejected.

The CHAIRMAN. Are there further amendments?

PARLIAMENTARY INQUIRIES

Mr. CUNNINGHAM. Mr. Chairman, I have a parliamentary inquiry. No Member said, "no." There was not a single "no." How could the "noes" have it?

The CHAIRMAN. The Chair announced that the "noes" had it.

Mr. VENTO. Mr. Chairman, I could not hear.

The CHAIRMAN. The Chair put the question to a vote on the amendment to strike as submitted by the gentleman from California [Mr. CUNNINGHAM]. In the vote, as voice voted, the Chair recognized that the "noes" had it.

Mr. CUNNINGHAM. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUNNINGHAM. If there were "ayes" and there were absolutely no recorded "noes," how does the Chair say that the "noes" have it?

The CHAIRMAN. The Chair recognized the "noes," and the Chair himself voted "no."

Mr. CUNNINGHAM. That is one vote, Mr. Chairman. At least 10 Members said "aye."

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, if the amendment to strike had been successful, then the perfecting amendment offered by the gentleman from California [Mr. MILLER], which was agreed to, would be stricken; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. VENTO. I have a further parliamentary inquiry, Mr. Chairman.

The situation now is that the Miller language, as perfected, is in the bill, is that correct, as agreed to by the gentleman from California [Mr. CUNNINGHAM]?

The CHAIRMAN. The gentleman is correct.

Mr. VENTO. I thank the Chair.

Mr. CUNNINGHAM. I thank the Chair.

The CHAIRMAN. Are there further amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS

DEFINITIONS

SEC. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

AUTHORIZATION OF APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The CHAIRMAN. Are there amendments to title VII or the remainder of the bill?

AMENDMENT OFFERED BY MR. VENTO

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

The Clerk read as follows:

Amendment offered by Mr. VENTO:

—Page 69, after line 23, add the following:

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out of Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

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

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

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

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

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

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

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

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated

July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa)" dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

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

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

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

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

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

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

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

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

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

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

(F) geothermal leasing on the lands withdrawn under section 802(a) (relating to China Lake).

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

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

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

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

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

(A) keep appropriate warning notices posted; and

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

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

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

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

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

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c) Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use of uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior and annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the

Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection 802(a) or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act shall remain in effect: *Provided*, that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

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

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

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

SEC. 806. ONGOING DECONTAMINATION.

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

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

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

(2) the methods used to decontaminate such lands;

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

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

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

SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

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

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

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

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

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

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

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

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

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

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

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

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

(1) terminate the withdrawal and reservation;

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

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

SEC. 808. DELEGABILITY.

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

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

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

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) preclude the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

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

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

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the amendment be modified with the technical corrections that I have sent to the desk, which are non-controversial and technical in nature.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. VENTO: Page 69, after line 23, add the following:

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert areas; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

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

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

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

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

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

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

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

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding date June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

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

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

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

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

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

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

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et

seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

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

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

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

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

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

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

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

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

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

(A) keep appropriate warning notices posted; and

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

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

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

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

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

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into to memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

Nothing in this title shall affect geothermal leases issued by the Secretary of the Interior prior to the date of enactment of this title or the responsibility of the Secretary to administer and manage such leases consistent with the provisions of this title.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection (a) of section 802 or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act) shall remain in effect: *Provided*, That the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

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

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

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

SEC. 806. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this

title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

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

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

(2) the methods used to decontaminate such lands;

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

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

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

SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

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

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

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

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

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

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

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

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

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

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

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

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

(1) terminate the withdrawal and reservation;

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

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

SEC. 808. DELEGABILITY.

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

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

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

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) preclude the designation of new units of special airspace or the establishment of new flight training routes;

over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

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

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

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from Minnesota [Mr. VENTO] that the amendment be modified?

Mr. HANSEN. Mr. Chairman, reserving the right to object, I yield to the gentleman to ask about the technical corrections that he just mentioned.

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

Mr. Chairman, my request is based on the modifications discussed with the minority to the title VIII amendments dealing with the military withdrawal. They involve adding language related to geothermal activities and the correction of a cross reference.

If the gentleman would further yield, the procedure here that I followed is simply to deal with title VIII. All of the title VII amendments will be considered in due course. It simply was a matter of trying to deal with this in an orderly manner, rather than waiting to the end of the bill. I believe the military withdrawal language and the amendment to be offered by the gentleman from California [Mr. FARR] to my language is noncontroversial. I appreciate the cooperation of the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. VENTO]?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes in support of his amendment, as modified.

Mr. VENTO. Mr. Chairman, this amendment would add an additional title to the bill, dealing with military lands and overflights in the California desert.

The amendment would effect or renew the withdrawal for military purposes of certain public lands in the California desert, and would clarify the relationship between the designation of Federal lands in that area for conservation purposes and the use of other lands and associated airspaces for important military training and testing.

The provisions of this amendment are similar to ones included in the version of the California Desert Protection Act passed by the House of Representatives in 1991. It would provide the Armed Services with secure tenure on more than 1.3 million acres of lands in the California desert areas that are in daily use for very important testing and training activities.

I regret that the Senate did not complete action on the California Desert Protection Act during the last Congress. However, earlier this year the Senate did pass S. 21, which includes provisions like those in this amendment.

As we did in 1991, the Natural Resources Committee omitted such provisions from the version of the bill we reported, because we share responsibility over these matters with the Committee on Armed Services.

In developing this amendment, I have worked with Chairman DELLUMS and Subcommittee Chairman MCCURDY, of the Armed Services Committee, and with the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. FARR] who both serve on the Armed Services Committee as well as on the Committee on Natural Resources. There have also been discussions with representatives of the Department of Defense and the various military services with an interest in the matters addressed by the amendment.

While there are elements of the amendment—particularly the duration of the land withdrawals for military use—that are not exactly as suggested by the services, I believe that the amendment provides the necessary security for continued military use of these withdrawal areas and the airspaces in the California desert area that are so important to maintenance of military readiness.

As I said when the House last considered this matter, it does not seem to me that there is an absolute need for Congress to legislate regarding military overflights. As a matter of law, designation of wilderness or national parks does not preclude continued military overflights of the lands involved.

However, because of the importance of the California desert's airspaces for military training, inclusion of such provisions is desirable in order to resolve questions that some have raised about how this bill might affect the ability of the Armed Forces to continue their overflights of the lands involved.

There will be a second-degree amendment, which is intended to be offered by the gentleman from California [Mr. FARR], that will refine somewhat the overflight language of my amendment. That second-degree amendment has been worked out through discussions between the natural resources Committee and the Committee on Armed Services.

For the information of the House, I am including in my statement information about the background and provisions of the amendment.

In conclusion, Mr. Chairman, I think that this amendment is appropriate as part of this bill's comprehensive blueprint for future management of Federal lands in the California desert, and I urge its adoption by the House.

BACKGROUND INFORMATION AND SUMMARY OF AMENDMENT

Before 1958, Federal lands in California (as in other States) were made available to the military departments for bases, training areas, and other purposes through administrative or executive actions, without the need for Congressional involvement. This was done through Public Land Orders, Executive Orders, or other measures that had the effect of withdrawing lands from operation of some or all of the otherwise applicable public lands laws (such as the Mining Law of 1872 or the Mineral Lands Leasing Act of 1920) and of limiting public access.

The extent of these military withdrawals and their long duration after the end of the Second World War and the Korean conflict led to the enactment in 1958 of the law popularly know as the "Engle Act" (P.L. 85-337). Named after the late U.S. Representative and Senator Clair Engle of California, this law provides that a peacetime withdrawal of 5,000 acres or more of public lands for military purposes can be accomplished only by Act of Congress. It also specifies that (except in certain Naval reserve areas) minerals in lands withdrawn for military purposes are under the jurisdiction of the Secretary of the Interior, but that disposition of such shall not occur in cases in which the Secretary of Defense determines that this would be inconsistent with military use of the lands.

This amendment, like Title VIII of H.R. 2929 of the 102nd Congress, would withdraw two extensive areas of land in Southern California that have long been used by the Navy, in a manner consistent with Engle Act. It would also similarly withdraw additional lands in Imperial County, referred to as the El Centro Ranges, for use by the Navy. At the time of consideration of the 1991 legislation, agreement had not been reached between the Navy and Interior Departments concerning the extent to which such a withdrawal would be appropriate; that agreement has now been reached, and the amendment reflects and incorporates that agreement.

AREAS WITHDRAWN

The lands that the amendment would withdraw for military uses are the China Lake Naval Weapons Center ("China Lake"), of approximately 1,100,000 acres in Inyo, Kern, and San Bernadino Counties; the Chocolate Mountain Aerial Gunnery Range ("Chocolate Mountain") in Imperial and Riverside Counties, of approximately 227,369 acres; and the El Centro Ranges in Imperial County, of approximately 46,600 acres.

CHINA LAKE

According to the Navy, China Lake is the principal Navy center for research, development, test, and evaluation of air warfare systems and missile weapon systems. The Navy has also been actively pursuing a program of developing the geothermal resources of the area for the production of electrical power. The amendment includes the same language as in the corresponding provisions of S. 21 to assure the continuation of geothermal development and utilization in the China Lake area.

CHOCOLATE MOUNTAINS

The Chocolate Mountains area is heavily used by the Marine Corps for training of pilots in air-to-air gunnery, air combat maneuvering, air-to-ground ordnance delivery, and related training activities, many involving use of live ordnance.

EL CENTRO RANGES

The California Desert Protection legislation passed by the House in 1991 addressed these lands, but did not make them subject to the military-withdrawal provisions. The public lands involved are on the west side of the Imperial Valley, and have been the subject of a series of withdrawals for reclamation purposes for many years. In 1987, the Interior Committee (now, the Committee on Natural Resources) was told that since 1954 portions of these lands had been used as target ranges by the Navy in connection with the El Centro Naval Air Station. This use was permitted by the Interior Department through a series of "memoranda of understanding," even after the enactment of the Engle Act in 1958 and the Federal Land Policy and Management Act of 1976.

The Committee was told that in 1982 the Navy concluded that although the two target ranges were used only for inert ordnance, additional controls on other uses were needed. The Committee was further informed that the Navy therefore proposed to seek a withdrawal of about 290,000 acres of public domain in the El Centro area—more than twice the public domain then being used under the existing arrangements. This evidently provoked controversy.

Subsequently, the Navy entered into a cooperative agreement with the Interior Department under which the Navy was to reduce its withdrawal request to 55,000 acres

immediately around certain target areas, and would seek a right-of-way grant for additional 97,000 acres to control potential conflicts between Navy activities in the area and other uses. The Committee was told that the Navy and the Department of the Interior were planning to submit a legislative request for the 55,000 acre withdrawal before the end of 1988, but to date no such request has been submitted.

In 1987, the Committee had serious doubts about the authority of the Secretary of the Interior under existing law to permit the Navy to continue its use of public lands in the El Centro area prior to Congressional action on a withdrawal proposal. Therefore, the Committee included in that year's bill for the withdrawal of China Lake and Chocolate Mountains provisions to explicitly authorize the Secretary of the Interior to permit the Navy to use the relevant public lands in the El Centro ranges until January 1, 1990, for the same purposes and to no greater extent than as of July 1, 1987. The intent of this was to assure that the Navy could continue to use these lands for a period of time that the Committee believed adequate for submission and consideration of a proposal for withdrawal of the affected public lands. In the same way, the corresponding provisions of H.R. 2929, as passed by the House in 1991, would have allowed this used to continue until January 1, 1994.

Since that time, the Interior Department has reached an agreement with the Navy for continued military use of about 46,600 acres of these lands, and has taken steps toward revocation of the reclamation withdrawal applicable to the remainder. Accordingly, and consistent with the requirements of the Engle Act, the amendment would statutorily withdraw 46,600 acres for continued military use by the Navy and would revoke the reclamation withdrawal applicable to these and other public lands.

This amendment, like a similar House-passed bill of 1987, is closely modelled on the omnibus Military Lands Withdrawal Act of 1986 (P.L. 99-606), which renewed the Engle Act withdrawals for areas in Nevada, Arizona, New Mexico, and Alaska. That omnibus measure was developed through negotiations between the House and Senate in the closing hours of the 99th Congress and included a number of compromises, such as agreement on 15 years as the standard period for duration of such withdrawals (as opposed to 10 years in House measures and 25 years requested by the Administration). The Natural Resources Committee has subsequently approved and the House has twice passed legislation (including H.R. 194 by Representative Hefley) for a 15-year military withdrawal of lands in Colorado associated with Fort Carson.

The amendment would withdraw the China Lake, Chocolate Mountains, and El Centro Ranges areas for all forms of appropriation under the public lands laws, and from entry, location, and patent under the mining laws. China Lake would be withdrawn from mineral leasing but not from geothermal leasing (to accommodate the ongoing program of developing geothermal resources there); Chocolate Mountains would be withdrawn from both mineral leasing and goethermal leasing. The El Centro Ranges would not be withdrawn from either mineral or geothermal leasing.

China Lake would be reserved for use by the Secretary of the Navy for a research, development, test, and evaluation laboratory; Chocolate Mountains would be reserved for use in testing and training for aerial bombing, missile firing, tactical maneuvering, and air support; El Centro would be reserved for military uses in accordance with an existing agreement between the Navy and Interior Departments. Each area could be used for additional defense-related purposes.

The Secretary of the Interior would retain responsibility for management of the lands involved, including the preparation of land-management plans, except that in the case of China Lake this could be assigned by the Secretary of the Interior to the Secretary of the Navy (as is currently done).

The military withdrawal of the three areas would expire 15 years after the date of enactment. No later than 12 years after enactment, the Secretary of the Navy would be required to publish a draft environmental impact statement concerning any desired continuation or renewal of either or both withdrawal. Consistent with the requirements of the Engle Act, any continuation or renewal of any of these withdrawals would be by Congress.

The amendment includes the same provisions related to decontamination of the withdrawn lands as established by the omnibus withdrawal Act for the areas covered by that Act. The Navy would thus be required to maintain an ongoing program of decontamination, to the extent that funds are made available, at least at the level of work done in fiscal 1986, with reports concerning this program to be submitted to Congress at the same time as the President's budget is transmitted.

The amendment also includes the same provisions regarding procedures for requesting continuation or renewal of the withdrawal for either or both areas as were included in the omnibus withdrawal Act of 1986 and in the 1987 House-passed bill to withdraw China Lake and the Chocolate Mountain area. Similarly, the amendment's provisions regarding immunization of the United States against damages; regulation of hunting, fishing, and trapping; and delegation of authority by the respective Secretaries are all modelled on those of P.L. 99-606.

Finally, the amendment includes provisions similar to those in Title VIII of H.R. 2929 as passed by the House in 1991 with respect to military overflights of the lands withdrawn by the amendment or the lands given wilderness, National Park, or other conservation status by the California Desert Protection Act.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. VENTO, AS MODIFIED

Mr. FARR of California. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. FARR of California to the amendment offered by Mr. VENTO, as modified: On page 20 of the amendment, strike line 23 and all that follows through line 23 on page 21, and in lieu thereof insert the following:

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) affect the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with such overflight activities.

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

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

There was no objection.

Mr. FARR of California. Mr. Chairman, I rise in support of Mr. VENTO's amendment and urge my colleagues to vote for the amendment.

As it now stands, the California Desert Protection Act would permit grazing to continue indefinitely in the Mojave National Park.

Mr. VENTO's amendment will allow current grazing permit holders to continue grazing their livestock in the park until their grazing permit expires.

Let us remember that we talking here about protecting some of the least productive grazing lands in the United States where it can take up to 160 acres of land to feed 1 cow for 1 month. Annual rain totals less than 6 inches and summer temperatures regularly approach 120 degrees.

The environmental impact of domestic livestock grazing on public lands is a controversial issue. It is undisputable however that grazing in hot desert areas like the Mojave Desert exacts a high environmental cost and causes long term environmental damage. Studies have shown that grazing is incompatible with proper management in Mojave National Park.

The November 1991 GAO report on rangeland management focused on the BLM's Hot Desert Grazing Program supports this view.

The report further emphasizes that deserts have a particularly fragile ecosystem and once damage occurs they take a long time to recover.

Research has shown that grazing has a detrimental impact on certain hot desert wildlife species, plant species, and vitally important habitat for endemic species.

Numerous desert animal and plant species have evolved elaborate survival systems to endure their harsh living conditions. Removing competition for survival by removing cattle will eliminate a significant threat to this delicate ecosystem.

I strongly urge my colleagues to support the Vento amendment.

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

Mr. FARR of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I wanted to thank the gentleman from California [Mr. FARR], a member of both committees, as I said, for his work on this matter. The gentleman has been very helpful.

As the gentleman has indicated, this is an agreement between the principals involved, Chairman MILLER, Chairman DELLUMS, myself, and others, and this keeps the law in place and provides nothing in the act shall be construed to restrict or preclude low level military flights. We do enter an agreement here to provide for joint monitoring by the Department of Defense and the Department of Interior in terms of overflights over the parks and wilderness system.

It is a data-reporting requirement and consultation about visitors' safety and, of course, the necessity for training in these areas.

I want to make clear to my colleague from Utah and others that may be interested or aware of my interest in military overflights that this is not disruptive or does not include the provisions of restricting military overflights. It is an amendment that was shared with the minority. I would be happy to respond to further questions concerning it, but it is, as presented by the gentleman from California [Mr. FARR], a straightforward agreement between the two committees.

I thank the gentleman from California [Mr. FARR] for yielding to me and for his help and that of the gentleman from Utah [Mr. HANSEN].

AMENDMENT OFFERED BY MR. HANSEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VENTO, AS MODIFIED

Mr. HANSEN. Mr. Chairman, I offer an amendment as a substitute for the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. HANSEN as a substitute for the amendment offered by Mr. VENTO, as modified:

In lieu of the matter proposed to be inserted, insert:

TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (Or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

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

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

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

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

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

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

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

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

(B) subject to the provisions of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

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

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

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

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

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

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

SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 803 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 803 may be managed in a manner permitting—

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

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 803(a) (relating to China Lake));

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

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 803(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2),

shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

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

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

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

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

(A) keep appropriate warning notices posted; and

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

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 803 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

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

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

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

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 803 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 803 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 803 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 803.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 803 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 803. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require the additional or more stringent condition or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 803(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 803(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 803(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 803(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 803(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 803(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 803(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: Provided, that the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

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

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

SEC. 807. ONGOING DECONTAMINATION.

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

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

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

(2) the methods used to decontaminate such lands;

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

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

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

SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the

Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 803 after the termination date of such withdrawal and reservation.

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

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

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

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

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

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

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

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

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

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

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

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

(1) terminate the withdrawal and reservation;

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

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

SEC. 809. DELEGABILITY.

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

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 808(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 810. HUNTING, FISHING, AND TRAPPING.

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

SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 803 of this title.

SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

Mr. HANSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. HANSEN. Mr. Chairman, one of the problems we have in America today, I am saying this as a member of the Committee on Armed Services as well as a member of the Committee on Natural Resources, is training. Little by little we have been taking away from the areas that we can train in America. In fact, most of our places that we can train we do not have unlimited air space, except for the Utah Test and Training Range, which is zero to 58,000 feet. It is the only place we can test.

As this is being given to us and restricted more and more, the military finds themselves in a very precarious situation. They are not in a position that they can go wherever they want to go and train, and they should not go wherever they want to go. But they should have the ability to train our pilots.

The whole thing of the cold war was training. Many of our people in the military started out their careers as Second Lieutenant and ended at whatever, and all they did was train the entire time. But they were trained, and they were perfected and ready to go at the drop of a hat and help us out.

Now we find ourselves more and more, wilderness areas come along, more and more parks come along, remember the time over the Grand Canyon when we decided we could not fly up and down the Grand Canyon?

At the time I remember the chairman, Chairman Udall, confessed to flying a Cessna down the middle of the Grand Canyon. I confessed to flying a Piper Supercub down the Grand Canyon. We cannot do those things anymore.

Now we find ourselves in a position, as we become more restrictive, that we cannot train in that area.

The area that we are talking about is the A-10. They call it the Warthog affectionately. That is an airplane that they train in that particular area. Go back to the Persian Gulf war. That was the plane that was so effective on air-to-ground. That was the plane that stopped those tanks from Saddam Hussein. Those people did a super job with it at that point.

Now, as we go through restrictive language, as we start tightening that up, more and more we are taking away the ability for our pilots and others to learn to fly these aircraft. They are not going to learn to do it in a training simulator. They have to have their hands on the controls. They have to be able to do it.

All we are asking here is to accept the same language that the Senate has passed. That is all we are asking. The Senate has already passed this particular language.

What this does, it opens it up a wee bit more on military overflights to wilderness and parks across the country and not just restricted to the desert, the California desert bill.

I think this a good amendment, a very innocuous amendment, kind of a housekeeping measure. I personally feel it would be a better piece of legislation than what we have before us.

Mr. VENTO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

This amendment really is out of order, according to our rules. The gentleman did not share the fact that he was going to offer the amendment or I would have tried to dissuade him from doing so. I think his last statement points up the problem with the Senate insistence on dealing with something that really does not relate to this act.

We are trying to accommodate the concerns and, as a consequence, end up with the dilemma that we now have on the floor in terms of a full-fledged debate on military overflights which really should be considered with the Committee on Armed Services and the Natural Resources Committee process.

The fact is that this amendment applies to all sorts of other laws unrelated to the subject before the House. The amendment that I have proposed in terms of title VIII, in agreement with the Committee on Armed Services, actually provides for a longer period of withdrawal for 15 years, not until just 1997, as does the amendment of the gentleman from Utah.

Third, the gentleman from Utah is not even really dealing with the El Centro withdrawal. The gentleman from Utah is not dealing with the 46,000 acre request of the Department of Defense that withdraws the El Centro area from consideration, which is a major concern of the Department of Defense with regards to the California desert.

We are trying to deal with the Miller-Dellums-Vento title VIII. We do not, in fact, as I said to the gentleman in my previous remarks before I was aware that he was going to offer this, we do not deal with or try to change the necessary air space concerns. There are problems out there with military aircraft overflights. That is why I have submitted legislation on the subject and why the gentleman from Oklahoma [Mr. MCCURDY] and myself and members of the respective committees have had hearings on this specific issue.

This does not change the basic tenor. What is being proposed here by the Senate and by the gentleman from Utah is to in fact decide that issue in favor of, and on this bill, in favor of the military with no limitations whatsoever. The Vento amendment doesn't change the basic configuration of what the agreements had been in terms of air space reservation.

The Hansen substitute tries to decide it all in 1 day. This is a one-sided amendment. There has been no consultation. There has been no agreement on this amendment. I would hope that the gentleman would not pursue this amendment.

I can assure him that the issue, as he knows, he was in attendance at the hearing, is being addressed. We are aware of this problem, and I would hope that we would not pursue this particular amendment, because I think it is just one area of disagreement more in the House that we do not need.

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

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, if I may, I thank the gentleman for yielding to me. On page 4, the El Centro ranges, we would be more than happy to accept that by unanimous consent.

Mr. VENTO. Mr. Chairman, I am not going to agree to that based on the tenor of today's debate and the way that this was brought up. I think that we have striven to keep this military withdrawal a non-issue in the House in the sense that it has been agreed to by the committees. This amendment, as the gentleman should know, the Lewis amendment initially submitted is out of order. It simply is not valid in terms of consideration under the rules of the House, but for the fact that it was offered in the way that it was offered, it would have been objected to.

So at this particular point, I think if there is no other alternative, the gentleman is going to pursue it, I think this amendment richly deserves to be defeated. I would urge the Members of the House to defeat this amendment.

This has nothing to do with the topic we are trying to accommodate and deal with the problems of the Department of Defense. This has nothing to do with the Desert bill in a sense other than the fact that the Senate is attempting to bootstrap this onto the legislation, and the gentleman from Utah has picked up on that theme.

We have tried to work this out. The Committee on Armed Services agrees with the language that we submitted, and the Committee on Natural Resources agrees with it.

The Hansen amendment should be defeated. I would urge Members to do so.

□ 1240

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

Mr. Chairman, I rise to support the amendment offered as a substitute by the gentleman from Utah [Mr. HANSEN]. I would like to ask the gentleman a couple of questions, if I might, Mr. Chairman.

It is my understanding, Mr. Chairman, I would say to the gentleman from Utah [Mr. HANSEN], that his substitute is a reflection of that which was finally agreed to in the other body and in the committee hearings relative to military overflight.

Mr. HANSEN. Will the gentleman yield, Mr. Chairman?

Mr. LEWIS of California. I am happy to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I would tell the gentleman that that is exactly right. This has been kind of a tacky issue on both the Senate side and on this side on what would be military overflight. I am not in any way discounting the good work of the chairman, the gentleman from Minnesota [Mr. VENTO], but I think this is one that opens it up, that makes it easier, and would not be as restrictive as the language we were working with on the House side.

Mr. Chairman, I personally feel this is the kind of language that would be beneficial to our military people, and I think it would take care of many of the problems we have been encountering. I may add to what the gentleman from California [Mr. LEWIS] has brought up, little by little we see more restrictions coming in there. We do not know if we are going to have any place left for our people to have the idea of testing.

Also, Mr. Chairman, many of these testing ranges, when we talk to the Pentagon, are being considered for being closed, so we are going to get to the point that I do not know where we are going to test. I imagine Siberia, if we could work something out with those folks, is about the last place we could test that someone is not going to be upset with us or worried about ruining their wilderness trip or hearing an airplane or having an experience where they are completely silent.

I think people have to accept the fact that this has to be done and it is part and parcel of what we do in the military, and an extremely important part.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman. My concern about the Vento proposal versus this substitute is that every indication we received as this bill went through the complete process in the House was that the committee was avoiding military language while in committee, because they essentially wanted to avoid re-referral to the appropriate policy committee that really should be dealing with this issue.

Mr. Chairman, it is a pretty fundamental question relative to those training grounds that the gentleman from Utah [Mr. HANSEN] is talking about. Military overflight is very, very significant and potentially impacts very greatly the ability we have to effectively train our troops, particularly the pilots who fly our airplanes. There is little doubt that the Senate dealt with this matter after considerable struggle, debate, and compromise. Senator NUNN, among others, apparently served as the driver behind the language that is part of this substitute.

The point is, Mr. Chairman, that we want to make certain that military overflight does not interfere across the country with training processes that are so vital to our national interest. If indeed the gentleman from Minnesota [Mr. VENTO] had chosen to present this amendment or this proposal in the committee, or in his subcommittee, that would be another circumstance. It was clear that they wanted to avoid the Armed Services committee which really understands this issue. What my colleague, Mr. HANSEN, is attempting

to do here is essentially take the language of that compromise that took place in the other body, use it as a substitute here, and then negotiate the process out as the bill goes to conference.

Mr. Chairman, indeed, I urge the House to support the substitute offered by my colleague, the gentleman from Utah [Mr. HANSEN].

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

Mr. LEWIS of California. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to explain to the gentleman that the concern was not to avoid it. We worked with the Committee on Armed Services. This is not the Vento amendment, it is the Miller-Dellums amendment we are dealing with, and it does include the El Centro. In fact, we have made several changes that are a compromise. For instance, removing to the wilderness area from Death Valley the 17,000 acres was another compromise. There have been a number of compromises made.

Mr. Chairman, the fact is that the language from the Senate has not been heard in any committee. Nobody knows what it is. It has not been considered by any of the committee members. It is simply a matter that has not been exposed to the light of the day. It does not accomplish what needs to be done in terms of El Centro and some of the other issues in the desert that are at the insistence of the Members. The delegation wanted this included in the withdrawal. It does not withdraw wrongly, it just does not do the job, so it is basically throwing out what has been.

If we go to conference with the same language, there will be no negotiations.

Mr. LEWIS of California. Mr. Chairman, if I could reclaim my time, if the gentleman would agree with me that this is a complicated issue and we ought to send this bill with this matter to the Committee on Armed Services of the House, all right.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, if we act on this, it will be all done. The Senate language will be the same. There will be no consideration or modification of this. That is why I am urging the rejection of the Hansen amendment.

Mr. LEWIS of California. Frankly, Mr. Chairman, I am very disconcerted by the fact that the committee has done all that it can by their past actions to avoid input from, as we have discussed many times, those Members who are elected to represent the desert by way of consultation. It is very clear that there was some attempt to avoid the Committee on Armed Services in the House as well, a re-referral.

In this case, Mr. Chairman, I would certainly tend to put my faith in the work that was done by the likes of Senator NUNN on the Senate side. I would urge my colleagues to support the proposal of the gentleman from Utah [Mr. HANSEN].

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FARR] to the amendment offered by the gentleman from Minnesota [Mr. VENTO], as modified.

The amendment to the amendment, as modified, was agreed to.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again, unfortunately, our colleague, the gentleman from California [Mr. LEWIS], has provided some kind of capital based on his theory and his construction of how this bill was considered, which was a very open process. Any and all amendments could have been offered in committee. Some were and some were not. The fact is that at the time we were considering this legislation, the Committee on Armed Services was considering their authorization bill and getting ready to bring that to the floor, and we told them in advance that this is, in fact, what we were going to do. We sat down in advance of the bill leaving our committee. After it left our committee with the people of the gentleman from California [Mr. DELLUMS], with the people of the gentleman from Utah [Mr. HANSEN], with the people of the gentleman from Oklahoma [Mr. MCCURDY] on the Committee on Armed Services, they reviewed these provisions. That is why the chairman, the gentleman from California [Mr. DELLUMS] has signed off on this legislation contingent upon the Farr amendment being adopted, which has now been adopted, and clearly the Vento amendment more clearly reflects the needs of the withdrawal proposals within the California Desert Act.

Mr. Chairman, I would hope we would go along with what the Committee on Armed Services of this House has considered, both the gentleman from Oklahoma [Mr. MCCURDY] and the chairman, the gentleman from California [Mr. DELLUMS], with what we have considered and addressed this. It is very interesting that the criticism is that we did not consider it with the Committee on Armed Services, when in fact we did, and yet the gentleman supports legislation from the Senate that never went to committee, that they never had a hearing on.

We can understand that the gentleman from California [Mr. LEWIS] wants to act like he fell off the back of the vegetable truck and found himself in Congress this morning. He is a very clever member of the Committee on Appropriations, very skilled, but in fact his arguments ought to be rejected. We ought to get on with the one amendment that has been addressed by both the Committee on Armed Services, signed off by the chairman, our committee, and addresses the problems of the California Desert Protection Act as it affects military overflights and maneuvers. I would hope we would consider the Vento amendment as now amended by the Farr amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN] as a substitute for the amendment offered by the gentleman from Minnesota [Mr. VENTO], as modified, as amended.

The amendment offered as a substitute for the amendment, as modified, as amended, was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO], as modified, as amended.

The amendment, as modified, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. DUNCAN

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

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Strike Section 702 in its entirety and insert the following:

"Sec. 702.

"Authorization of Appropriations. There are hereby authorized to be appropriated to carry out the purposes of the Act an amount not to exceed $36 million for all additional construction and operational costs over the next 5 years and $300 million for all land acquisition costs. No funds in excess of these amounts may be used for any purpose authorized under this Act without additional, specific authorization of an Act of Congress. Provided further, that operational funding and staffing to support new National Park Service responsibilities established pursuant to this Act may not be reallocated from any National Park Service area outside the State of California."

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

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

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that the amendment be modified.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. DUNCAN: Strike the amendment in its entirety and insert the following:

APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the purposes of this Act an amount not to exceed $36,000,000 for additional administrative and construction costs over the fiscal

year 1995–1999 period and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

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

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

There was no objection.

The CHAIRMAN. The amendment is modified.

The gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes in support of his amendment, as modified.

Mr. DUNCAN. Mr. Chairman, the amendment I offer today is one which I feel can and should be supported by anyone who is in the least concerned about either our tremendous national debt and the impact of this legislation on our taxpayers, or this country's great National Park System.

Mr. Chairman, my amendment simply replaces the open-ended "such sums as may be necessary" language currently in the bill with the Congressional Budget Office estimate of $336 million.

Mr. Chairman, the National Park Service already faces a 37-year backlog in funds for development of existing parks and a 25-year backlog in funding for land acquisition at existing parks.

H.R. 518, as reported by the Natural Resources Committee, ignores both of these considerations.

Instead, it authorizes unlimited expenditures, funds which will come from the already underfunded National Park Service.

□ 1250

In the State of California alone, the National Park Service reports a shortfall of $936.4 million for construction and land acquisition and $31.8 million for annual operations at its existing 20 National Park Service areas in that State.

I would like to quote from Senator BYRD's floor statement when he spoke in opposition to this bill in the other body:

> We cannot adequately maintain the parks that we now have, nor buy the lands which the authorizing committees have told us to buy. Having three new beautiful national parks would be nice. In an age when the United States enjoyed small deficits, creating new parks would be desirable, but we, in this Chamber, have to come to grips with the realities of the age in which we live. One does not go out and buy a Cadillac when one cannot make payments on the family Ford.

To address this concern, my amendment limits the amount that can be spent to implement this bill based on the amount projected by the Congressional Budget Office.

According to the Congressional Budget Office, this measure will cost between $100 and $300 million for land acquisition and $36 million in additional costs over the next 5 years for construction and administration.

I have a letter from Secretary Babbitt, which I will insert into the RECORD, in which he asserts that based on the experience of his Department in implementing similar legislation, the cost of H.R. 518 will be less than the amount estimated by CBO.

Certainly, this amendment does not totally solve the problems in this bill of unfunded mandates for our National Park System, but it does institute some degree of accountability.

It puts in place a very liberal and feasible ceiling on the total cost of this effort, which can be enforced and monitored during the annual appropriation process.

The fact is that funds for operating our existing park areas are not likely to see increases in the near future.

Further, Secretary Babbitt recently ordered the National Park Service to cut 1,325 positions, about 7 percent of their work force.

Last month, in testimony before the Senate, National Park Service Director Roger Kennedy stated that it was his intent to take personnel from other existing National Park Service areas in order to staff the 350 vacant positions at the proposed new Presidio National Park in San Francisco.

Mr. Chairman, many National Park Service areas across this country cannot afford to take any more cuts in funding or personnel. I know this is true of the Great Smoky Mountain National Park, part which is in my district.

Ninety percent of the lands addressed in this bill are already owned by the Federal Government, and there are already nearly 4 million acres of Mojave and Sonoron Desert lands in the National Park System today.

The only thing this bill really provides is a more expensive way to manage these 8 million acres, which will result in less economic opportunity and fewer jobs for Californians.

I believe it is not in the national interest to take money from other National Park Service areas to implement this legislation.

Let me make clear, so that my colleagues understand, my amendment simply replaces the open-ended "such sums as may be necessary" language in this bill with the Congressional Budget Office estimate of $336 million, which is greater than the amount Secretary Babbitt says we need to implement this bill.

This is a very reasonable and sound amendment. The fact is that we cannot continue to pass bills around here that provide such sums as may be necessary. We simply cannot afford to operate like this anymore.

We always get low ball estimates on the front end of almost every project. My amendment leaves a huge amount of funding for this legislation, but it still sets at least some type of cap and gives us a little more certainty on the total cost. The American people do not want us passing bills when we have no idea or at least no limitation on what the actual cost will be.

I urge support for my amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the lasts word.

Mr. Chairman. if I might ask the author of the amendment a question, it is my understanding that the intent of the amendment is to place a cap of $36 million over and above fiscal year 1994. Is that correct?

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

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. DUNCAN. That is correct.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that that be inserted into the amendment and then we would be clear on that.

Mr. DUNCAN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The gentleman from California [Mr. MILLER] would have to present a modification to the desk.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to modify the agreement to reflect that it is over and above the cost of fiscal year 1994.

The CHAIRMAN. The Chair would like to have that in writing from the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I would just on the general topic while we are getting that prepared so that it will be in writing, I think it is important, Mr. Chairman, there are a couple of elements here that I think should be considered. Obviously here we are dealing with a piece of the California desert, the park areas, and treating them separately from the BLM wilderness managed areas and the other lands that will be managed in a general manner. Clearly because of the expansion of Death Valley and Joshua Tree, we have BLM lands that are being transferred to the Park Service including the east Mojave area. That will free up dollars or should free up some dollars from BLM which is now managing those lands and they will have to be, of course, dedicated or partially dedicated to the Park Service management of the lands that they will be absorbing in this particular instance.

Mr. Chairman, I think it is important to recognize that Death Valley and Joshua Tree monuments now being expanded and made parks by this bill already have base budgets which I think the gentleman from California [Mr.

MILLER] has rightly stated that the 1994 appropriation or authorization ought to be built upon.

I agree, frankly, with the concern of the gentleman from Tennessee [Mr. DUNCAN] about stating specifically insofar as we have information as to what the development ceiling, what the land ceilings ought to be. If there are difficulties with that, if there are special expenditures that are being made that are unusual, they can come back before the committee to explain them. I would like to state as the gentleman from California continues to yield to me that there has been a lot of discussion about the backlog in terms of park dollars. We are getting some specific information. I might say that I have repeatedly tried to qualify or tried to find specific information from the current Secretary of Interior and from the Park Director about these backlogs cost statement. In fact, the first backlog discussions occurred because of GAO studies initiated by Congress and instigated by Congress and questions as to what the backlog problems were. They are, in fact, not even half as much as some of the explanations and some of the material that has been passed around and suggested. I will not go through it, but it is substantially less and a substantial amount of it is in roads, in highway construction dollars, some in park construction dollars, some in unprioritized construction, and amazingly over a $1 billion backlog in land purchases.

Of course we have repeatedly, during the 1980's, talked about the shortfalls in the land water conservation fund and the fact that it was not carrying out the intended task and policy; the result has been, of course, the land costs within the parks have dramatically increased during that period of time. As many of the Members and committees had predicted.

I thank the gentleman from California for yielding and for my opportunity to point these differences out.

I think he now has his amendment ready.

Mr. MILLER of California. I thank the gentleman for his comments.

MODIFICATION OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. DUNCAN, AS MODIFIED

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the amendment be modified so that there be inserted after "36,000,000" the phrase, "over and above that provided in fiscal year 1994."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. MILLER of California to the amendment offered by Mr. DUNCAN, as modified: After "$36,000,000" insert "over and above that provided in fiscal year 1994".

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. MILLER] that the amendment be modified?

There was no objection.

The text of the amendment, as modified, is as follows:

Strike the amendment in its entirety and insert the following:

APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the purposes of this Act an amount not to exceed $36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995–1999 period and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

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

Mr. Chairman, I rise in support of the Duncan amendment as modified by the gentleman from California.

Mr. Chairman, I feel we have before us an excellent amendment which is something long overdue in this House. The gentleman from Tennessee [Mr. DUNCAN] has brought up a very realistic point talking about what can and cannot be done with the money that we appropriate for various things.

I think if people look at this California wilderness bill and the three parks that are inherent in it, have to realize that from time to time we miss the amounts of money that go on around here. They used to say in the construction business, "Whenever you build a house, one thing you should remember and you will not be frustrated, one, it is going to take longer and, two, it will cost more."

Mr. Chairman, that seems to be a standard around here, also. To give an example of that as the gentleman from Tennessee [Mr. DUNCAN] pointed out, we always get the low ball estimate and it does not turn out that way. Medicare passed in the House and Senate years ago and this body and the other body missed it the first year by 300 percent.

□ 1300

Now, you take 300 percent in the insurance business, if they miss a line by 6 percent, they go broke. So it seems to me it would be an interesting study for someone at some time to figure out all the things we say it is going to cost and then what it really costs, and we will find we give a lowball estimate on this almost every time.

There was an interesting discussion between the chairman, the gentleman from Minnesota [Mr. VENTO], and others about what the costs of parks are. As we get into some of these particular areas, we find there is a difference of opinion, if I may say to my friend, the gentleman from Minnesota, as to what it costs on the land and water money, what it costs for infrastructure of parks, and I personally feel that the gentleman from Tennessee [Mr. DUNCAN] has come up with an excellent amendment, one we should probably consider in many pieces of legislation around here, and we would probably be in better shape as far as worrying about the estimated costs that are going to come forward.

So with this very reasonable amendment, I would like to offer my support and urge the Members of this body to support it as it comes up for a vote.

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

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

Mr. VENTO. Mr. Chairman, I want to emphasize we do support this. The gentleman has been productive in terms of producing specific language. We like to have specifics. We want accurate information as far as the costs are concerned.

I might say that it is to no one's advantage to either overstate or understate what the costs are. There is a significant backlog in land and construction projects and highway and road projects within the parks. We should recognize that as we are dealing with the issue.

I wanted to assure the gentleman that that is my interest, as it is his.

Mr. HANSEN. I appreciate the assurance of the gentleman from Minnesota. I think, if you do any traveling this year and stop in a park, talk to the superintendent about the backlog he has got in infrastructure. You have got a whole day of listening to him. They all seem to be in that position.

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

Mr. Chairman and Members, I think the amendment by my colleague, the gentleman from Tennessee [Mr. DUNCAN], is a very important amendment, for the language of the bill otherwise would allow for the expenditure of such sums as may be necessary for the entire process to consume.

It is very apparent by the history of some of these efforts that we need to be rather specific in making certain that there is some dollar limitation on legislation which is passed on the floor of the House after this committee has worked its will. As an Appropriations Committee member, I make that point in a very special way.

In the Senate when this item was considered, the chairman of the Senate Appropriations Committee, Senator ROBERT BYRD, suggested that we have severe difficulty with the cost of these programs and indicated that someone does not go out and buy a Cadillac when one cannot make the payments on the family Ford. What he was really referring to essentially is this, we can't pay for the operation, maintenance,

and land acquisition of our current park system.

Let me share with the House one example of this: On August 10, 1988, the House debated the Manassas National Battlefield Park amendments. The Congressional Budget Office estimated this acquisition would cost roughly $13 million. Many of my colleagues suggested the Manassas bill could cost as much as $100 million.

My colleague, the gentleman from Minnesota [Mr. VENTO], a member of the Natural Resources Committee, said, and I quote, "The fact is that there have been a lot of scare tactics used on this floor throughout the debate. The scare tactic is that somehow this bill is going to cost $100 million. The developer paid less than $10 million for it less than 2 years ago." Mr. VENTO said, "The Congressional Budget Office reports the assessed value at $13.6 million."

Well, my friends, the Manassas legislation has cost the taxpayers well over $150 million, and the acquisition is not complete yet.

Obviously this was not a scare tactic, but it is, to say the least, frightening. The CBO estimate for just land acquisition for H.R. 518 is between $100 to $300 million. Based on the Manassas battlefield estimate, the actual cost of land acquisition, I would not really suggest this would ever happen, but just think about it. It could be between $1 and $3 billion.

During this time of increased fiscal awareness, is the House really prepared to pass legislation with a price tag this high? My constituents want Congress to cut spending first, not continue to increase the deficit.

In California, there are already 20 units of the National Park System with 22,000-plus acres of authorized but unacquired lands. Estimates vary, but land acquisition costs from the Santa Monica Mountains National Scenic Area alone have been estimated at $500 million to $1 billion and are climbing every day.

To put this in perspective, Congress appropriates between $80 and $100 million a year for land acquisition throughout the entire National Park System. But the value of the backlog of unacquired lands is really in the billions.

Why should we obligate a large expenditure of funds that should, instead, go to existing units of the National Park System? Should we not preserve what we have already designated before we create new mandates?

It is no wonder the American people are faced with a burgeoning Federal deficit.

This next chart, my colleagues and Members, kind of outlines in California the budget shortfalls at selected locations in our State. At Yosemite, no minor park of some interest, annual operating shortfall of $9.4 million; construction and land acquisition shortfall of $394 million. But let us say we are not worried about all the rest of these, but let us go down to the Channel Islands National Park, one of our last actions. There is a $3.3 million shortfall in operating costs, annual operating costs; $62 million in construction and land acquisition.

To say the least, we have promised an awful lot more than we are able to fully fund by the work of this fine committee that has this bill on the floor today.

Unlike many of our national parks, the California desert is not threatened from overdevelopment. It is more appropriately and cost-effectively managed by the Bureau of Land Management.

Desert legislation must balance desert protection with economic preservation. The bill before us today, H.R. 518, fails this criteria test.

However, legislation introduced by my desert colleagues and I does pass this test. The only problem is in the past we have not been able to get that legislation set for hearing in the committee.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 1 additional minute.)

Mr. LEWIS of California. Mr. Chairman, the reality is that across the country in park after park and wilderness after wilderness we find ourselves in the circumstances where our committee puts up a big wish list, considering what they would like to do in terms of expanding Federal ownership of public lands, never considering how you pay for it. The reality is that we are faced with a $4 trillion deficit, and every extra dime that this committee recommends that we spend, no matter how we should pay for it, just adds to that deficit.

The desert of California is doing mighty well by itself without my colleagues from this committee, I must suggest, but in the meantime as we go forward with this bill, the least we ought to do is to put some lid on what the costs will be.

They are suggesting whatever we might consume. Well, friends, what we might consume is all that we have for the rest of the year to spend. This is a bill that requires careful consideration, not just in terms of public policy but in the costs to the American taxpayer. I strongly support the Duncan amendment.

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

I rise in support of the amendment and at odds with the statements of my colleague, the gentleman from California [Mr. LEWIS], the commitments made and the sequency of events and status of the National Park Service financial needs.

I note that in holding up a chart talking about whatever the construction backlog is, it is not any discussion, and/or land, whether or not any of that is authorized at all for Yosemite or for the construction of any of the buildings. Some may not have the ceilings on that he is seeking for these new parks today.

I think those ceilings ought to be put in place. But historically they have not always been. So what you are really looking at is a wish list of a park superintendents or a general management plan that guides these parks goals.

Second of all, in terms of establishing the units, the Congress some time ago, almost over 25 years ago, set up what is called the Land Water Conservation Fund that sets aside nearly $1 billion each year for States and for the Federal Government land management agencies to expend money on the purchase of lands; the intention is, as we expend resources or expend and develop the oil on the outer continental shelves of this Nation, the idea was to take, as we exploit or use a resource, to preserve a resource. The idea was to preserve and to buy historic sites, great natural resources in our States and across this Nation to provide that in perpetuity for the American people to conserve those areas.

The fact of the matter is that Congress and the administrations over the past decades have failed to provide or to allocate the dollars from that Land Water Conservation Fund to the point today where there is nearly $10 billion in Land Water Conservation Funds that are available until expended that are supposed to be going for the parks, for the national forests, for the BLM, and for the State conservation lands. So we are not keeping that pledge.

We made that pledge in law and it is not being kept. We are taking and using that money, those dollars, for other purposes. If that were available, it would certainly eclipse any type of commitments that have been made with regards to the parks, and, yes, even for Manassas or for Bull Run, as we in Minnesota refer to it.

The fact of the matter is, Mr. Chairman, I cannot make up for the lack of credentials and ability and motivation of the Justice Department in terms of advocating or representing the Congress and the American people in the courts to enforce the laws that are enacted.

□ 1310

The court made a decision on the value of Manassas land added to the park. I think the information I quoted in that debate was accurate with regard to what was paid, what the assessed valuation is, but the court decided to award and to enrich an individual who had made some investment. We were wronged. But I think that part

of the error has to deal with the way the case was presented. The fact of the matter is we know in case after case during the decade of the 1980's we found the Justice Department lawyers showing up 2 days before a case was to be presented to a court, in order to prepare their case. I suggest that is not good diligence. They did not do their homework.

The result is they penalized the United States taxpayers and the Congress in terms of cost and the policy that was to be developed. I think we would look to the difference or the changes in the Justice Department with regard to these problems of representation. Mr. Chairman, the Congress has acted prudently with regard to the expansion of the Park System. It has been modest. Much of the cost is embedded in the existing units. The American public want these parks, the American public needs these parks, and they want to have them as a lasting legacy.

The parks in California that we intend to act on in these remaining weeks during the summer will be a legacy that many of us can look back on and be very proud that we expanded and developed and designated places like the Mojave Desert, places like Death Valley, like the Joshua Tree Parks. These are public lands, and the public and the youth of today and the citizens today and tomorrow have a right to have such a legacy. We should not diminish that or destroy it in the name of trying to make the case with regard to a different philosophy or a different policy with regard to these lands.

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

Mr. Chairman, I listened with a great deal of interest to my colleagues relative to the budgetary process. The fact that they were talking about the substitution of Bureau of Land Management budget authority and its appropriation to offset additional costs involved in this project. I would call, again, to the attention of the subcommittee chairman and the full committee chairman that the entire area in question has a total of 42 Bureau of Land Management rangers. Now, we have talked about the size. It is my understanding that the size of this is twice, to repeat, twice the size of Rhode Island. So we are saying, well, OK, we are going to have 42 highway patrolmen for the entire State, 2 States of Rhode Island, to manage what it is we have here in the way of additional wilderness, special designations, closing of existing wilderness, special designations, closing of existing roads, pathways, whatever the designation may be. I have a lot of concern here about the fact that we are talking about the substitution of an already—how should we say it—diminished ability on the part of the existing Federal agency to manage what it has now.

Certainly the amount of money involved would not be anywhere near—would not take care of—what is going to be required in the way of additional management, given the fact that this legislation would add additional parks to the authority of the National Park Service.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, just briefly, I want to thank the gentleman for his observation. I know he intended to imply that the transfer would be equal, that there would not be additional costs here and thinks that there are. I would suggest that when the committee's hearings and debates had begun on this, as I recall, there were 25 BLM personnel in the desert. So we have made some progress. All of us can agree it ought to be enhanced, the presence of BLM, not only in California but elsewhere, so that they can do a better job and meet the expectations. I thank the gentleman.

Mr. McCANDLESS. I appreciate the gentleman's comments. It was through the Committee on Appropriations, particularly the interest of Congressman LEWIS, that we were able to increase the number from 22 to 44, which is just a drop in the bucket as to what is necessary to properly manage this activity.

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

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

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I asked the gentleman to yield, to at least respond, in part, to some of the statements made by my colleague, the gentleman from Minnesota, BRUCE VENTO, regarding my presentation and the shortfall in the national parks. It was suggested in his remarks that these items had not been authorized. It is my understanding that indeed they are authorized.

There is some question as to whether the authorization included language with some specific lid on the amount authorized. On about half of them, there has been a specific amount, a specific limitation; on the balance, there is not. It is left to the discretion of the needs that exist in those parks, based upon the local supervisor. But I must say the backlog is very real, and we do not find the funds to actually appropriate the money needed to carry out the promises made, often by our authorizing committees. I must say that Secretary Babbitt suggested that there would obviously be enough money available to carry out the intention of the bills that passed from the committee of the other body. One more time we get the promise without having to bite the bullet relative to the appropriations process and see where this money is going to come from.

I have with me a letter from my colleague, Mr. VENTO, that addresses his response to my concern about a very specific problem in one of these parks. In one of these parks, Ranger Mike McKie is shown in this news article lowering a flag before the residency has been provided at this park. It happens to be—you see those truck crates, those metal cars often on railroad cars across the country? He has one of those metal-framed items with holes cut in it, and he is living in it in one of our parks, Death Valley National Monument. We have asked for funding to provide adequate facilities for rangers to live in, and the response from the committees is, "We have other priorities. Don't worry about those rangers who are out there." They are living like they were in a ghetto rather than in one of our national parks.

Mr. Chairman, we are long past due recognizing that the promise is one thing and to pay the bill is another. This bill before us, lots of promises are being made.

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has expired.

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

Mr. LEWIS of California. Mr. Chairman, will the gentleman continue to yield?

Mr. McCANDLESS. I yield.

Mr. LEWIS of California. I thank the gentleman.

Mr. Chairman, in this bill we have many a promise but no indication as to how we ought to pay for it or adjust our priorities; it is simply language that suggests how it may be consumed by the needs of this bill. I think the gentleman's reasonable limiting amendment is long past due in this process, and I commend him for his effort.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman from California, Mr. LEWIS', comment with regard to housing in the parks. I would just suggest to you that we are undergoing a major reevaluation of housing in the parks because traditionally the Forest Service and BLM have not provided housing for their employees. The Park Service has fallen into a pattern of continuing to add this in irrespective of what the changes are, either demographically or geographically with regard to location and to the cost of housing. So you do not find a ready advocate in me for necessarily housing in the parks, especially if it is not necessary. I think

that is one of the problems with some of the backlogs that we get.

I think Death Valley is a substantial area, it may be in a remote area, and in those areas we need to deal with housing. But the pattern here has been that we have done this in the past and we are going to continue to do it in the future, and it is exactly that type of a decision that we have to address to reprioritize what our housing policy would be with respect to our employees and for others, concessionaires in the park. I will be working with the gentleman and others to try to do a reasonable job with respect to that problem.

Mr. McCANDLESS. Reclaiming my time and responding to the subcommittee chairman, I find it difficult to accept the fact that we have traditionally not provided housing for this type of a Bureau of Land Management employee. I do not think the Bureau of Land Management employee would be living out there under these conditions unless it was something that he was asked to do or required to do by the management of that region.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I did not understand. My point was that the Park Service finds it essential that they have housing in the parks. BLM and Forest Service less often provided it.

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has again expired.

(On request of Mr. VENTO and by unanimous consent, Mr. McCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. McCANDLESS. I yield further to the gentleman.

Mr. VENTO. I thank the gentleman.

My point is there has been the proper evolution, I do not think, in terms of policy with regard to housing of park employees, or not housing them. It is a sensitive issue to me, and I think it will be to the Members here. In some cases we simply do not need that housing. There is a lot of resonance in terms of building and doing things, but it does not necessarily serve the purposes of the park.

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

Mr. McCANDLESS. I yield to the gentleman from California [Mr. LEWIS].

□ 1320

Mr. LEWIS of California. I must say that the chairman kind of passes by neatly a pretty fundamental question. Maybe we do not need housing in these parks. Maybe in a remote area we might consider that policy question.

My colleagues, this is a remote area. We are talking about millions of acres way out in the countryside. Death Valley National Monument is huge, huge territory.

I quote Secretary Babbitt of the Department of the Interior. He says there are park rangers living with families in slums as bad as anything we would see in the third world, and that same secretary said in the committee of the other body that we will have enough money to carry forward whatever is required by this bill.

Well, my colleagues, it is time we tell these park rangers and their families, as well as the American taxpayer, how we are going to pay for it.

Mr. McCANDLESS. Mr. Chairman, I thank the gentleman. I would like to respond by saying that we are asking people who are law enforcement officers, who are responsible; the basic responsibility lies within the framework of these officers to enforce what it is that this legislature and this legislative agreement that we are talking about is required to do and to say to them, "Well, we want you at a certain place 60 miles from the nearest grocery store, and we don't have anything out there, but we have been able to find some type of a railroad car that we bought for a price." This is just not the way we want to treat these people who have the basic responsibility for managing this bill, as it is to be implemented, into the real world.

Mr. VENTO. Mr. Chairman, will the gentleman yield just once more?

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. McCANDLESS was allowed to proceed for 1 additional minute.)

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

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

Mr. VENTO. Mr. Chairman, I think the question we have to ask ourselves is BLM manages this land now at 24 employees. How many housing units do they have in the California desert? I do not know that they have any. They have 242 housing units, BLM does, throughout all of the units it has in North America, in Alaska and the contiguous States. They have 242.

So, this is the point I am trying to make here. It is that we have to harbor our resources carefully today and look at what the contemporary needs are. They ought to be living in the community, and I think there is a real advantage to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN] as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill add the following:

TITLE VIII—BUY AMERICAN ACT

SEC. 801. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act"), which are applicable to those funds.

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

Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, earlier we had a hypothetical supposition by the chairman, that in the event that the gentleman from California [Mr. LEWIS] would fall out of a vegetable truck, here is what my amendment would do:

I would want that vegetable truck to be made in America, those vegetables to be grown in America, and, if the gentleman from California [Mr. LEWIS] would have to go to the hospital, I would want him to go in an ambulance that is made in America, and, if he needed to be x rayed, tested on machines, I would want those machines to be made in America because the gentleman from California [Mr. LEWIS] falling out of a vegetable truck on or about the desert could be good for American workers and the American economy.

So, Mr. Chairman, I ask my colleagues to support my buy American amendment and pass it overwhelmingly.

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

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

Mr. MILLER of California. Mr. Chairman, we have looked at this amendment. It is fine.

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

Mr. TRAFICANT. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I think this is an excellent amendment, as all the amendments of the gentleman from Ohio [Mr. TRAFICANT] usually are.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. PETERSON of Florida, Chairman of the Committee of the Whole House on the

State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was unavoidably detained and was not present to vote on the Miller amendment to H.R. 518, the California Desert Protection Act. But had I been here, I would have voted for the amendment, which was recorded as rollcall vote 319.

GENERAL LEAVE

Mr. DIXON. 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 (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, and that I be permitted to include tables, charts, and other extraneous material.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT 1995, INCLUDING SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR FISCAL YEAR 1994

Mr. DIXON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York [Mr. WALSH] and myself.

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

There was no objection.

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

The motion was agreed to.

□ 1326

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. 4649, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

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

Mr. Chairman and Members, I am pleased today to present to the House the District of Columbia appropriations bill for fiscal year 1995. I will be brief as to my remarks, but first I would like to thank the members of the subcommittee for their support and assistance, especially the gentleman from New York [Mr. WALSH], the ranking member of the committee, for his contributions. We have certainly not always agreed philosophically, but I think we respect each other's opinion, and I am pleased to announce to the House that, along with the ranking member, Mr. WALSH, and the gentleman from Virginia [Mr. BLILEY] who is the ranking member on the authorizing committee, and with the approval of the chairman of the authorizing committee, Mr. STARK, we have reached an agreement that I will touch upon in a few minutes.

This bill, Mr. Chairman and Members, is different from the other appropriation bills in two ways. First, it is balanced with budget authority equal to revenues; and, second, it includes the appropriation of three District kinds of funding. The first is the Federal money, which totals $720 million. Second, it includes local taxes and fees which amount to $3 billion. And third, it includes long-term borrowing authority in the amount of $5 million. These amounts add up to the total sum of the bill of $3.7 billion.

□ 1330

And that is the distinction that it has from the other 12 appropriation bills which only include Federal funds and they draw of their funds from the Federal Treasury.

We are also recommending a net increase of $22 million in supplemental appropriations and rescissions for fiscal year 1994. These are all District funds. There are no Federal funds involved in the 1994 supplemental which is included in this bill.

For fiscal year 1995, the $720 million to which I have just made reference is $20 million above last year's appropriation but $2 million below the President's request and $5.7 million below the city's request. The $720 million falls basically into 2 categories. The Federal payment, which is $667.9 million, and the Federal contribution of $52.1 million to the police, fire, teachers, and judges retirement system.

I would like to take just a moment to explain these two categories briefly. The Federal payment of $667.9 million is authorized under Public Law 102–102 that established a formula for determining the Federal payment for fiscal years 1993, 1994, and 1995. The formula is 24 percent of general fund local revenues collected by the District of Columbia 2 years prior to the budget year. This is the third and final year of the Federal formula payment under the current authorization.

I would point out that just yesterday I received a letter from the GAO which indicated that the Federal payment by their calculations should be $671.4 million, so we are well below their calculation.

We recommend $52.1 million, as I indicated, for the police, fire, teachers, and judges retirement system. This is the 16th of 25 annual payments authorized under Public Law 96–122. For the Police Department, we recommend $227 million. For the 81,000 students in the public school system, we are including an increase of $25 million for a total of $543 million for fiscal year 1995.

In the area of human resources, we are recommending $779 million, an increase over last year's recommendation of $14 million.

During our hearings we received a report from the Social Services Commissioner. I want to point out that I think she is making some progress in hiring and training additional social workers and eliminating overplacements, but one of the major problems with foster care from my perspective is that the District is having a difficult time trying to keep up with the new cases that come in. The largest single program under the "human services" category is the Medicaid program, which amounts to over 36 percent or $283 million of the Department of Human Services' budget. This $283 million is matched by the Federal Government, so that the total for Medicaid in 1995 is $600 million.

As most of us have been reading in the newspaper, the District is the subject of 30 or so significant equity suits that involve several programs and departments ranging from Housing to Corrections to Foster Care to code violations in the public schools. The requirements of these court orders and mandates are straining the District's resources.

The bill also includes $106 million for pay adjustments for all District employees, including police officers, firefighters, teachers, and other employees. This is the second year of a 3-year

collective bargaining agreement. Prior to last year District personnel had not received a pay raise since October 1989 and were furloughed 12 days in fiscal year 1993. They were also denied within-grade raises for fiscal year 1993.

There are two language items that I would like to point out to the members of the committee. First, as it relates to abortion, the current law prohibits the use of Federal funds for abortion except to save the mother's life and in the case of rape or incest. The restriction on Federal funds is identical to the Hyde language adopted last year and this year on the Labor-HHS Appropriations bill.

The committee also deleted the restriction on the use of funds to implement the Domestic Partnership Act as requested by the District.

Before I conclude, I want to briefly share with the House the results of a well-publicized GAO and CBO report. On March 29, the gentleman from California [Mr. STARK], who is the chairman of the authorizing committee, and I joined in a letter to the GAO and CBO asking them to analyze and examine the budget and the budget process of the District of Columbia. They reported back to us on June 22. Our subcommittee transmitted a copy of the report to the members of our committee. I want to point out that there were no real surprises in the report. We had discussed in our hearings the issues that are discussed in the report.

I fully agree with the Members who indicate that there is a financial crisis in the District. It is a financial crisis that I believe can be corrected if the District takes action immediately to cut spending and improve its management of District funds. In my personal view, the problem is not caused necessarily by the lack of money that flows into the pipeline, although I would argue that on occasion the Federal payment has not been adequate, but, rather, it is the money that is flowing out of the pipeline. It is flowing out at a much faster rate than it is flowing in.

I understand that the District has a large number of citizens who need public services, and I think those services should be provided. However, I do think that the District must at some point take some of the priorities off the table. In that regard, a compromise has been entered into by the gentleman from Virginia [Mr. BLILEY], the gentleman from New York [Mr. WALSH], and myself. Basically, that compromise directs the District to reduce its spending in fiscal year 1995 by $150 million. Some would say that is an excessive amount, but I would say that there is a recognition by the District already of the impact of the agreement they have reached through a consent decree as it relates to the payment of arrearages to the pension fund, and because of that, the budget is out of kilter on a cash basis. When you take that money away and if you accept the proposition as you look at the anticipated revenues that they are exceptionally high in a declining economy; and if you accept the proposition that the Medicaid expenditures for 1995 are suppressed, that is, they are underestimated; and if the District is to reach the end of the year and still have a balanced budget, they are going to cut at least $100 million to $150 million. So as it relates to that money, I say that the Congress is directing them to do something that they would have to do anyway if they are to adhere to a balanced budget concept.

Second, it does not direct the District to make any specific cuts—we leave that judgment up to the Mayor and the City Council.

It also provides reporting requirements and an implementation plan. The language requires that no later than 30 days after the date of enactment, the Mayor of the District shall submit to Congress a report setting forth a detailed plan for implementing the reduction.

As we know, the gentleman from California [Mr. STARK] is holding hearings tomorrow on the Federal payment, and I want to assure this body that our committee, as well as Mr. STARK's committee, intends to stay abreast of the District government's spending, and District officials will have to make quarterly reports to the committees. In no event, though, shall they spend in 1995 more than they collect. There is a section in our agreement that says the total outlays of the District of Columbia during fiscal year 1995 shall not exceed the total receipts collected by the District during such fiscal year.

And, fourth, the compromise amendment provides that if in fact they do spend more than they collect the amount by which their outlays exceed their receipts will be deducted from the 1996 Federal payment.

□ 1340

I would rather come to the floor with no agreement; however, the District government is in a precarious financial situation and has lost its credibility with this Congress, so I feel it necessary, in order to get sufficient support for this bill, to enter into an agreement. But I think it is an agreement they would have to implement on their own if they were to keep good faith. From that perspective, I think it is a good agreement.

I would like to thank and acknowledge the fine work of the General Accounting Office and its staff. I also want to thank District officials for their total cooperation in the GAO report. It obviously was a very painful experience for them. But, under the circumstances, I think the findings of the GAO report are totally accurate, and I was pleased to see that the Wall Street analysts support the findings of the GAO report.

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

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

Mr. Chairman, I have enjoyed working with Chairman DIXON throughout this process and the other members of the subcommittee as we worked our way through the hearings and the markup. I would like to thank our subcommittee staff, in particular Shelia Brown on my staff, Debbie Weatherly, and Migo Miconi on the chairman's staff, for their hard work.

We heard a lot in these hearings. However, the chairman and I have drawn some different conclusions on how to respond, although, as the chairman has noted, we have reached, with the help of the gentleman from Virginia [Mr. BLILEY], a substantial compromise, that I think we can all support. I will comment on that later also.

The chairman also has accepted in the process two amendments that I offered. One was a requirement that the District provide quarterly reports on spending and revenue projections throughout the year to the subcommittee; and a second amendment that would provide appropriations of $250,000 for an audit of the pension board, following on to what the gentlewoman from the District of Columbia [Ms. NORTON] had requested earlier on. It would formalize that process.

Allow me, please, to share with you some of what I heard and also the results of the GAO audit requested by the chairman. Although the District received an additional $331 million from the Congress in proceeds under general obligation bonds in 1991, and then another $100 million more from the Congress, their cash position has declined since then by $200 million. They will finish the year 1995 with a minimum cash deficiency of $21 million. Minimum. The GAO suggests there could be more than $200 million in deficit at the end of 1995, and have to borrow from the U.S. Treasury.

While the mayor claims to have cut employment by 17 percent, the GAO audit shows employment at best has been reduced by 9 percent, but payroll costs have gone up. The Mayor decided not to pay pension payments this year, and the pension board was forced to raid the fund. Since then, an agreement was reached, but it cost the taxpayers an additional $13 million in penalties, fines, and interest. The Mayor has not yet explained where the dollars will come from to meet the obligations under this agreement.

The list goes on. The GAO report is dramatic evidence that the District of Columbia is out of control and headed for bankruptcy. We cannot stand by anymore and point to home rule. The law says that the District must present

balanced budgets to the Congress to qualify for home rule, and they have not.

In 1991, supplemental request, they asked for and got an additional $103 million to balance their budget. In 1992, they transferred $28 million out of the water and sewer fund to the general fund to balance the books, a clear violation of their own charter. In 1993, they changed their property tax year to get five quarters into that year, to get an additional and phony $174 million. By the way, since our Federal formula grant is based only on that phony number, we are being asked to pay more this year because of it.

I planned to offer an amendment to reduce our appropriation by $41 million, but this compromise agreement covers that amount.

In 1994, the Mayor tried to renege on the pension payments to free up an additional $150 million and the city council established fees that may be ruled unconstitutional to gather another $35 million.

Estimates are that this year the budget is short by $200 million. Who do they think they are fooling? These are in the papers every day. Allow me to cite some of the problems that are not being addressed.

Just this week, we read that the Department of Housing, rated the worst in America, spent an additional $1.3 million to spruce up its own offices, while hundreds of rental units remained empty, unrepaired, and uninhabitable, and hundreds of Americans are living on the streets of Washington, DC, homeless.

Regarding home rule: We tell cities and States all over America what rate to pay for Medicaid reimbursements. We tell doctors basically what to charge for services. We tell schools what standards to achieve. We tell businesses what the minimum wage is and what constitutes a violation of their employees' rights. We tell States that they will get no highway funds unless they set speed limits at 55 miles per hour. We tell everybody what to do and how to do it. Why not the District of Columbia? The Constitution has given us the right and the authority to do that.

Home rule equals balanced budgets. If the District does not provide a balanced budget, we do not have to provide home rule.

One point on the District General Hospital, the District is writing off $10 million per year and they call this a loan to make the books balance. They are not collecting Medicaid or private insurance. The hospital is really a primary care facility, not needed as a hospital.

I will ask for a feasibility study over the next year to determine how to close the District hospital. It is currently $109 million in debt, accumulated debt, and it has been projected by the GAO audit that it will be $280 million in debt by the year 2000. Other District hospitals can make up the beds, room days at the DC hospital are down, surgeries are down. They need a clinic in the neighborhood, not a hospital that loses $10 million per year. Depending on the report and the management of that hospital over the next year, I will offer an amendment to eliminate funds under next year's appropriations bill.

Minimum cash shortfall for 1995, $9 million, probable $21 million. This year the District will receive $668 million from the Congress, from the taxpayers of the United States, in addition to $52 million directly on the pension fund, and $770 million in direct grants, which equals $1.5 billion to a city of 600,000.

A couple of points on mismanagement in the District. The Rivlin Commission said the District of Columbia has 40 percent higher staffing levels than the average city in America. The mayor said she would cut 17 percent. There has been nowhere near a 17-percent cut in employment. Just to make the point. My hometown, Syracuse, NY, 170,000 people, the District of Columbia has 600,000. So DC is about three times larger than Syracuse in terms of population.

The city council payroll for the District of Columbia is 192 employees. Syracuse, including the councilors, has 14 employees. Police, Syracuse, 757 total officers. DC, 5,429. Public works, Syracuse has 350 employees, DC has 1,240. The corporation counsel's office for a city of 170,000 in Syracuse has 29 lawyers. The District of Columbia has 247. The department of finance, Syracuse has 35 employees, the District of Columbia, 229.

Just to give you an idea, and you will hear the argument the District of Columbia is largely tax exempt, property tax exempt, because of all the government property. It is true, the District of Columbia is 49-percent tax exempt. But my hometown, Syracuse, NY, is 52-percent tax exempt. So the District of Columbia is not unlike any other State capital city or county seat city in America, in that its property tax is roughly 50-percent uncollectible because it is tax exempt property. So they are not unusual in that respect.

While the District of Columbia has county and statelike responsibilities, those are clearly apples to apples comparisons.

Mr. Chairman, in conclusion, last week the AIDS director for the District of Columbia resigned. Earlier this year, the health commissioner resigned, as did the Medicaid director. The Board of Elections officials, school superintendent, housing supervisor, the list goes on and on; these individuals have either resigned or been fired. We rarely saw a department head, the same department head this year in our hearings that we saw last year.

□ 1350

Something is dramatically wrong. Home rule and the current situation of unfunded pensions, unbalanced budgets, and poor management of city resources is no longer possible.

Mr. Chairman, I intend to comment on the compromise agreement when we get to the amendments.

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

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, the District appropriation is always and perhaps always will be the most difficult appropriation to come to the floor of the House. I suppose this is in part because it is nobody's District but mine and it is nobody's responsibility but the gentleman from California [Mr. DIXON]. Of course, it is in everybody's interest to remember that it is everybody's Nation's Capital.

In bringing this appropriation forward, we have been struggling as the capital of the United States struggles to stave off insolvency. And when the time comes to cast a vote, I am going to ask Members to cast their votes for the District. And I am going to ask them to vote against any cuts beyond what the chairman and the ranking member of the Subcommittee on the District of Columbia have been able to agree upon.

For there could be nothing more true than that the District is drained of cash. I will speak to the compromise later. I want only to say at this time that I regret that the appropriation has provided the opportunity to bring or to begin to bring the District's budget under control. I am grateful that far more harmful approaches have been eliminated by virtue of a very tough compromise that has been worked out.

I ask my own constituents in the District to understand that while 80 percent of this budget before this House is their money, there was a real question whether we could get their money and the Federal payment through this House in an appropriation. And so the appropriation that comes out of here today comes out only because of the compromise that has been reached.

I opposed hurling the budget back at the District, because I believed it was a pitfully inadequate approach to the point of being counterproductive. I did not believe we would get back a piece of paper much better looking than the one that has been submitted.

Cutting the District and the appropriation attracted cuts of all kinds for the first time since I have been in the House. And yet cutting is precisely what the District has been doing now for several years. And so we have to ask, why has this not worked?

They have cut hundreds of positions, with layoffs and the elimination of positions. They have had 12 furlough

days. They have had a pay freeze for 3 out of the last 5 years. With all that happening, why are we in this predicament?

I believe, Mr. Chairman, that it is because the cuts were disconnected from the restructuring of the D.C. government itself. And thus I think that perhaps the District could continue to cut until doomsday. But if it did not in fact look at the underlying problems, then I think it would have indeed been doing that, cutting until doomsday. In effect, the District has been making temporary savings because the underlying problems have remained intact, making more cuts necessary for the next budget period.

Part of this results because the District government grew like topsy before home rule and then was handed to the District, which simply added to it or reshaped what was there. This happened throughout the 1970's, and it happened throughout the 1980's, and it is happening throughout the 1990's.

The D.C. government needs to be finally taken apart and put back together again to get at recurring fiscal problems and shortfalls and deep structural problems in the way the District government itself is structured, full of redundancies and inefficiencies that simply have been built on top of one another year after year after year.

An example of the pre-home rule legacy, with direct and unaddressed congressional culpability, is the debt, the largest debt unilaterally created by Congress, the $5 billion unfunded pension liability which forces the D.C. government to spend currently $300 million annually to pay for pensions, as they say, on a pay-as-you-go basis.

What that increasingly means for the District is pay as you go broke. I certainly hope that the pension liability bill that is before the Congress will be passed this year as one way to begin to get a hold of a huge structural problem bequeathed us by this Congress.

The GAO report, however, is the result of a congressional initiative that has exposed the problem and its causes, and I think it is the GAO report that lays the predicate for whatever hope we have to moving forward beyond this problem at this time.

The short-term budget manipulations that would have come to the floor, if the compromise had not been reached, would have left the District struggling next year as it has this year. With this very heavy compromise, however, There would be no place to run and no place to hide, because the Congress has now made that impossible.

The predicate for a systematic reworking of the D.C. government has been laid by the Congress. It would have been my preference that this initiative come from the D.C. government. It is here now. There was absolutely nothing further that anyone in this body would have done to prevent it.

The chairman of the subcommittee, the gentleman from California [Mr. DIXON], put out his best, his very best, and I thank him sincerely.

The CHAIRMAN. The Chair would advise Members controlling the debate time that the gentleman from New York [Mr. WALSH] has 21 minutes remaining, and the gentleman from California [Mr. DIXON] has 13 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BLILEY], ranking member of the Committee on the District of Columbia.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank the chairman of the Appropriations Subcommittee, the gentleman from California [Mr. DIXON]. I would like to thank the gentleman from New York [Mr. WALSH], the ranking member, for working together with this member as we deal with this situation.

I do not think that any of us enjoy being here in the position that we find ourselves today. I know that the chairman of the subcommittee, the gentleman from California, who knows better than anyone that this budget is in bad shape, does not wish that he is here today dealing with this as we have to deal with it. It is the spotlight that he has focused onto the District budget which has cast such a large shadow over this appropriations bill. Anyone who has followed the local news recently knows that the delegate of the District of Columbia does not want to be here. She has been dealt a very difficult hand, and she has handled it exceedingly well.

I can assure Members that I do not want to be in the position that I am in today. In the past 3 years I have helped the District with an infusion of more than $1 billion.

□ 1400

Believe me, I do not take pleasure in saying that despite all of our efforts, the District is still facing a short-term financial crisis which pales in comparison to the long-term crisis dead ahead.

Mr. Chairman, District expenditures are growing at twice the rate of revenues and the annual budget deficit, if we do nothing, will grow to $742 million by the year 2000.

Let me state, Mr. Chairman, that this budget, the District budget, is not a partisan issue. We all share responsibility for the Nation's Capital. We are divided, however, between those who would have us do nothing, despite the evidence we have, and those of us who fully understand that the day of reckoning is here. We are all in our unfortunate positions because the District government has refused to make any changes in the budget before us. District officials have, instead, chosen a strategy of blaming Congress for the problems in the budget.

If that strategy works today and we do not force District officials to live up to their responsibilities under their home rule charter, we will see it repeated over and over again. If we do not demand that the District government revise this year's budget, there is little hope we will achieve any semblance of discipline in the future. The District will close the books early in fiscal year 1994, deferring some $30 million in disbursements into fiscal year 1995.

The District also faces an estimated $90 million in new expenditures to correct the more than 5,600 safety violations in the public schools. A judge has threatened to keep the schools closed until repairs are made. District officials acknowledge they do not have the money.

GAO found that the District has not budgeted funds to pay the cost for more than 300 inmates who are housed in Federal and other non-D.C. correctional facilities. It has uncovered violations of the Anti-Deficiency Act. Some have calculated that the fiscal year 1995 deficit for the District of Columbia will reach between $200 and $300 million.

Congress has done its part to help the District. Between 1990 and 1994, Federal assistance to the District has increased by nearly 30 percent compared to a 9-percent increase in general fund local revenues. In 1990 the Federal Government provided 49 cents for every $1 raised in local revenues. Today the Federal Government provides 58 cents for every $1.

As the gentleman from New York [Mr. WALSH] has pointed out, the Federal Government will provide more than $1.5 billion to the District this year. Members may be interested to know that the District has just recently projected it will receive $31 million more in Federal grants than it anticipated in April.

Mr. Chairman, I have been a strong supporter of the District and have worked hard on a bipartisan basis to help this great city. We all share a responsibility for the Nation's Capital, but we cannot ignore the reality and the seriousness of the District's financial crisis. We have a fiduciary responsibility to the American taxpayer to ensure that these funds are spent wisely and in accordance with Federal laws.

Mr. Chairman, I will speak at the time the amendment is offered. Again, I want to thank the gentleman from California [Mr. DIXON] for his patience and understanding and willingness to work together that brings us to this point today.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. STARK], the distinguished chairman of the authorizing committee.

Mr. STARK. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on the District of Columbia

of the Committee on Appropriations for yielding time to me, and I wish to engage the distinguished ranking member of the committe in a colloquy.

First, Mr. Chairman, I would like to take the opportunity to thank the gentleman for his work in bringing about this compromise, and to state that the gentleman on the Committee on the District of Columbia has been an advocate of home rule and has been a great help to us in attempting to assist the District where he can and resist interfering, where often fools would rush in where angels fear to tread. The gentleman has been a consistent aid in that, and I appreciate his patience. I want to commend the gentleman.

Mr. Chairman, I believe that I am quite right that the gentleman still maintains his commitment to home rule, is that not the case?

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

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

Mr. BLILEY. That is the case, Mr. Chairman, I would say to the gentleman.

Mr. STARK. Mr. Chairman, we would both look forward to the day when perhaps this was not necessary and the payments would be more automatic, in the nature of real estate taxes, and he and I would have time to pursue other interests that might be of more importance to our particular constituents, but in the meantime I wanted to take this opportunity, along with the ranking member of the subcommittee, to thank them for arriving at this compromise. I think it is a wise step, and I think it will satisfy many of the concerns of the Members of the House, and, I might add, if any Members have a tremendous interest in this, I am sure the gentleman from Virginia [Mr. BLILEY] would say we always have room on the Committee on the District of Columbia for those who would like to pitch in and help. The gentleman does yeoman's work and I want to thank him for his cooperation in these matters.

Mr. BLILEY. If the gentleman will continue to yield, Mr. Chairman, I also want to thank the gentleman for his help in improving the language of the amendment that will be offered shortly.

Mr. STARK. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I support the District of Columbia appropriations bill for fiscal year 1995, and I commend Chairman JULIAN DIXON for his diligence in managing this bill through an arduous process under very trying circumstances. And, I especially want to commend the ranking member of the House District Committee, TOM BLILEY of Virginia, for his support of home rule and his role in reaching a compromise to finally bring this bill to the floor.

There is no longer any mystery as to causes and effects of the District's fiscal crisis. On March 29, 1994, Chairman DIXON and I commissioned the General Accounting Office [GAO] to conduct a comprehensive review of the District's finances. An excellent interim report was released by the GAO on June 22, 1994. With great detail and impressive analysis, the report explains how the District has reached this low point.

Based on GAO's findings, I am convinced that major financial and management reforms must be implemented immediately to avert financial calamity. However, this appropriations bill is not the proper vehicle for those reforms. Nor is it the role of the Congress to hastily impose major changes.

Out of my deep respect for home rule, I will oppose any amendment offered here today that would propose specific cuts in District programs. I will also vote against any attempt to impose the moral views of others on the sovereign residents of the District.

Nevertheless, the District's political and governmental leaders must make tough choices now. If not, the city will effectively "hit the wall" next year and need to borrow from the Federal Treasury. Time is of the essence.

Let me say Mr. Chairman, that I am disappointed that the District has failed to heed the warnings of even its best friends here in Congress. I know of the frustration of my colleague, JULIAN DIXON, to get the city to responsibly fulfill its own obligation to its citizens and to present Congress with a logical and balanced budget. My own attempts to get the city to acknowledge its need to demonstrate some modicum of fiscal discipline were summarily dismissed by the District. Matters did not need to reach this point.

Beginning tomorrow and over the next several weeks, my committee will consider legislation reauthorizing the annual Federal payment to the District. At that time, and in that context, the Committee will address many of the issues raised by the GAO report.

In closing, home rule does not absolve the District of its obligation to exercise responsible decision-making and fiscal discipline. Nor does it absolve the Congress of its responsibility to the Nation's taxpayers, including the District's residents. This bill now sends a clear signal to the District that Congress will not sit idly by while the District descends into bankruptcy.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank my colleague, the gentleman from New York [Mr. WALSH] for yielding me this time.

I intended to offer an amendment, Mr. Chairman, cutting $1.6 million out of this bill, but in light of the compromise that has been worked out I think the points have been made. I would like to associate myself with the remarks of the gentleman from New York [Mr. WALSH], which I think were excellent, and point out a problem that remains, notwithstanding that a compromise has been achieved this year.

I do offer my congratulations to the gentleman from New York [Mr. WALSH], the chairman, the gentleman from California [Mr. DIXON], and the ranking member, the gentleman from Virginia [Mr. BLILEY] for the hard work they have done to pull something together here.

However, Mr. Chairman, I have to point out that my remarks during the rule still are relevant. We have not made a fix. It is broken. Either the system is broken or the management is broken, I do not know which, but it has got to be fixed.

The chairman of the subcommittee has more or less agreed to that problem or to that hypothesis, Mr. Chairman, and has promised that we will try and do better. I think that is very important, because we do have a genuine financial crisis. The GAO has said so, others have said so, people who have looked at it have said so.

No matter whether people agree or disagree, we cannot come up with the fact that we are not having a problem with dollars. I think, Mr. Chairman, that the fact that we have a management problem still has been underscored, regrettably, in a Washington Post article, I think it was today, where it talked about the Housing Department, which was the genesis of my amendment, the problems that have been caused there by the scandal and the misappropriation of dollars for glorifying their headquarters when there are needs for the people of the District of Columbia for shelter and better improved housing; that the money was spent on propaganda for newsletters, it was spent on cleaning up the headquarters and making a better palace for the leaders of the program, apparently.

Now we read in today's paper that indeed there have been junkets to Puerto Rico. What is happening is that they just have not got the message in this department, and they just have not got the message in some of the other departments of the District of Columbia.

I hope that those in positions of authority are going to send that message, because I, too, would like to be able to stand here and say, "I think Home Rule has succeeded in Washington." I do not think that is the case now. I would love to be able to say that.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a member of the Committee on the District of Columbia, I rise in support of the compromise to cut $150 million from the District of Columbia budget.

In the summer of 1991, with bipartisan support, the House approved a series of steps to help the District financial situation. One of the most important actions was to approve a controversial $331 million bond obligation. As a past local government official who had to balance a budget I learned one

thing for sure: "you don't sell bonds for operating expenses as the District of Columbia government did in 1991."

Only the Federal Government can do that, and I think that is wrong. And would you believe that the District received a beneficial interest rate on those bonds in spite of their financial condition? Would you like to know why—because the bond attorneys knew that we, the Federal Government would eventually have to pay up. Ultimately, it is the responsibility of the Federal Government to cover the bonds.

The D.C. government must face the problem now or it will fall on the backs of the American taxpayer. The time has come to quit playing politics with the numbers and face facts.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Nebraska [Mr. BEREUTER].

□ 1410

Mr. BEREUTER. Mr. Chairman, I do not want to make life more difficult for the gentleman from California or the gentleman from New York. I am a member of the Housing Subcommittee of this body and I would like to have some attention from the District of Columbia's Department of Public and Assisted Housing [DPAH].

The gentleman from Florida [Mr. GOSS] just made mention of the difficulties revealed today again.

In a recent hearing before the Housing Subcommittee, both the HUD inspector general and the special master appointed by Judge Steffen Graae of the District of Columbia Superior Court expressed their judgment that the Department of Public and Assisted Housing should be placed in receivership. This Member heartily concurs with that judgment.

The residents of the District have been harmed and allegedly defrauded by their local government. The District's housing authority has been rated by HUD as "troubled" since 1979—the first year such a designation was used—yet neither HUD nor the District Government has succeeded in alleviating the problems at DPAH. In fact, things have only gotten worse. In their most recent rating, HUD rated DPAH as the worst public housing authority in the Nation.

Despite the recent charges brought against DPAH authorities, no action has been taken by DPAH to recover the section 8 certificates which were fraudulently issued. Even as fraud is uncovered and publicized, DPAH does nothing to remedy the situation.

Mr. Chairman, it is apparent that neither the District nor HUD is able to deal with this situation on their own, or most likely, together, and that the only answer to this problem is an independent receiver. Despite a joint effort between the District and HUD to clean up the mess that is DPAH, the shenanigans continue. Today's Washington Post reports that just last month, apparently with the blessing of the HUD-District partnership, DPAH sent eight representatives on an all-expense paid trip to Puerto Rico at a cost to taxpayers of $10,800. The excuses offered to justify the trip are transparent and ridiculous. This use of funds is outrageous and inexcusable. While citizens of the District go homeless, DPAH employees bask in the sun and stay at a luxury hotel.

If this can go on after HUD and the District have vowed to clean up DPAH, it is clear that they are not up to the task. Receivership is the only answer. In fact, Mr. Chairman, in a hearing on May 24, the special master, Mr. James Stockard, again made that recommendation to Judge Graae. It is this Member's hope that Judge Graae will finally exhibit the proper judgment and minimal courage to take Mr. Stockard's advice. However, the Judge has not yet acted, and the residents of the District continue to suffer while Judge Graae procrastinates.

As this body moves to make Federal funds available to the District, this Member wants to take the opportunity to urge Judge Graae to act to place the District of Columbia Housing Authority in receivership. It is the responsibility of this body to see that the Federal funds appropriated for the District are not misused. Unfortunately, it is clear that until the Judge acts we cannot have an even minimal assurance that such misuse will not occur again. Again, this Member urges Judge Graae to place the District of Columbia's Department of Public and Assisted Housing in receivership. The citizens of the District, and the taxpayers of the United States should not be defrauded further.

Mr. WALSH. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I want to commend the ranking Republicans and the chairman and the subcommittee chairmen on the Democratic side for their efforts at compromise on this bill. However, there is one subject in the bill that there has not been a compromise made and which apparently there will not be. That is, the fact that the District of Columbia is one of the few cities in the country that has passed a domestic partnership act under which any two individuals who can prove by certification that they live in the same domicile whether they are married or not can receive health care benefits.

This act is actually entitled the Health Care Benefits Expansion Act of 1992.

Mr. Chairman, I want to read into the RECORD the definition of what a family and what a domestic partner is called in this act. It says "Definitions" under section 2:

A domestic partner means a person with whom an individual maintains a committed relationship as defined in subsection 1.

In subsection 1, a committed relationship means a familial relationship between two individuals characterized by mutual caring and the sharing of a mutual residence.

A domestic partner, then, is anyone who is 18 years old, mentally competent who agrees that they are the sole domestic partner of the other individual and who is not married. In plain English, what this means is that homosexual couples, heterosexual couples who are not married, roommates, can go to the District of Columbia, register as domestic partners, and then be eligible for health benefits and any unemployment or any other benefits that happen to be available if they happen to be employees of the District of Columbia.

To me, this is simply not acceptable. It has not been acceptable to the last Congress and to the previous Congress.

In 1992, the gentleman from Texas [Mr. DELAY] offered an amendment that would have prevented any funds being spent to implement this act. That passed with 235 votes. In 1993, the gentleman from Oklahoma [Mr. ISTOOK] offered a similar amendment that passed in this body with 251 votes. I am prepared to offer an identical amendment to this bill but because of a parliamentary problem there can be a point of order made against it. The distinguished chairman of the committee has indicated that he would make such a point of order. In order for the Barton amendment to prevent any funds being expended to implement the Domestic Partnership Act, in order to offer that amendment, we have got to defeat the motion to rise which again the distinguished chairman of the committee has indicated that he will offer at the appropriate point in time.

If we go to Webster's Dictionary at the back of this Chamber and look up the definition of family, we do not see the definition that is in this act. To me, a family is your mother and father, your wife, your husband, your children, your aunts, your uncles, your cousins, your nephews, it is not somebody who signs a piece of paper and says they have a mutually caring relationship. That is not the definition of family that I grew up with, it is not the definition of family that anybody in this Chamber has grown up with, it is not the definition of family that the Congress in the last session and the previous session saw fit to support.

I would strongly ask that at the appropriate time Members help me defeat the motion to rise so that I can offer the amendment to prevent any funds in this act from being expended to implement the District of Columbia's Domestic Partnership Act.

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

FISCAL YEAR 1995 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1995, $667,930,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $81,159,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $12,432,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $56,343,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $41,046,000.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $884,926,000: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1995, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $720,258,000, to be allocated as follows: $542,682,000 for the public schools of the District of Columbia; $87,100,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $60,348,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; $3,301,000 for the Commission on the Arts and Humanities; and $5,567,000 for the District of Columbia School of Law: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures

for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1995, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $898,034,000: *Provided*, That $20,800,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $195,002,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $12,850,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $306,768,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $5,000,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,312,000.

PAY ADJUSTMENT

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1995 from which employees are properly payable, $106,095,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $10,000,000.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $22,508,000.

JOB-PRODUCING ECONOMIC DEVELOPMENT INCENTIVES

For tax incentive programs to be enacted by the Council targeted specifically to stimulating job-producing economic development in the District, $22,600,000.

CASH RESERVE FUND

For the purpose of a cash reserve fund to replenish the consolidated cash balances of the District of Columbia, $3,957,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $5,702,000, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $5,600,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $140,000 shall be available for project management and $110,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1996, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1996: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $265,653,000, of which $40,160,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for construction projects from the water and sewer enterprise fund for the Washington Aqueduct, $21,365 are rescinded.

In addition, for the Water and Sewer Enterprise Fund, such amounts as are necessary for reimbursement to the United States of funds loaned to the Secretary of the Army by the Secretary of the Treasury, including interest as required thereby, for the Washington Aqueduct Capital Improvement program.

Subject to approval of authorizing legislation, during fiscal year 1995, new notes and other obligations shall be issued by the Secretary of the Army to the Secretary of the Treasury for the Washington Aqueduct Capital Improvement program in an aggregate principal amount of $10,000,000.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $8,318,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,353,000, of which $140,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers

granted by An Act to Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1996, shall be transmitted to the Congress no later than April 15, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1994 shall be deemed to be the rate of pay payable for that position for September 30, 1994.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1995, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1995 revenue estimates as of the end of the first quarter of fiscal year 1995. These estimates shall be used in the budget request for the fiscal year ending September 30, 1996. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1994" and inserting "sold before October 1, 1995".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. Effective as if included in the enactment of the District of Columbia Appropriations Act, 1990, section 133(e) of such Act is amended by striking "shall take effect" and all that follows and inserting "shall apply with respect to water and sanitary sewer services furnished on or after January 1, 1990.".

SEC. 129. For the fiscal year ending September 30, 1995, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1994, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1995 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. Notwithstanding any other provision of law, each agency, office, and instrumentality of the District shall implement a hiring freeze and shall fill only vacancies in essential positions, and to the extent practicable, shall fill essential positions from among employees holding non-essential positions. A non-essential position that becomes vacant, other than by termination for cause, shall not be filled. The Council shall enact legislation to implement this title, which may include, but shall not be limited to, procedures for identifying essential and non-essential positions, for filling vacant essential positions from among employees holding non-essential positions, and for reporting on implementation of the hiring freeze required by this section.

SEC. 133. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 134. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

INDEPENDENT AUDIT OF RETIREMENT BOARD

SEC. 135. (a) IN GENERAL.—The District of Columbia Retirement Board shall enter into an agreement with an independent firm meeting the qualifications described in subsection (b) to prepare and submit to the Retirement Board a written set of findings and recommendations not later than 6 months after the date of the enactment of this Act regarding the appropriateness and adequacy of the Retirement Board's fiduciary, management, and investment practices and procedures.

(b) QUALIFICATIONS FOR FIRM.—A firm meets the qualifications described in this subsection if the firm has a demonstrated expertise in the areas of investment and investment consulting, particularly with respect to—

(1) the review and analysis of the investment portfolios of large public pension funds;

(2) the investment practices of the managers of such funds;

(3) the relationship of such practices to the fiduciary responsibilities of the managers of such funds; and

(4) the analysis of the investment returns achieved by such funds on both an absolute and risk-adjusted basis.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the findings and recommendations provided under subsection (a), the Retirement Board shall submit a report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate on the findings and recommendations.

(d) EXPENDITURE OF FUNDS.—The Retirement Board shall spend not less than $250,000 from investment earnings to carry out this section. No additional funds may be provided by the Mayor of the District of Columbia to the Retirement Board to carry out this section.

MUNICIPAL FISH WHARF

SEC. 136. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

FINANCIAL REPORTING

SEC. 137. (a) SUBMISSION OF QUARTERLY FINANCIAL REPORTS.—Not later than fifteen days after the end of every calendar quarter (beginning October 1, 1994), the Mayor shall submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on District of Columbia Appropriations of the House of Representatives and the Senate a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

(b) CONTENTS OF REPORT.—Each report submitted under subsection (a) with respect to a quarter shall include the following information:

(1) A comparison of actual to forecasted cash receipts and disbursements for each month of that quarter, as presented in the District's fiscal year consolidated cash forecast;

(2) A projection of the remaining months' cash forecast for that fiscal year;

(3) Explanations of (a) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (b) the changes in the remaining months' forecast as compared to the original forecast for those months of that fiscal year; and

(4) The effect of these changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year.

This title may be cited as the "District of Columbia Appropriations Act, 1995".

TITLE II

FISCAL YEAR 1994 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support" $164,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1337), $18,797,000 are rescinded for a net decrease of $18,633,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $1,311,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1337), $31,697,000 are rescinded for a net decrease of $30,386,000.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $42,801,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $16,398,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1338), $4,742,000 are rescinded for a net increase of $11,656,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $17,243,000 for public schools of the District of Columbia and $735,000 for the University of the District of Columbia: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1339), $487,000 for the Education Licensure Commission, $91,000 for the Commission on the Arts and Humanities, $30,000 for the District of Columbia Law School and $245,000 for the District of Columbia Public Library are rescinded for a net increase of $17,125,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $32,461,000: *Provided*, That $4,657,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1340), $831,000 are rescinded for a net increase of $31,630,000.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1340), $9,092,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127, 107 Stat. 1340), $338,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1340 and 1341), $15,161,000 are rescinded.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For an additional amount for "Repayment of General Fund Recovery Debt", $312,000.

OPTICAL AND DENTAL BENEFITS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1341), $11,000 are rescinded.

SEVERANCE PAY

For an additional amount for "Severance pay", $6,000,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1341), $5,500,000 are rescinded.

CASH RESERVE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1341), $3,957,000 are rescinded.

SHORT-TERM BORROWING

For "Short-term borrowing", $3,500,000.

WATER AND SEWER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1343), $9,411,000 are rescinded: *Provided*, That $37,436,000 of the amounts available for fiscal year 1994 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $40,438,000 as provided under this heading in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103-127; 107 Stat. 1343).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and Charitable Games Enterprise Fund", $1,235,000.

CABLE TELEVISION ENTERPRISE FUND

The paragraph under the heading "Cable Television Enterprise Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the figure "$2,353,000" the following: "of which $140,000 shall be transferred to the General Fund of the District of Columbia.".

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the phrase "Television" the following: "and an additional $1,400,000 shall be transferred to the General Fund of the District of Columbia.".

GENERAL PROVISIONS

SEC. 201. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1994.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the bill through line 2 on page 40 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against the bill up to that portion?

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DIXON

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

The Clerk read as follows:

On page 15, strike line 23 through line 9 on page 16.

Mr. DIXON. Mr. Chairman, this amendment is technical in nature. We were trying to accommodate a member of the Committee on Appropriations, the gentleman from Virginia [Mr. MORAN]. It would have allowed the Secretary of the Army to borrow $10 million from the Secretary of the Treasury for capital projects for the Washington Aqueduct subject to approval of authorizing legislation.

The problem is that CBO indicates that it would be scored against our bill. This language was not scored by CBO until yesterday and the scoring results in our exceeding our 602(b) allocation by $10 million.

□ 1420

I think it is a no-cost amendment. However, I am not in a position to argue with the CBO scoring so I am offering this amendment to strike that language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Chairman, I offer an amendment. It is marked "Compromise Amendment, #2, Offered by Mr. DIXON of California, Mr. WALSH of New York, and Mr. BLILEY of Virginia."

The Clerk read as follows:

Amendment Offered by Mr. DIXON: Page 33, after line 24, insert the following new section:

SPENDING REDUCTIONS

SEC. 138. (a) REDUCTION IN FISCAL YEAR 1995 EXPENSES.—

(1) IN GENERAL.—In addition to any other reduction required by this Act, the total amount appropriated in this title for the District of Columbia for fiscal year 1995 under the caption "Division of Expenses" is hereby reduced by $150,000,000. The reduction shall be allocated by the Mayor of the District among the various appropriation headings under such caption (excluding the "Rainy Day Fund") and shall be taken only from expenses for personal and nonpersonal services.

(2) REPORTING REQUIREMENTS.—

(A) IMPLEMENTATION PLAN.—Not later than 30 days after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the Congress a report setting forth a detailed plan for the implementation of the reduction made by paragraph (1).

(B) PLAN REVISIONS.—The Mayor may at any time revise the implementation plan submitted under subparagraph (A). Not later than 30 days after making any such revision, the Mayor shall submit to the Congress a report setting forth a detailed description and justification of such revision.

(C) REVISED CASH FLOW STATEMENTS.—Each report required by subparagraph (A) or (B) shall include a revised cash flow statement for the government of the District that incorporates the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph.

(D) SUPPLEMENTAL BUDGET SUBMISSION.—Any supplemental budget request for fiscal year 1995 submitted by the District to the Congress shall incorporate the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph.

(b) ANNUAL LIMITATION ON OUTLAYS.—

(1) AGGREGATE LIMITATION.—The total outlays of the government of the District of Columbia during fiscal year 1995 shall not exceed the total receipts collected by the government during such fiscal year.

(2) INDIVIDUAL FUND LIMITATIONS.—The total outlays of the government of the District of Columbia from the general fund, or from any special fund, of the District during fiscal year 1995 shall not exceed the total receipts collected by the government and paid into such fund during such fiscal year.

(c) ENFORCEMENT.—

(1) TIMING OF ANNUAL FEDERAL PAYMENT.—The annual Federal payment to the District of Columbia authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act for fiscal year 1996 shall not be made until the Secretary of the Treasury has received from the Mayor of the District a certification of the total outlays of, and total receipts collected by, the government of the District during the preceding fiscal year.

(2) REDUCTION OF ANNUAL FEDERAL PAYMENT.—The amount of any annual Federal payment subject to paragraph (1) shall be reduced by the amount (if any) by which the outlays described in such paragraph exceed the receipts described in such paragraph.

(d) APPLICABILITY.—The provisions of this section shall apply hereafter, notwithstanding any other provision of law to the contrary.

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

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

There was no objection.

Mr. DIXON. Mr. Chairman and Members, this is the amendment I spoke about earlier and that others have made reference to. It is a compromise that has been reached through the efforts of my good friend and ranking member, the gentleman from New York [Mr. WALSH].

Also I would like to thank the gentleman from Virginia [Mr. BLILEY] for his very valuable input, and I thank the gentleman from California [Mr. STARK] for blessing this amendment.

It is something that certainly is not the most desirable thing to do, but when we look at all of the circumstances involved in moving this bill including the response from the District government, offering this amendment was a necessary step to keep this bill moving.

As I indicated before, it is my personal belief that if District officials are to operate in good faith in fiscal year 1995, they would have to cut $150 million anyway. I am sorry the cut is necessary, but I appreciate the cooperation that I have received from all Members of the House.

I especially want to thank the gentlewoman from the District of Columbia [Ms. NORTON], who I very thoroughly understand does not enjoy me doing this, and I have kept her informed. I just am sorry that I could not accommodate her in not reaching this agreement.

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

Mr. Chairman, I rise in support of this amendment, and I would also like to extend my thanks to the principals in this agreement, the gentleman from California [Mr. DIXON], our chairman of the subcommittee, and the gentleman from Virginia [Mr. BLILEY], ranking member on the authorizing committee.

This agreement, I think, is the best we could get. That is the name of compromise.

I do not think either side is totally happy with the agreement. I am sure the District is not happy with the agreement, and there may be others who think that we should do more.

But what this agreement says is that we recognize that there is a fiscal crisis in the District of Columbia. The Congress is exerting its constitutionally prescribed authority in this area, but we are continuing to honor the premise of home rule. We are saying:

We will not appropriate more than this amount. You decide how you are going to spend it. You decide how you are going to make the cuts that are required to meet this, and if you spend more than we appropriate in this fiscal year, 1995, we will dock you dollar for dollar in the next fiscal appropriation next year if you overspend.

The GAO report showed clearly year after year after year the District has sent up nonbalanced budgets to the Congress. If we are going to continue to have a home-rule agreement with the District of Columbia, they have to honor their portion of the agreement, which is to provide us with a balanced budget. We are continuing our end of the bargain. We are sticking with home rule. But in order for us to do that, they have to give us a balanced budget.

This is going to go back to the Mayor and the council. They have 30 days to respond positively. I hope they will do so.

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

Mr. Chairman, I rise in support of the amendment. I certainly want to thank the chairman of the Appropriations Subcommittee, the gentleman from California [Mr. DIXON]. I want to thank the ranking minority member, the gentleman from New York [Mr. WALSH]. I want to thank the patience of the gentlewoman from the District of Columbia [Ms. NORTON]. This is not something that we enjoy.

But this is a bipartisan agreement, and it does require the District to cut $150 million for next year.

The chairman of the Appropriations Subcommittee, the chairman of our authorizing committee, the gentleman from California [Mr. DIXON], and the gentleman from California [Mr. STARK], realized early on that the District's budget this year was in shambles and, therefore, they called in the General Accounting Office and requested a study. They got the study. We got the report, and the report confirmed our worst fears.

Since that time, the chairman has been patient. He has given the District every opportunity to respond and, to date, they have yet to respond, or if they have, it has not been apparent to this Member.

This amendment does not let the District government continue to spend more money than it takes in. This amendment sends a very strong message to the District government that Congress is concerned about the financial condition of our Nation's Capital.

The bipartisan amendment tells the District government that business as usual is not good enough.

This amendment removes any need for the two motions that I had planned to offer later today.

We urge all Members to support this bipartisan amendment and get on with the business of this Congress.

Mr. Chairman, I think that it is fair to say that no one wants to be in the position we find ourselves in today. I daresay that the chairman of the subcommittee, the gentleman from California, knows better than anyone the inherent problems of the District budget. It is the spotlight he has focused onto the District budget which has cast such a large shadow over this appropriations bill. He and Chairman STARK deserve our thanks for bringing the GAO report to life. Mr. DIXON deserves our admiration for his courage in protecting in the interests we all share in the Nation's Capital.

The ranking member of the District of Columbia Appropriations Subcommittee, Mr. WALSH, also deserves our gratitude. He has demonstrated himself to be a true friend of the District and, at the same time, followed the courage of his convictions. He sees what is ahead and knows what must be done even if it is unpopular.

Anyone who has followed the local news recently knows that the Delegate from the District of Columbia does not want to be in her position. Nevertheless, she will put on a spirited and admirable defense of a budget she knows is not defensible. And, to her great credit, she has not defended the city's failure to act responsibly.

I can assure you that I do not want to be in the position that I am in today. I have helped provide the District with a cash infusion of more than $1 billion over the past few years. Believe me, I do not take any pleasure in saying that despite all of our efforts, the District is still facing a short-term financial crisis which pales in comparison to the long-term crisis dead ahead. District expenditures are growing at twice the rate of revenues and the annual budget deficit will grow to $742 million by the year 2000.

The District of Columbia budget should not be a partisan issue. We all share responsibility for the Nation's Capital. We should not be divided between those who would have us do nothing despite the evidence we have and those of us who fully understand that the day of reckoning is here. The dire consequences of doing nothing far outweigh the modest proposal now being put before us.

Mr. Chairman, some may regard the vote on this amendment as a minor one among the thousands of votes we cast each year which merits no special notice. Such appearances and perceptions are deceiving. This vote is, in fact, a turning point of historical significance. Much of what will happen in the future will spring from this vote.

This vote will in large part shape the relationship between the District and the Congress for the remainder of this century. Clearly, Congress cannot stand idly by and watch the District collapse financially. Do you prefer to simply wait for a massive Federal bailout? Despite all of the other denials, city officials admit that additional Federal resources will be sought. According to the District's most recent cash-flow statement, the District has just recently added another $31 million in Federal grants.

If we do not demand that the District government adhere to necessary fiscal constraints, there is little hope that we will demand any semblance of discipline in the future. Do you prefer that the Federal Government step in and take over large parts of the local government's responsibilities? Do you prefer to tell your constituents that you are willing to increase the Federal payment while spending goes unchecked?

I have been a strong supporter of the District and have worked hard on a bipartisan basis to help this great city. We all share responsibility for the Nation's Capital. But we cannot ignore the reality and the seriousness of the District's financial crisis. We have a fiduciary responsibility to the American taxpayers to ensure that these funds are spent wisely and in accordance with Federal laws.

In passing this amendment, I firmly believe that no other amendments to make reductions will be necessary. This is the toughest amendment possible. Let us pass the Chairman's amendment and send a strong, united message to the city.

I urge all my colleagues to vote for this amendment.

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

Mr. Chairman, I yield to my colleague, the gentleman from Texas [Mr. BARTON], to see if we can have a colloquy on what legislative course we are going to follow from here to voting.

Mr. BARTON of Texas. Mr. Chairman, I would like to ask the distinguished chairman of the Subcommittee on the District of Columbia if he could answer a question for me at this point in time. I would like to ask the gentleman from California [Mr. DIXON]: The amendment that I have prepared on the Domestic Partnership Act comes at this same point in the bill. Now, as soon as we have the vote on the pending amendment, I am prepared to offer my amendment entitled "No. 1" at this point in the bill.

What does the chairman intend to do at that point in time?

Mr. DIXON. Mr. Chairman, if the gentleman will yield, it is my understanding that it would be subject to a point of order if the gentleman were to raise the issue before the motion to rise. I would ask the Chair to rule on the point of order.

Mr. BARTON of Texas. If I do not offer the amendment at this point in time, assuming that there are no other amendments to the bill, the gentleman would then offer the motion to rise, at which point in time I would rise to attempt to defeat that?

Mr. DIXON. That is correct. It is my understanding there is one further amendment at the desk. After that amendment, assuming it is the last one, I will hope to be recognized for a motion to rise.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman.

Mr. DORNAN. Mr. Chairman, reclaiming my time, I intend to speak on the amendment offered by the gentleman from Texas [Mr. BARTON] striking the domestic partnership arrangements from the District of Columbia bill, and will use the remainder of my time to try and clarify this.

Now, I have great respect for the gentleman from California [Mr. DIXON], my colleague from California, not only for his legislative skills but also for his intellect and his judgment. We just disagree on certain issues from time to time, most often these very passionate social issues. And I know that he is going to do what he has to do legislatively to try and defeat the Barton amendment, which would bar the District of Columbia from enforcing its domestic partners law.

It puts a great burden on the gentleman from Texas [Mr. BARTON] to get the House to defeat the motion to rise, which would allow the Barton amendment to be offered. I have only seen this happen a few times in my 16 years. When we do defeat the motion to rise it is usually on a ratable vote, or those votes which might either come back to haunt Members or reward them in the next election, which for us, is only 118 days away.

Now, here is what is so peculiar about the domestic partnership law as it stands now.

□ 1430

The wording of the law is so vague that it requires no proof of long-time commitment from two people. Officials need only to rely on the honesty of the registrants. The "partners," so to speak, could live together only a few days and still receive employment, health, and government benefits.

To be eligible, you only have to be friends, 18 years of age, and state in writing you care for one another. So, it is not just homosexuals, who may qualify. Since when does a governmental entity of any kind, particularly one with all the fiscal problems of the District of Columbia, provide benefits to people who merely like one another and cohabitate? Buddies from Vietnam, each one saved the other one's life at different times; two women who went all the way through grade school, through high school and college together, and they sign, "I like this person." They would be eligible.

And so the District of Columbia, with all of its fiscal problems, is going to start paying for things like a roommate's hospital bills? From my historical knowledge, this business of domestic partner benefits started in Seattle where they were trying to give privileged treatment to lesbian and homosexual partners.

But they decided they could not be quite so brazen, they would take too much heat from the voters. To get around that they decided to make any roommate at all, whether in the fire department or the police department, eligible for benefits. This law denigrates marriage and family. It undermines the health care system, and I think it is a harbinger of the nightmare debate we are going to go through before the August district work period.

Here are the facts, to my good friend, Mr. DIXON: In 1992, 235 Members said "no" to benefits for domestic partners when it had a homosexual twist. In 1993, it increased to 251 Members, another clear majority saying "no" to benefits for domestic partners. And now we have to fight for a vote defeating Mr. DIXON's motion to rise, and we will probably get an even bigger vote, given the volatility of this election year, which is only 118 days away. That's because now we are talking about roomies, just plain old roommates getting a free ride from the people who pay taxes to the District of Columbia.

This is madness. Defeat the motion to rise, give Mr. BARTON the chance to offer his amendment. Let us be representatives, let the voters speak here, 118 days before the election. Let us get rid of this domestic partnership nonsense.

Thank you, Mr. Chairman.

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

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

Ms. NORTON. I yield to the distinguished gentleman from California.

Mr. DIXON. I thank the gentlewoman for yielding.

Mr. Chairman, for those Members who are watching this debate on television—and I respect the views of my colleague from California—I just want to remind them that the pending business is the Bliley-Walsh-Dixon compromise amendment and that the vote at this point in time will be on that amendment and not on the domestic partnership issue.

Ms. NORTON. I thank the distinguished chairman for that clarification. I will have something to say about the red-herring Barton domestic partnership amendment at a later point.

I wish to speak to the compromise amendment at this point. I want to express my appreciation for the very hard work, one might say the toil, of Chairman DIXON, ranking member BLILEY, Chairman STARK, and ranking member WALSH.

Chairman DIXON, with whom I have worked very closely, deserves very special and great respect because he has managed to pull no punches during this frightening budget ordeal and at the same time to continue to be the best friend the District has.

What he had desired was tough love; what I am afraid has come about is harsh love. And I mean no oxymoron there.

The alternatives that the chairman faced were, in my opinion, kill the District cutting amendments. I believe the many amendments that would have come on the floor, if accepted, would have sent the District right over the side into insolvency. I know that Chairman DIXON had hoped to focus the District on spending cuts and not to deny the District a single cent of its Federal payment. And he has succeeded in doing just that, miraculously.

Even so, it is very, very difficult for me to support a directive from the Congress to the District to cut its budget in a specific amount. I have, as most Members know—and as I have had to tell even some District residents who have come here to ask me to try to get Congress to overturn District law—I have very firm self-government and home-rule principles that come from simply being an American; but, Mr. Chairman, I am compelled to support this compromise. I support it for three reasons: First, it is not a violation of home rule because the cuts are in spending and must be made by the District and not the Congress. Second, there are no cuts in the Federal payment. If there were, the District would be so cash-short it would, for example, be unable to pay the pension liability that its court order says it should.

Finally, I support it, I suppose, because of the biblical reference, "If your ox be in the mire." Mr. Chairman, the District's ox is in the mire, and this compromise is the only way to get that ox out of the mire and through this House and over to the other body.

The revenue cuts that the budget had attracted were murder, and I mean that literally. Those revenue cuts would have meant that the District could not have made the pension fund payment, that the District would have had little cash and DC has been waiting for the Federal payment because it needs immediate cash.

Whatever cuts the District is going to make, it can make over time, but it needs immediate cash.

Now, the spending cuts should have been initiated by the District. The District was paralyzed, perhaps, because this is an election season. I do not know all of the reasons. But I can tell you this: The $150 million is spending cuts that the District is now obliged to choose and to make is pitted against the number of cuts that this budget had already attracted.

And that figure is $378,611,590. That is the aggregate amount of cuts in amendments that we have tallied up today as opposed to $150 million, which is the harsh cut the District is left with to do in its own way.

May I say, Mr. Chairman, that I never envisioned that the day would come when the District would be compelled to submit to such a compromise and I would have to accept such a compromise. I followed Chairman DIXON every step of the way; we have consulted, we have labored, we have tried every single option. I know well, after going through that ordeal, that it is either this compromise or we risk greater sacrifice. And I emphasize: getting no appropriation at all.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia [Ms. NORTON] has expired.

(On request of Mr. DIXON and by unanimous consent, Ms. NORTON was allowed to proceed for 2 additional minutes.)

Ms. NORTON. I thank the gentleman.

Mr. Chairman, there were three kinds of amendments. There were very specific amendments to make cuts, they were legion. There was an amendment to cut the Federal payment, which would have left the city even further cash-starved. And then there were simply punitive amendments that had little to do with the fiscal condition of the city.

Mr. Chairman, this is the saddest day I have spent in the House.

Now, it is inherently difficult to represent the District in this Congress, because everybody else gets into your business. But I regard that as a challenge, not as a cause for sadness. Today I am sad because of what the chairman has had to accept. The only person who knows how sad I am is Chairman DIXON himself, because he has fought the good fight for the District for 14 years; it is only my 4th.

The chairman has never lost a battle, and he has not lost the battle this year. He has given up more on the battlefield than he should have had to give, but he has saved the Federal payment.

The fiscal crisis of the District is at the root of all we do today.

□ 1440

This is a crisis not unlike the one I found when I came to Congress, when the gentleman from California [Mr. DIXON] in one important miracle got $100 million for the city, then another 200 million. I want to thank my colleagues for the bipartisanship of 1991. I want to say to them that I will work with the city and with my colleagues so that we can return to the bipartisanship of 1991, which is support for the Nation's Capital, and move from the bipartisanship of 1994, where both parties have gotten together to mandate cuts in spending. I regret that it is the best we could do, but at least the District will have its full appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 4, line 3, insert before the period the following: ": *Provided further*, That the Mayor shall expend $200,000 of this appropriation for the D.C. Schools Project for intensive intervention and youth development initiatives for high risk Hispanic teenagers".

Mr. DIXON. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON] for 5 minutes in support of his amendment.

Mr. RICHARDSON. Mr. Chairman, the purpose of this amendment is to force the Mayor of the District to expend $200,000 of this appropriations bill for the D.C. schools project.

Mr. Chairman, an increasing number of Hispanics are becoming involved in gangs and illegal or dangerous activities in the District, and this project is going to use the money for intensive intervention and youth development initiatives for high-risk Hispanic teenagers. Hispanic youth will then be able to learn about alternative opportunities to crime and become conscientious and concerned citizens within the District of Columbia.

Mr. Chairman, the root of the problem is that Hispanic issues within the District of Columbia continue to receive little support from the Mayor. Let me say that the chairman of the Committee on the District of Columbia and the delegate for the District of Columbia [Ms. NORTON] in my judgment have done outstanding work, not just with their own communities, but with the Hispanic community, so my criticism is mainly at the Mayor and the Mayor's office, and I want to take this moment to send a strong message to the Mayor and her administration to fund more Hispanic projects.

Mr. Chairman, I have long felt that the D.C. officials do not do enough for Hispanics. That is the bottom line as to why I am offering this amendment. Sometimes their insensitivity to Hispanic issues must be confronted, and I regret to say that I cannot any longer be silent about this issue.

I also want to express my resentment and disappointment with the manner in which D.C. officials responded to my efforts at funding a project which assists Hispanic youth. Instead of supporting my efforts and asking Congress for more money to help a Hispanic program, I was criticized for attempting to cut other programs in other parts of their budget, in particular the Office of Latino Affairs, and the Federal and congressional offices completely misunderstood my attempt in offering this amendment in assisting Hispanics in this district and inappropriately stated that my project was detrimental to the District of Columbia. In short, the responses of officials from the District were condescending and, in my judgment, inappropriate.

So, at this time I would like to respectfully ask the distinguished chairman, who, as I mentioned, is enormously sensitive to Hispanic issues in the District, to engage with me in a colloquy.

Mr. Chairman, does the Mayor of the District of Columbia have the power to modify the funding in her budget to support Hispanic projects in the District?

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

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

Mr. DIXON. Yes, the Mayor has the power to modify the funds in the District of Columbia budget to fund more Hispanic programs.

Mr. RICHARDSON. Mr. Chairman, although Hispanics are considered to be the fastest growing minority in the United States, does the gentleman agree that Hispanic programs continue to receive a disproportionate lack of support from the Mayor of the District of Columbia?

Mr. DIXON. Yes. In my opinion, the Mayor could indeed extend more support to programs within the District of Columbia that focus on assisting Hispanics, and I would further point out that, in my opinion, the recommendations of the U.S. Civil Rights Commission as published in the January 1993 report entitled "Racial and Ethnic Tensions in American Communities", would substantiate your statement.

Mr. RICHARDSON. Mr. Chairman, I appreciate the time the gentleman has allowed me to express my concerns for the lack of support for Hispanic programs by the Mayor. In short, I am going to continue to work with the Congressional Hispanic Caucus, and the Congressional Black Caucus. We are going to be asking the mayor to come and explain some of the Hispanic programs in the District.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] is withdrawn.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1994".

Mr. DIXON. Mr. Chairman, I move that the Committee do now rise.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BARTON] for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I had been prepared to offer an amendment to the bill that would have prevented any funds in this bill from being expended to implement the Domestic Partnership Act that the District of Columbia passed on April 15, 1992. The amendment that I was prepared to offer is identical to an amendment that was offered and accepted last year by the gentleman from Oklahoma [Mr. ISTOOK] and the year before that by the gentleman from Texas [Mr. DELAY]. Evidently, Mr. Chairman, in the last 2 previous years points of order could have been placed against the same amendment, but they were not. This year the chairman has indicated earlier that he would make such a point of order.

I want to explain the point of order. Under the appropriation bills, Mr. Chairman, one can offer a specific cutting amendment to specific items in the bill. Since in the last 2 years the Congress has gone on record specifically not to allow any money to be spent to implement the Domestic Partnership Act in the District of Columbia, as passed, there has been no money spent. So, the language that I had and which is identical to that of the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Texas [Mr. DELAY] simply says no funds made available. Evidently that point of order could be raised against that.

So, I want everybody to be perfectly clear on this motion to rise. This is not a procedural vote. It is a substantive vote. We have sent out extensive materials around the country, both in writing and through the audio and video media, that the motion to rise that the gentleman from California [Mr. DIXON] is preparing to offer is going to be rated as a substantive vote. Senator LOTT, a distinguished Senator from the other body from the great State of Mississippi, has indicated to me that he is going to offer this amendment in the Senate.

So, this issue is not going to go away. If in fact we are successful in defeating the motion to rise, I will offer the amendment, and I am confident that it will be passed. The reason it is important to defeat the motion to rise is because, as I indicated earlier, the definition of family in this ordinance that the District of Columbia has passed is not a definition of family that one is going to find in the dictionary. It is not a definition of family that deals with brothers, and sisters, and aunts, and uncles, and fathers, and mothers, and cousins, and nephews. It is simply any two people that are 18 years old who happen to live in the same building, the same domicile, can go down and certify to the Mayor of the District of Columbia that they are a family. Now, if they change their mind, every 6 months they can submit a written certification that they are no longer a family and can have a different family.

This goes directly against the institution of marriage, it goes directly against any widely accepted definition of what a family ought to be. It has tremendous consequences. It could cost anywhere from $1 million, which is a low estimate that I have been able to obtain, up to as much as $40 million a year if it were to actually be implemented.

So, I would strongly recommend that we defeat this motion to rise, allow me to offer the amendment, and then have a vote on the amendment.

79-059 O—97 Vol. 140 (Pt. 11) 48

□ 1450

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

Mr. Chairman, I rise in strong support of the actions by my friend, the gentleman from Texas [Mr. BARTON]. The motion to rise should be defeated to reaffirm what this House has done in previous years, which is to eliminate funding for the Domestic Partnership Act. This action seeks to put back into the bill the language the House passed last year which simply states that "no funds shall be used" to enact the Domestic Partnership Act.

It seems incredible that at a time when the District of Columbia has once again shown its inability to put its fiscal affairs in order, this act would expand their budgetary responsibilities. If the District cannot meet its obligations now, then why expand them?

This amendment inserts what is missing in this bill, a fiscally responsible message that expanding the District's budgetary obligations into unsound social policies is not what the City Council or Mayor should be concentrating on. The American taxpayer is subsidizing a growing city deficit and shouldn't be asked to accept responsibility for more, when this body has the ability to at least slow it down.

Common sense, if anything at all, tells us that this domestic partners law is not a responsible plan for expanding access to health care in the District of Columbia. Besides giving health benefits and sick leave to both heterosexual and homosexual couples who merely state they are in a mutually caring relationship this law gives the appearance that the Congress endorses such behavior. This act is nothing more than a revolving door for people who do not wish to enter into marriage but still want to receive all the legal and social perks of the institution. Passage of this bill would mean that a domestic partner merely has to go downtown, fill out a government form stating that they are domestic partners, share a street address, and you now are entitled to health benefits if your friend works for the District.

Other cities across this Nation have followed Congress' lead of last year and vetoed or rescinded domestic partnership laws. If the rest of the country is waking up to this social experiment at taxpayers expense and saying, "no more," Congress should do the same.

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

Mr. Chairman, you will note that even given the contentiousness that has surrounded this budget year, this is the first amendment to be offered that was not a bipartisan amendment. I ask my colleagues not to dissolve the bipartisan spirit that we have embraced, some of us very reluctantly. Earlier I called the Barton anti-domestic partnership amendment a red herring amendment. Mr. Chairman, that is a polite word for it. My colleagues, this is a sucker amendment. It is designed to make people put themselves on record on homosexual marriage, that has nothing to do with the domestic partnership law. If you look at some of the "Dear Colleagues" that have been handed out, you will see that.

Now, I do not know about the district of the gentleman from Texas [Mr. BARTON], but let me tell you about my district, sir. The law's chief effect in my district is on extended families.

The typical beneficiary would be two working single mothers living in the same household, and one is a DC employee, and the other works for some hotel downtown that is nonunionized and has no health benefits. She can get on the health benefit plan of the women in the house with whom she lives.

Moreover, it is absolutely false that there is a single dollar of taxpayer funds involved here. This health benefit must be paid 100 percent by the recipient of the benefit.

Now, this has been framed as an amendment that is outside of the family tradition, that supports heterosexual and homosexual, illicit, relationships. If that is the case, my friend, why is it then supported by the National Council of Senior Citizens? Why is it then supported by the District of Columbia Nurses Association? Why is it then supported by the Gray Panthers? Why is it then supported by the Concerned Clergy of the District of Columbia? Why is it then supported by Church Women United? Are they accustomed to supporting illicit relationships?

Shame on you. Take it back. Members, do not be used by a Member who has a personal political ax to grind involving his district. The gentleman from Texas [Mr. BARTON] represents part of Dallas County. They had a big brouhaha down there about domestic partnership, a different kind of domestic partnership. But leave that stuff in Texas, and let my constituents rule themselves in the name of democracy.

The gentleman from Texas [Mr. BARTON] may be running on homosexual marriage, but few of the rest of us in this House are. I ask you, my colleagues, do not get suckered into a vote on a local issue that has been mischaracterized to the benefit of those who want to make you go on the line and cast your vote on a controversial vote. Vote for the Dixon motion to rise.

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

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I would like the distinguished gentlewoman from the District of Columbia [Ms. NORTON] to answer a question for me, if she would.

First let me say that I have the greatest respect. I think as you said yourself, you have a difficult job in representing the District of Columbia, and you have done an excellent job. There is absolutely no personal animosity or political partisanship in me offering this amendment.

I would simply ask you the question, that if you actually look at the law itself, or the city ordinance itself, it is very specific in section 2, subparagraph C, that these domestic partners not be married. I mean, that is the plain language of the law.

Then if you go on down later on page 1, subsection 2, subparagraph 7, subparagraph B, a family member can be, as defined by this, any unmarried person, regardless of age, who is incapable of self support because of a mental or physical disability that existed before age 22.

Now, I do not believe that I am being partisan or action grinding at all to say that that does not meet any definition I am comfortable with as a family.

Would the distinguished gentlewoman like to respond to that?

Ms. NORTON. Mr. Chairman, if the gentleman will yield, I want to say to the gentleman, I recognize that the gentleman does not submit his amendment in any personal animosity to the District. My passion has to do with my concern that my constituents have the right to have a domestic partnership law if they desire, just as yours have recently voted to, in their democratic right, take back a domestic partnership law.

Let me respond to the reason that the law says the people must be unmarried. The reason is that if they are already married, they are automatically entitled to share.

Mr. BARTON of Texas. Exactly.

Ms. NORTON. If I could just finish, if they are not, even though they are living as a family, they may well not be entitled to the same rights.

□ 1500

For example, my son just graduated from college. Therefore, he is off of my insurance, my health insurance. If I were a District employee, he could get back on my health insurance because he is living in the same house with me.

Typically in my district, where single households predominate, we have low-income working women. One of them may be a District employee. She has access to a group plan. Someone who has no plan ought to be able to come on.

Therefore, they are living as a family. And in my community people live in extended families. I would like them to be able to take advantage of this law.

(On request of Mr. BARTON of Texas, and by unanimous consent, Mr. ISTOOK

was allowed to proceed for 5 additional minutes.)

Mr. ISTOOK. Mr. Chairman, we will have to vote upon this issue of the domestic partners law of the District of Columbia. On the motion to rise, we have the opportunity to vote, and I can guarantee that this is going to come back. And nobody is going to be able to escape a vote by voting for the motion to rise. Because when this bill comes back from the Senate, they are going to do the same thing that they did last year. They are going to assure that the prohibition against spending money to implement this domestic partners law is in this piece of legislation. And then it can come back on a motion to instruct conferees.

Look at the history of this. Two years ago we had a vote in this House on a motion to instruct conferees. I would remind all concerned, especially anyone who contends that this is not bipartisan, 2 years ago 235 Members of this House, Democrats and Republicans alike, voted for the very language that the gentleman from Texas [Mr. BARTON], is promoting today. It passed by 235 to 173.

Last year, in this bill, this same language passed by a vote of 253 to 167, an even stronger vote than the year before.

When this bill got over to the Senate last year, the subcommittee took the language out, and they put it right back in on the Senate floor. And they will do the same thing again this year. And we will still have to vote.

If Members want inconsistent votes on their records, if they want people to say, my goodness, you voted against the motion to rise and, therefore, you voted to permit funding of homosexual marriages and domestic partners in the District of Columbia, then vote against the motion to rise and Members will have inconsistent records on their votes. And they will properly be attacked for it.

If Members vote for the amendment, then vote against the motion to rise. And the vote ought to be along the same lines as last year. This should prevail in a bipartisan vote. We cannot escape our obligation. The Home Rule Charter of the District of Columbia, in section 601, keeps the authority with this Congress, not with the City Council of the District of Columbia, not with the local government, but with this Congress over the exactments of the District.

Article 1, section 8, clause 17 of the U.S. Constitution gives us exclusive power over legislation in all cases whatsoever involving the District of Columbia.

We cannot escape our obligation, and I am really amazed to hear a contention that this has nothing to do with homosexual marriage.

I used to work in a meat plant. I know baloney when I see it or when I smell it and when I hear it. And we have had some baloney on that. I have been on local talk shows having carried this amendment last year. Who was it that was on there to be the advocates for this? It was the gay and lesbian alliances and caucuses, because they want this because it is their effort to have homosexual marriage legalized in any part of the country that they can get it legalized in.

Read the Washington Blade, the newspaper of the homosexual community in this area. Members will find that they promote it. Claiming that this is just so people can pretend to be a family and adopt a legal fiction to try to deceive an insurance company about who is qualified for family coverage is nonsense. Are we going to pass a law just so that we can help people try to pull the wool over the eyes of an insurance company about who is a family and who is not a family? Why not declare the whole District one big happy family then? Let everybody be covered under one person's family policy?

The real issue here is the American family. Do we believe that a family is a unit that begins with a husband and a wife and expands from there and it goes into children and into multiple generations and the aunts and uncles. It is a relationship that is born of marriage, and it is a heterosexual marriage relationship. This is about undercutting the institution of marriage.

If Members want to undercut marriage, vote to rise and cut off the amendment. If Members want to vote for the family, vote not to rise so that we can pass the Barton amendment as we have in the last 2 years.

I offered this amendment in subcommittee this year. I made an offer. I said, let us put it in subcommittee so we do not have to fight it out on the floor. Members do not have to have a vote on the record. Members were not willing to do that. So we are here, we are fighting it out on the floor. But do not be deceived what this is about. This is a vote about the families of the United States. Vote for the family. Vote against the motion to rise.

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

The CHAIRMAN. The question is on the motion offered by the gentleman from California [Mr. DIXON].

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

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 236, not voting 11, as follows:

[Roll No. 320]

AYES—192

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Blute
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Green
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Klein
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Lazio
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates

NOES—236

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman

Gingrich	Linder	Roukema
Goodlatte	Lipinski	Royce
Goodling	Livingston	Sangmeister
Gordon	Lloyd	Santorum
Goss	Lucas	Sarpalius
Grams	Machtley	Saxton
Grandy	Manzullo	Schaefer
Greenwood	Mazzoli	Schiff
Gunderson	McCandless	Sensenbrenner
Hall (OH)	McCollum	Shaw
Hall (TX)	McHale	Shays
Hamilton	McHugh	Shuster
Hancock	McInnis	Sisisky
Hansen	McKeon	Skeen
Hastert	McMillan	Skelton
Hayes	McNulty	Smith (MI)
Hefley	Meyers	Smith (NJ)
Herger	Mica	Smith (OR)
Hobson	Michel	Smith (TX)
Hoekstra	Miller (FL)	Snowe
Hoke	Minge	Solomon
Holden	Molinari	Spence
Horn	Montgomery	Spratt
Houghton	Moorhead	Stearns
Hunter	Myers	Stenholm
Hutchinson	Nussle	Stump
Hutto	Ortiz	Sundquist
Hyde	Orton	Swett
Inglis	Oxley	Talent
Inhofe	Packard	Tanner
Inslee	Parker	Tauzin
Istook	Paxon	Taylor (MS)
Johnson (GA)	Payne (VA)	Taylor (NC)
Johnson (SD)	Penny	Tejeda
Johnson, Sam	Peterson (MN)	Thomas (CA)
Kaptur	Petri	Thomas (WY)
Kasich	Pickett	Torkildsen
Kim	Pombo	Tucker
King	Porter	Upton
Kingston	Portman	Valentine
Kleczka	Poshard	Volkmer
Klink	Pryce (OH)	Vucanovich
Klug	Quillen	Walker
Knollenberg	Quinn	Walsh
Kolbe	Rahall	Weldon
Kyl	Ramstad	Williams
LaFalce	Ravenel	Wilson
Lancaster	Regula	Wise
Leach	Ridge	Wolf
Levy	Roberts	Young (AK)
Lewis (CA)	Rogers	Young (FL)
Lewis (FL)	Rohrabacher	Zeliff
Lewis (KY)	Ros-Lehtinen	Zimmer
Lightfoot	Roth	

NOT VOTING—11

Bishop	McCrery	Rowland
Gallo	McCurdy	Slattery
Huffington	McDade	Whitten
Laughlin	Obey	

□ 1527

Messrs. WILLIAMS, ROBERTS, EDWARDS of Texas, DE LA GARZA, ORTIZ, CHAPMAN, and SPRATT changed their vote from "aye" to "no."

Messrs. KENNEDY, HEFNER, BEVILL, and POMEROY changed their vote from "no" to "aye."

So the motion to rise and report was rejected.

The result of the vote was announced as above recorded.

□ 1530

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 33, after line 24, insert the following new section:

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 138. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

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

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a Buy American amendment. It was placed on all other 12 appropriation bills. It is not being contested.

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

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

Mr. DIXON. Mr. Chairman, I am pleased to accept the gentleman's amendment. I have no problem with it.

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

Mr. TRAFICANT. I am happy to yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we have no objection to this amendment.

Mr. TRAFICANT. Mr. Chairman, I would ask that the Committee as a whole approve the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: Page 33, after line 24, insert the following new section:

SEC. 138. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

Mr. BARTON of Texas. Mr. Chairman, first, let me thank all of my colleagues who voted to defeat the motion to rise so that I could offer this amendment.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. BARTON] is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I do not think we need to have a lengthy debate on this. Simply put, this is the identical amendment that was the Istook amendment last year and the DeLay amendment 2 years ago. It is identical to the amendment that Senator LOTT has attached.

Once again, I do not think there needs to be an extensive debate. This language is identical to language voted on last year and the year before. It simply says that no funds made available pursuant to this appropriation bill can be used to implement or enforce the District of Columbia's Domestic Partnership Act.

I would ask there be a "yes" vote on the amendment, and I will at the appropriate time ask for a recorded vote.

Mr. Chairman, I would at this point in time either reserve the balance of my time or yield it back, depending on the parliamentary situation.

The CHAIRMAN. The gentleman must do either. It is totally the choice of the gentleman.

Mr. BARTON of Texas. I reserve the balance of my time.

The CHAIRMAN. The gentleman realizes he was recognized for 5 minutes on his amendment?

Mr. BARTON of Texas. Right. I do not think, Mr. Chairman, that we need to have an extensive debate though. I think Members know the issue. We have defeated the motion to rise. We discussed the issue before we defeated the motion to rise. I would ask for a "yes" vote on the Barton amendment.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. BARTON of Texas. I reserve the balance of my time.

The CHAIRMAN. The gentleman cannot reserve, because he was recognized for 5 minutes under the general 5-minute rule.

Mr. BARTON of Texas. Then I would yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman yields back the balance of his time.

Mr. DIXON. Mr. Chairman, as I understand the situation based on my unanimous-consent request, 15 minutes was allotted to me as opponent of the amendment, and 15 minutes was allotted to the gentleman from Texas [Mr. BARTON]. Is that correct?

The CHAIRMAN. The Chair did not hear that in the request.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that that request be granted.

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

There was no objection.

Mr. WALSH. Mr. Chairman, would the Chair clarify the procedure once more, please, how the time is divided, and who controls?

The CHAIRMAN. It was that there be 30 minutes of additional debate time on

this amendment, not to exceed that. Then there was a further proposal that the debate time be equally divided, 15 minutes on each side.

Mr. WALSH. Between the proponent and opponent, and the gentleman from Texas [Mr. BARTON] would control 15 minutes for the proponent?

The CHAIRMAN. That is correct. The gentleman from California [Mr. DIXON] stands in opposition and would control the other 15 minutes.

AMENDMENT OFFERED BY MR. DIXON TO THE AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. DIXON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON to the amendment offered by Mr. BARTON of Texas: Insert the word "Federal" after the word "No" and before the word "funds".

Mr. DIXON. I yield myself 1 minute.

Mr. Chairman, the Representative from the District of Columbia was absolutely correct when she said this is a local matter, and my amendment inserts the word "Federal," thereby prohibiting the use of Federal funds to implement the Domestic Partners' Act.

We are not the city council. We could not do this in any other jurisdiction. I think it is only appropriate, if we do it at all, to say that the Federal money not be used for this purpose.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. DIXON. No. I reserve the balance of my time, Mr. Chairman.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose the perfecting amendment. It is simply a subterfuge. If you allow the addition of the word "Federal" you are simply giving the District of Columbia the opportunity to shuffle funds around.

Again, I reiterate, the amendment, the original Barton amendment before the perfecting amendment of the gentleman from California [Mr. DIXON], is identical to language adopted last year and the year before in this body and also the other body.

I would strongly oppose the Dixon amendment and ask for a "no" vote on that amendment.

Mr. Chairman, I reserve the balance of my time

□ 1540

Mr. DIXON. Mr. Chairman, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I must say that I do not have a very high expectation that I am going to get a lot of courtesy today, but the debate should go forward.

I was about to ask a parliamentary inquiry because I was wondering whether logic would be allowed in this debate. I am assuming it will be allowed, but not highly valued, because the argument, somehow, put forward is that families are being undermined by what the District of Columbia did. And even by the somewhat strained logical standards I am prepared to apply from time to time in this House, I cannot understand how that is supposed to work.

What the District of Columbia has said is if two people who are living together want to register as domestic partners, they can do so. And we are told that this will undermine the family.

Now, many of the people who will be taking advantage of this, as the gentlewoman from Washington has pointed out, will be people who are in no particular loving relationship of a sexual sort. But what has clearly roiled some of the Members here is that some of the people who will take advantage of this will be gay or lesbian couples, and that, I gather, is how this is supposed to undermine the family.

Mr. Chairman, I have to tell you that I do not understand for the life of me how the fact that I will go home tonight and have dinner with Herb undermines anybody else's family. I do not begin to understand the logic.

I understand there are people who are so motivated by anger toward others that they are resentful that other people might find some happiness, and they consider it their mission in life to interfere with the happiness of others solely for that purpose.

But to argue that this somehow undermines their families has no logical basis. The only thing I can think of is that they were very impressed at an early age by the V-8 commercial. You remember the V-8 commercial. You remember the commercial where the guy is drinking a tomato juice, drinking stringbean juice, and he is drinking whatever else, and then someone gives him a V-8 and he says, "By God, I could have had a V-8." Apparently, the analogs are happily married heterosexuals all over Washington, DC, indeed all over America, and they learned that in Washington, DC, Herb and I could register as domestic partners, and these happily married people say, "God, I could have married a guy."

I mean are we really the V-8 of America? Is the attractive power of the way I live my life so great that you fear that happily married couples will somehow dissolve their bonds, ignore their children, and come knock at our doors? That is, of course, nonsense, even by the standards that some of the nonsense purveyors of this place specialize in. And it makes it very clear we are not talking about undermining a family.

No one thinks that the recognition by the District of Columbia of the right of two men who love each other or two women who love each other to try to be responsible and share each other's lives responsibly, that that undermines anybody's family. It does not undermine my family or Herb's family. We coexist very happily with our family.

But I do not understand the logic. What is it about the fact that a couple of people have found happiness that so offends you?

What is it that drives you to try to make political capital by inflicting misery on other people? What is it that says we have a duty to interfere with the lives of others? The gentleman from California made a reasonable proposal. The gentleman from California's proposal says, "All right, there will not be any Federal money."

And by the way, I hope no one will tell me under oath that they are doing this to save money, because we are going to have a U.S. attorney in here making an arrest. No one thinks this is about money. This is about anger at other people's way of living, with this phony argument that somehow it is going to undermine the family.

What we are talking about is an amendment by the gentleman from California that says, "OK, no Federal money." Let the District of Columbia make its own decisions. And what we have is a majority of Members, apparently, that they hope are going to say "no," the District of Columbia cannot recognize that two men or two women might find comfort in each other and might want to share each other's lives and we are so offended by that that we are going to ban it, we are going to prevent it, we are going to forbid it, under some pretext.

And again, I would be delighted if someone later in this debate would explain to me how that undermines the family. How does it destroy the family? If it is not the power of attraction, what is it? What is it that would take a happy marriage between a man and a woman, and as a matter of fact, by the way, the attractive power of this particular V-8 must be extraordinary because no one is talking about anything that meets the benefits of marriage. We are not talking about the tax benefits of marriage, we are not talking about a whole range of other things married couples can do. We are talking about some minimalist situation in which people might be able to grant health benefits together.

Let us be very clear what we are talking about. We are talking about a combination of some people whose primary motivation is dislike, to the point of irrationality, of other human beings and who have decided to use the elevated position of a Member of the greatest legislative body in the world and the greatest democracy in the world—and I mean to include the Senate in that comparison—these are people who want to use that elevated position simply to make some other people's lives miserable because they do not approve of their lives. That is what we are talking about.

This is an effort to impose a punishment on other people. This is not a case about money, and there is not even a rational beginning about how we offend families.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute).

Mr. FRANK of Massachusetts. Mr. Chairman, I thought the gentleman was going to explain how this happens. Let me then say, in conclusion, to my colleagues: I understand the political problems. I understand that many of these gentlemen know what the right thing to do is, but fear politically what will happen to them if they do it. That is a fact of life.

I do not counsel political suicide, but I would ask my colleagues on both sides: Think about it. Barry Goldwater today wrote a column in the Washington Post which was an excellent argument. There were people who said, "Well, we are not for discriminating, but we going to make an exception for the military." Barry Goldwater has asked people, this genuinely honest conservative who believes in the right of individuals to be left alone, Barry Goldwater has set it down. Let me say to my colleagues, particularly to some of my colleagues on this side: I believe that most of them, not all of them but for most of them, "In your heart you know he is right. Why don't you do the right thing?"

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

The Chair will advise those Members controlling the debate time that the gentleman from Texas [Mr. BARTON] has 14 minutes remaining and the gentleman from California [Mr. DIXON] has 7 minutes remaining and reserves the right, under the rule, to close debate.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask for the same attention to my remarks that has just been given to the distinguished Representative from Massachusetts.

The CHAIRMAN. The Chair will advise the Member, as he did in making the remarks, that every Member seeking recognition will be granted the full courtesy of this body; otherwise the Chair will not proceed.

□ 1550

Mr. BARTON of Texas. Let me simply say, Mr. Chairman, that the Barton amendment is not about anger, it is not about preventing consenting adults from finding happiness. If any two individuals in the District of Columbia, or anywhere in this great country of ours, wished to engage in some sort of a relationship, I have absolutely no problem with that. What this amendment is about, though, is preventing a definition of "family" going on the books in the District of Columbia that is not in congruence with any definition of "family" that has historically been recognized in our society.

I think it may be, again, in order to read some of the definitions from the actual ordinance. First, the title, Health Care Benefits Expansion Act, Expansion Act, of 1992, and then, when we get down to where it does define "family" it says a family member means a domestic partner, which has already been defined as anybody who is at least 18 years old and living in the same domicile. It goes on to say that a family member can also be any unmarried person regardless of age who is incapable of self-support because of a mental or physical disability, and, as we all know, a mental disability can be diagnosed in a very broad way.

I think it is also appropriate to understand that under the Constitution of this great Nation we have what is called a reciprocity agreement between the States, and, although the District of Columbia is not a State under the terms of reciprocity agreements, the local ordinances sometimes have the effect of State law, and, if we were to allow this Health Care Benefits Extension Act to actually be implemented, it is at least arguable that people could come from all over the Nation, register their domestic partnership in the District, go back to their home State and demand reciprocity. I am not saying that that would happen; I am saying that it could happen.

I would also remind the great Members of this body that we are suspending reality to say that there is no organized effort to have some of these domestic partnership agreements recognized somewhere in the country and that there is an organized effort to do that. There is simply no reason to do that here in the District of Columbia, and again——

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, the reciprocity would apply if they had domestic partnerships in other States, but no one has ever argued that a domestic partnership, not marriage, but a domestic partnership, would give them any reciprocal rights in any other States.

Second, I would like to ask the gentleman, because he put out literature which said, if the District of Columbia does this, it undermines the family; so, would he explain to me how it undermines the family? Does he mean that the power of attraction of this in the District of Columbia would lead other people to abandon their marriages or decide not to get married in the first place? What does the gentleman mean when he said, not that it would change the definition, but what did he mean when he said it would undermine the family?

Mr. BARTON of Texas. There is a definition of "family" in this act that is not in congruence with any definition of——

Mr. FRANK of Massachusetts. How does it undermine other families?

Mr. BARTON of Texas. Mr. Chairman, I say to the gentleman, "It's my time," and I would also point out that there is no residency requirement in this ordinance. People from anywhere in the Nation could come over here, could come to the District of Columbia, and register their partnerships.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. BARTON] for yielding to me.

The CHAIRMAN. The gentlemen will suspend for just a moment.

Mr. BARTON of Texas. Mr. Chairman, I think we should have a debate if the gentleman from Massachusetts wants to have a debate.

The CHAIRMAN. The Chair will certainly allow for that.

The time is controlled by the gentleman from Texas [Mr. BARTON]. He may yield it and reclaim it at will.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I want to repeat that I believe the reciprocity argument has no validity, that no one would claim reciprocity or be granted it, no lawyer would find it, in this simple limited health benefits thing, but the more important point is, yes, the gentleman has said that this is a different type of family, et cetera.

By the way, I would be willing to strike the word "family" and tell them to give the exact same thing, but do not call it family. I do not think that would solve the gentleman's problem, but I also want to understand how does this undermine families.

I would understand the English language to mean, when one says that this undermines families, that it means it is a problem for other families, that other than those people who voluntarily choose to do this, this somehow would undercut the likelihood or ability of other people to form families of husband, and wife, and children, and I do not understand how I am undermining anybody else's family if I decided to register as a domestic partnership.

Mr. BARTON of Texas. I think very strongly, Mr. Chairman, that if the gentleman allows a definition of family to go on the books in the District of Columbia, it certainly, arguably, could be used in other legal proceedings to

totally change the definition of family, and I do not think that is necessary.

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

Mr. BARTON of Texas. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think first we need to remember what we are on is an amendment to the Barton amendment. The gentleman from California [Mr. DIXON] has said, rather than saying that no money can be used since all of the District of Columbia's money has to be appropriated through this bill, instead of saying no money can be used, let us say no Federal money. The effect of the Dixon amendment is to make the Barton amendment totally meaningless because it says to the District of Columbia, "You can still have what you want to call the domestic partners law, you can still have all of the problems, all of the consequences, all of the effects that we have been talking about." That is what the Dixon amendment would do.

And what does it really mean? I say to my colleagues, if you look at the bill, the money in the bill that is approved for spending by the District of Columbia is about $3.4 billion. Where does it come from? Six hundred and sixty-eight million dollars of it comes from a direct Federal appropriation. Fifty-two million dollars of it comes from Federal pension funds. And if you look on page 7 of the bill report, you will find of the $3.4 billion another $777 million comes from other Federal grants and programs so that you have a total of $1.5 billion of Federal funds coming into the District of Columbia.

In addition to that, Mr. Chairman, I say to my colleagues, if you will look on page 80 of the report, you will find the District also receives $500 million from the Federal Government to run cultural, educational, and similar attractions.

This money that comes into the District of Columbia, can you tell what is Federal and what is not? If I pulled this dollar out of this pocket, and I say, "This is Federal money," and I pull this dollar out of this pocket and say, "This is State money," and I put them together in my wallet, can you tell which is which?

If my colleagues say the District can spend one of these dollars but not the other, then they are approving the domestic partners provision of the District of Columbia, and they are undermining the family.

The gentleman from Massachusetts [Mr. FRANK] is wanting to undermine families by changing the definition, by saying that it is no longer, and I will not yield. I do not have time to yield, we have heard plenty from the other side.

We have the bill redefine family member. It is in the District of Columbia, a new definition that can be taken and will be argued from State to State that this is what a family means. It is not just homosexual partners. The language of the District of Columbia act also makes family members out of heterosexuals that are living together. But it is fascinating to me that in the earlier debate on the bill we heard a claim that this bill has nothing to do with homosexuals living together and wanting a legal recognition of that. Now we hear from the Massachusetts gentleman that that is exactly what is being promoted by this bill.

This is a question of redefining the family. It is not a question of playing games with which pocket the money came out of. We still have the constitutional authority and duty over all legislative enactments in the District of Columbia—article I, section 8, clause 17, of the U.S. Constitution.

If domestic partners goes into effect, Mr. Chairman, in the District of Columbia because my colleagues vote for the Dixon amendment, then it is their responsibility, and they must bear it, they must account for it to all the people back home in their own districts. My colleagues, do not think that you can escape the responsibility of the U.S. Constitution by saying, "Oh, I turned it over to the District of Columbia. Don't we all trust the government of the District of Columbia?" So I ask that the Dixon amendment be defeated and the Barton amendment be adopted.

□ 1600

The CHAIRMAN. The Chair would advise Members controlling debate that the gentleman from California [Mr. DIXON] has 7 minutes remaining, and the gentleman from Texas [Mr. BARTON] has 5 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, there are two issues here, and two issues only: One is the home rule issue. I am not going to speak too long about that. That issue is obvious. The voters, represented through the city council and the Mayor of the District of Columbia voted to allow domestic partners at their own expense who work for the District government to extend health coverage by paying extra premiums to the people they live with, and we are going to overrule the District government and say "No, you can't," a violation of home rule, no moral reason on earth, no reason we should violate the home rule.

The second issue is the core issue. Why are we doing this anyway? And I do not believe for a minute a word said by the last two speakers, the proponents of this. Does anybody here believe, does anybody listening believe, that if the D.C. law were couched differently, that if instead of defining the word "family" to include domestic partner, they had a separate section of the law that defined the word domestic partner, made no reference to family, and said the benefits of domestic partners follows, you can have medical benefits, pension benefits, if they wanted to do that, does anybody believe the same people from this House would not be on their feet trying to overrule that? That they would not say that somehow magically impaired or threatened the family?

I do not believe it for a minute. I think it is sheer hypocrisy. Maybe we will get the D.C. government to test that next year by writing their law a little differently.

I believe the real issue here is that there are people in this country and in this House who so disapprove of the way some people live their private lives, that they want to make us moral arbiters and say those people are wrong, they are terrible. We will not let them live their private lives the way they will without exacting a pound of flesh because we feel good about it. That is what this debate is about, and nothing else, and it is wrong.

Mr. Chairman, I urge that the Barton amendment be defeated and the perfecting amendment be passed.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I rise against the so-called perfecting amendment because it would destroy the intent of what we are trying to do here. Money is fungible, as my colleagues already know.

I am going to try and clarify the core issue here, which is why some of us have come to the well of the floor to defend the traditional family unit. I know we will be talking past one another. I am willing to take out an hour special order tonight to debate this. I am willing to submit it to our leaders as a topic for one of our Wednesday night Oxford-style debates. I could quote the Old Testament here for about 30 minutes, but I would not want to feed VICTOR "The Gentle" FAZIO's paranoia regarding us fire-breathing Christians. So I will just discuss this topic from a sociological basis.

No jurisdictional unit in these here United States, from Alaska to the territory of Puerto Rico from Guam through California to Kennebunkport, no town, city, county, or State, recognizes same-sex couples as married. Protections favoring marriage are built into the law and our culture because of the central importance of the family unit as the building block of civilization. To have a governmental unit in this case the District of Columbia, sanction same-sex partnerships by putting them on par with traditional marriages in terms of benefits, sends a message that traditional married couples are not the ideal. Our society, especially as it is steeped in illegitimacy and divorce, needs to unashamedly promote traditional marriage. Traditional

marriage is better than same-sex partnerships and our institutions should say so. Anything less is an attack on the family.

My gosh, where did I first hear that about the family being the building block of civilization? It so sticks in my mind that I place it as September 1946. on the corner of Venice Boulevard and Normandy, at Loyola High School Father kelly, the professor of my first big class in sociology as a 13 year old, said "the family is the building block of society."

The U.S. Supreme Court in 1888, you New Englanders will remember that as the year of the big blizzard, described marriage as, "Creating the most important relation in life; as having more to do with the morals and civilization of a people than any other institution." That is the U.S. Supreme Court.

However, some jurisdictions are moving toward redefining the family to include same-sex relationships, and they are less like the V-8 juice as my colleague from Massachusetts stated, and more like Heinz 57. You know, you got your bondage, and you got your discipline, and you got your sadism, and you got your masochism, and you got your menage a trois, and you got your bisexuality.

And if you had military experience you would understand there are visiting officers quarters, that is a VOQ. Then there is a BOQ. That is the bachelors officers quarters. And then there is family housing. And that is for enlisted men who are married and officers who are married. We don't want bachelors partying in the family quarters or occupying those quarters. They are to go to the BOQ, or get housing in the community in town.

Now, a note in the Harvard Law Review in 1991—am I out of time?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DORNAN. Then I will submit all this for the RECORD and look forward, Mr. Chairman, to the Oxford debate on the family. Thank you, Father Kelley, in sociology 101.

Thomas Stoddard, leader of the drive to lift the military's ban on homosexuals and former president of the Lambda Legal Defense Fund, now known as the Lambda Legal Defense and Education Fund, a homosexual legal foundation, sees marriage as the prime vehicle to advance societal acceptance of homosexuality:

"I must confess at the outset that I am no fan of the 'institution' of marriage as currently constructed and practiced. * * * Why give it such prominence? Why devote resources to such a distant goal? Because marriage is, I believe, the political issue that most fully tests the dedication of people who are not gay to full equality for gay people, and also the issue most likely to lead ultimately to a world free from discrimination against lesbians and gay men. Marriage is much more than a relationship sanctioned by law. It is the centerpiece of our entire social structure, the core of the traditional notion of 'family.'"

Lesbian activist Paula Ettelbrick, former legal director of the Lambda Legal Defense and Education Fund and now policy director for the National Center for Lesbian Rights, supports the "right" of homosexuals to marry, but opposes marriage as oppressive in and of itself. She says homosexual marriage does not go far enough to transform society:

"Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. * * * Being queer means pushing the parameters of sex, sexuality, and family, and in the process, transforming the very fabric of society. * * * As a lesbian, I am fundamentally different from non-lesbian women. * * * In arguing for the right to legal marriage, lesbians and gay men would be forced to claim that we are just like heterosexual couples, have the same goals and purposes, and vow to structure our lives similarly. * * * We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society's views of reality."

MARRIAGE, DOMESTIC PARTNERSHIPS AND THE LAW

No jurisdictional unit in the United States—town, city, county or state—recognizes same-sex couples as "married." Protections favoring marriage are built into the law and the culture because of the central importance of the family unit as the building block of civilization. In 1888, the U.S. Supreme Court described marriage "as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution."

However, some jurisdictions are moving toward redefining the family to include same-sex relationships, and there is a movement within the legal community to overhaul the definitions of marriage and family. A note in the Harvard Law Review in 1991 advocated replacing the formal definition of family with an elastic standard based "mainly on the strength or duration of emotional bonds," regardless of sexual orientation. The note recommends redefining the family through "domestic partner" or family "registration" statutes that go beyond the limited benefits now conferred by existing domestic partnership laws so as to "achieve parity" between marriage and other relationships.

In 1990, San Francisco Mayor Art Agnos appointed lesbian activist Roberta Achtenberg (currently Assistant Secretary of the U.S. Department of Housing and Urban Development) to chair the Mayor's Task Force on Family Policy. The final report of the task force defines the family this way:

"A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members."

In this definition, which could reasonably be described as a formulation by homosexual activists, marriage is no longer the foundation for families but secondary to "strong social and emotional bonds." This definition is so vague that multiple-partner unions are not excluded, nor any imaginable combination of persons, including a fishing boat crew. The whole point is to demote marriage to a level with all other conceivable relationships.

The Task Force's definition of "domestic partners" is almost as vague, but limits the relationship to two partners: "Two people who have chosen to share all aspects of each other's lives in an intimate and committed relationship of mutual caring and love."

The District of Columbia City Council legislation defines "domestic partner" as "a person with whom an individual maintains a committed relationship," which is defined as "a familial relationship between two individuals characterized by mutual caring and the sharing of a mutual resident." One of the partners must be a city employee "at least 18 years old and is competent to contract;" "not be related by blood closer than would prohibit marriage in the District;" "be the sole domestic partner of the older person;" and "not be married."

Applicants would qualify by signing a "declaration of domestic partnership" to be filed with the mayor, and which could be terminated by filing a termination statement with the mayor, which takes effect six months after filing. After that, another partner could be registered. Benefits include granting of sick leave, health insurance and funeral leave.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, to my utter disappointment, the preceding speaker failed to get my point. The question is not whether the family is an important thing and a good thing. My question remains unanswered: How does the fact that two men or two women choose voluntarily on their own to live together and to take advantage of the much lower level of benefits or other level of benefit that is there, how does that undermine the family? What is it about the example of two women living together that so frightens some of my colleagues on the other side that they think this will dissolve the bonds that bring men and women together?

That is the question. Not whether or not the family is important, but how does allowing a small minority of people to live in a different way undermine the right and the ability of the majority to do what it wants? That is the core issue, and it has not been answered, because it cannot be answered.

I will have to say, finally, that I would have to decline the invitation to engage in an Oxford debate with the gentleman from California. That seems to be somewhat oxymoronic.

Mr. BARTON of Texas. Mr. Chairman, may I inquire, who has the right to close?

The CHAIRMAN. The right to close is reserved by the gentleman from California [Mr. DIXON], who has 4 minutes remaining. The gentleman from Texas [Mr. BARTON] has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply state in closing that the domestic partnership ordinance that is currently on the books of the District of Columbia says any two adults that are at least 18 years of age or older, they can be heterosexual couples, they can be homosexual couples, as long as they are not

married and want health benefits, they can register with the District of Columbia as a domestic partnership and receive those benefits, and any other benefits.

Admittedly, if we pass the Barton amendment, we will not allow homosexual couples to receive any health care benefits if they registered themselves as a domestic partner. But neither would we allow heterosexual unmarried couples to receive those benefits either.

Once again, I must reiterate that the definition of family in the ordinance that is on the books in the District of Columbia does not meet any currently acceptable legal definition of family or of marriage anywhere else in the country.

I would hope that we would defeat the amendment of the gentleman from California [Mr. DIXON], which is a shell game, so that they could substitute Federal funds in another area so they could use local funds to implement this act. Defeat the Dixon amendment, and then vote for the Barton amendment, as we have the last 2 years.

□ 1610

Mr. DIXON. Mr. Chairman, to close the debate, I yield the balance of my time to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman, after a tough day for the District.

I say to my colleagues, leave us with our laws. How much do they mean to extract today from the District of Columbia? Have not you gotten enough?

The Dixon amendment has with it the power of precedent. The fact is that the Members of this body have used the distinction between Federal and local funds to separate themselves from the District of Columbia. That is the precedent for the way we have most often approached these issues.

I ask my colleagues to follow that precedent and to do so once again. I do not believe that the domestic partnership part of this is relevant to the way we have chosen to look at these issues in the past. Dozens of jurisdictions have domestic partnership laws, and some of my colleagues come from districts that have them. All that I ask of Members is that they show respect for my constituents and their democratically chosen choices.

My friends, this is a great country. Vive la difference. In the District, we have little enough democracy. We have less than any of the rest of my colleagues.

Today, through a bipartisan amendment, have inflicted heavy fiscal pain in order for the District to get its appropriation through; 80 percent of the money in this appropriation, my friends, on the other side of the aisle, is the District's money. Therefore, local funds means local funds.

Leave us with our laws. Do unto my constituents, I ask my colleagues, as they would have others do unto theirs.

Mr. STARK. Mr. Chairman, I oppose the Barton amendment. The citizens of the District of Columbia have once again decided that unmarried citizens of their jurisdiction should not be denied healthcare coverage. As a proponent of universal healthcare coverage and as a longstanding supporter of home rule, I must oppose any effort to deny the District the authority to expand healthcare coverage for its citizens.

I urge my colleagues to support the motion to rise. It is neither our right nor our responsibility to intrude on local matters.

Mr. SMITH of Texas. Mr. Chairman, the protections favoring marriage are built into the law and the culture because of the central importance of the family unit as the building block of civilization. It is no accident that this has taken place.

By the same token, it is no accident that the District of Columbia's Domestic Partners Act has decided to include homosexual couples, heterosexual couples living together, or any roommates. This definition reducing the institution of marriage to a level with all other conceivable relationships is a deliberate attempt.

People need to resist this assault against the family and the bond that was designed to hold it together—the institution of marriage. Taxpayers are tired of picking up the tab for special interests, especially ones that they are morally opposed to.

Furthermore, the domestic partnership provision mocks the idea of commitment—commitment in any relationship, since most domestic partner laws allow for easy dissolution of the relationship and the registry of several partners a year.

In September, Austin became the first city in my State of Texas to adopt the domestic partners policy, which is similar to ones passed in about 25 cities nationwide.

Since Austin City Council enactment and approval of the insurance program in September, 98 employees had signed up with 69 registering an opposite sex partner and 29 enrolling a same-sex partner.

In May, Austin voters repealed the domestic partner policy that extended health insurance benefits to unmarried partners of city employees by a clear mandate of 62 percent.

This mandate expresses Austin residents' frustrations with the maneuvering of the city council.

One of the many reasons this program was overwhelmingly repealed was because this program erodes family values.

People also felt very strongly that the city of Austin had no right to redefine marriage.

Many voters also opposed the program simply because of the added expense it would cost the city and ultimately the taxpayer to provide these benefits. According to city estimates these benefits would have cost the city of Austin approximately $130,000 this year alone.

D.C. should learn from the lesson Austin offers and not make the same mistake its presumptuous council did last September. We should vote against the motion to rise and for the Barton amendment to continue the ban on domestic partnership through fiscal year 1995.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from California [Mr. DIXON] to the amendment offered by the gentleman from Texas [Mr. BARTON].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTON].

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

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 176, not voting 12, as follows:

[Roll No. 321]

AYES—251

Allard	Emerson	Lewis (CA)
Andrews (TX)	Everett	Lewis (FL)
Applegate	Ewing	Lewis (KY)
Archer	Fawell	Lightfoot
Armey	Fields (TX)	Linder
Bachus (AL)	Fowler	Lipinski
Baesler	Franks (CT)	Livingston
Baker (CA)	Franks (NJ)	Lloyd
Baker (LA)	Frost	Lucas
Ballenger	Gallegly	Machtley
Barca	Gekas	Manton
Barcia	Geren	Manzullo
Barlow	Gillmor	Martinez
Barrett (NE)	Gilman	Mazzoli
Barrett (WI)	Gingrich	McCandless
Bartlett	Glickman	McCollum
Barton	Goodlatte	McCrery
Bateman	Goodling	McHale
Bentley	Gordon	McHugh
Bereuter	Goss	McInnis
Bevill	Grams	McKeon
Bilirakis	Grandy	McMillan
Bliley	Greenwood	McNulty
Boehner	Hall (OH)	Meyers
Bonilla	Hall (TX)	Mica
Boucher	Hamilton	Michel
Brewster	Hancock	Miller (FL)
Browder	Hansen	Minge
Bunning	Hastert	Molinari
Burton	Hayes	Mollohan
Buyer	Hefley	Montgomery
Callahan	Hefner	Moorhead
Calvert	Herger	Murphy
Camp	Hobson	Murtha
Canady	Hoekstra	Myers
Castle	Hoke	Nussle
Chapman	Holden	Ortiz
Clement	Horn	Orton
Clinger	Hunter	Oxley
Coble	Hutchinson	Packard
Collins (GA)	Hutto	Parker
Combest	Hyde	Paxon
Cooper	Inglis	Payne (VA)
Costello	Inhofe	Penny
Cox	Inslee	Peterson (FL)
Cramer	Istook	Peterson (MN)
Crane	Johnson (GA)	Petri
Crapo	Johnson (SD)	Pickett
Cunningham	Johnson, Sam	Pickle
Danner	Kanjorski	Pombo
Darden	Kaptur	Pomeroy
de la Garza	Kasich	Porter
Deal	Kim	Portman
DeLay	King	Poshard
Diaz-Balart	Kingston	Pryce (OH)
Dickey	Kleczka	Quillen
Dingell	Klink	Quinn
Doolittle	Klug	Rahall
Dornan	Knollenberg	Ramstad
Dreier	Kyl	Ravenel
Duncan	LaFalce	Regula
Dunn	Lambert	Ridge
Edwards (TX)	Lancaster	Roberts
Ehlers	Levy	Roemer

Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Traficant
Tucker
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—176

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Becerra
Beilenson
Berman
Bilbray
Blackwell
Blute
Boehlert
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Green
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Klein
Kolbe
Kopetski
Kreidler
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rohrabacher
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swift
Synar
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Bacchus (FL)
Bishop
Ford (MI)
Ford (TN)
Gallo
Huffington
Laughlin
McCurdy
McDade
Obey
Rowland
Slattery

□ 1633

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELUGO and Mr. RUSH changed their vote from "aye" to "no."

Mr. STUPAK changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHARP) having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

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

There was no objection.

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

The amendments were agreed to.

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

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

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

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

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 210, not voting 11, as follows:

[Roll No. 322]

AYES—213

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bliley
Bonilla
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Darden
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schumer
Scott
Sharp
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—210

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder

Lipinski	Portman	Smith (NJ)
Livingston	Poshard	Smith (OR)
Lloyd	Pryce (OH)	Smith (TX)
Long	Quillen	Snowe
Lucas	Quinn	Solomon
Machtley	Rahall	Spence
Manzullo	Ramstad	Stearns
McCandless	Ravenel	Stenholm
McCollum	Regula	Stump
McCrery	Ridge	Stupak
McHugh	Roberts	Sundquist
McInnis	Roemer	Swett
McKeon	Rogers	Talent
Meyers	Rohrabacher	Tauzin
Mica	Ros-Lehtinen	Taylor (MS)
Miller (FL)	Roth	Taylor (NC)
Molinari	Roukema	Tejeda
Montgomery	Royce	Thomas (CA)
Moorhead	Santorum	Thomas (WY)
Murphy	Sarpalius	Torkildsen
Myers	Saxton	Torricelli
Nussle	Schaefer	Upton
Ortiz	Schenk	Valentine
Orton	Schiff	Volkmer
Oxley	Schroeder	Vucanovich
Packard	Sensenbrenner	Walker
Parker	Shaw	Weldon
Paxon	Shays	Williams
Peterson (MN)	Shepherd	Wolf
Petri	Shuster	Young (AK)
Pickett	Skeen	Young (FL)
Pombo	Skelton	Zeliff
Porter	Smith (MI)	Zimmer

NOT VOTING—11

Bishop	Laughlin	Rowland
Gallo	McCurdy	Serrano
Huffington	McDade	Slattery
Kennedy	Obey	

□ 1654

The Clerk announced the following pair:

On this vote:

Mr. Serrano for, with Mr. Rowland against.

Mr. VOLKMER changed his vote from "aye" to "no."

Mr. WISE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Ms. DUNN. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Mr. SHARP). The Clerk will report the motion.

The Clerk read as follows:

Ms. DUNN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include subtitle F of title VIII of the Senate amendment, relating to sexually violent predators.

Mr. NADLER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentlewoman from Washington [Ms. DUNN] will be recognized for 30 minutes, and the gentleman from New York [Mr. NADLER] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. DUNN].

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

Mr. Speaker, this motion instructs conferees on the crime bill to encourage States to establish registration and tracking procedures and community notification with respect to released sexually violent predators. This same language was accepted by unanimous consent as a part of the Senate Crime bill. An effort to add companion language in the House—the bipartisan Dunn-Deal amendment—unfortunately was denied by the House Rules Committee.

Mr. Speaker, this now is an opportunity for Members of the House to go on record in support of the strong Senate language. We can send a precise message to conferees on the importance not only of registration and tracking provisions, but of notification that a sexually violent predator has moved into a community. American women and families deserve no less.

Mr. Speaker, this is a proven approach. The legislative language is modeled after a successful Washington State law, and will monitor sexually violent predators—including those convicted of stalking—wherever they may locate once they are released. Even if they move across State lines. Washington State leads the Nation in coping with this small group of criminals who terrorize primarily women, in their neighborhoods, homes, and workplaces.

The problem of sexually violent predators has unfortunately become too widespread in our society. We need only recall the tragic case of young Polly Klaas of Petaluma, CA who was snatched from her home and brutally murdered.

It is worth noting that the Polly Klaas Foundation is fully supportive of efforts not only to establish registration and tracking procedures, but also to institute community notification when sexually violent predators are released into the general public.

Mr. Speaker, I have had friends who have been raped. And as the ranking member of the Police and Personnel Subcommittee of House Administration, I have become aware of stalking cases right here on Capitol Hill. More to the point, I know firsthand what it feels like to have a stalker watching my every move, with the implicit threat of violence that is involved in that.

When rapists, women-beaters, or convicted violent stalkers are released into a community, the women in that community have a right to know that a dangerous individual has been placed in their midst. In fact, the Washington State Supreme Court already has ruled that this type of law is constitutional.

Already, both the House and Senate have passed legislation that requires law enforcement officials to notify communities when child molesters and others who pose a threat to children are released. This is right and good: A warning that society owes to parents and their children.

Likewise, our society owes to its women some notification that a predator is being released. And law enforcement officials should be encouraged to track their movements just as they do for those who have committed crimes against children.

That is all this language would do. I hope and believe it is something we all can agree on and endorse.

By contrast, Mr. Speaker, the language that is being proposed in the conference committee would completely strip any community notification from the crime bill. That is unacceptable. Law-abiding citizens, especially women, have a right to know when a predator is being released into their community.

What is the point of registering and tracking these convicted predators if we are not going to share that information with the very citizens who are at risk? How can we justify knowing where a sexual predator has located, and not notify the women and families in that neighborhood? The rate of recidivism for these crimes is astronomical. We know that. And that is why it is incumbent upon us to ensure that community notification is encouraged. Without the community notification, the effort is reduced simply to the collection of data.

I would hope the House would recognize this fact and express its strong support for community notification just as the Senate has done.

Mr. Speaker, on behalf of the thousands of women who work here on Capitol Hill. On behalf of the millions of women across the country and in every congressional district represented here, I respectfully ask that you support this bipartisan motion.

□ 1700

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in opposition to this motion for several reasons. First, Madam Speaker, on a substantive basis the Senate version, the Senate language, has several problems

with it. The Senate version says that, if we define someone as a sexual predator; and the first problem is, I say to my colleagues, "If you look at the language in the bill as to defining a sexual predator, it's all-predicting. Someone with a mental abnormality, defined as a condition, a congenital or acquired condition, that affects the emotional or volitional capacity of the person in the manner that predisposes the person to the commission of criminal sexual acts."

Madam Speaker, we do not have the knowledge of the human mind and the brain that enables a proper decision to the degree of certitude required by criminal law as to a mental abnormality that predisposes someone to commit a crime. I do not think there is anything in the law books of this country, and I dare say of any State, that subjects someone to a penalty for a predisposition, for a prediction, that this person may commit a crime. That is a major danger here and a problem with this.

Second, let us assume that we did know. Let us assume that we did know how to predict this properly. What does this bill do? It says to the State, "Notify local law enforcement. Establish a program requiring someone who is released from jail either on probation, or parole, or at the completion of a sentence. He must notify local law enforcement as to where he lives and must keep that current." I frankly do not have a great problem with that if we want to say that some person, that we have the ability to predict that some person, is sufficiently dangerous, that although we are going to let him out of jail; and if he is so dangerous, I do not know why we let him out of jail; but he is sufficiently not dangerous enough to keep in jail, but sufficiently dangerous, we should notify local law enforcement and let them know to keep an eye on him.

OK; but this bill goes on to say that there should be community notification. The gentlewoman from Washington [Ms. DUNN] in her statement in support of this motion says the women of America have a right to know when a sexual predator moves into their neighborhood, and what is anybody going to do with this information? Move out of the neighborhood? Agitate to push that person out of the neighborhood so he goes to someone else's neighborhood where the process will start over again? Of what use is this information?

If we are going to mandate the release of information to the public, it should be with information that someone can do something with. Releasing this information to law enforcement might make some sense because law enforcement will keep an eye on him perhaps, but releasing this to the public is simply saying that someone who has committee a crime, paid the full penalty, spent 20 years in jail, or 30 years in jail, or 10 years or whatever it is, we are not going to penalize that person. But saying we are going to notify people that this is a pervert, and they can then go and try to demonstrate in front of his house, ask people to kick him out of the neighborhood or whatever, is fundamentally unfair.

More to the point:

If we have a person who is really this dangerous as to deserve or to necessitate such warning to the neighborhood, that person ought to be kept in jail. If people are sufficiently dangerous, then the criminal law ought to be such that they are kept in jail while they are dangerous to protect the people from their being let out, and if we let people out because we judge them no longer so dangerous, maybe community law enforcement notification to keep an eye on the fellow, maybe that makes sense, too. But to say sufficiently dangerous that we should notify the community so they can demonstrate against him or try to get him to move out of the neighborhood so some other neighborhood can demonstrate against him, but he is not dangerous enough to keep in jail, does not make sense.

Finally, Madam Speaker, in all of this, these issues, I am not going to attempt to persuade anybody of the rightness of these issues or of the rightness of what I just said of my view of these issues except to say that they are serious issues here.

□ 1710

But they are probably issues for State legislatures. The arguments that I just made should really be made before a State legislature, as should the arguments of the gentlewoman from Washington [Ms. DUNN], and the legislature might have policy reasons, might agree with her, might agree with me, might decide to lengthen the criminal penalties of some of these crimes, might decide for police notification or even community notification.

Those are questions for State legislatures. This is local law. What we are attempting to do here, or what the Senate is attempting to do here, what we should not agree with, is to mandate the States to enact a State criminal law and a State criminal program.

It says here, in fact we are writing State criminal law here. It says a person required to register under a State program who knowingly fails to register, shall be subject to criminal penalties in the State. Not in the Federal courts, in the State courts.

So we are writing State criminal law here. We are mandating the States under threat of withholding Federal funds as to a criminal law they are to enact. The Federal Government should not be in the business generally of enacting and writing local State criminal laws. That is the business of the State. The State legislature has ample policy arguments on both sides. I have enunciated some on one side of the issue, the gentlewoman from Washington [Ms. DUNN] on the other. I do not think this makes a heck of a lot of sense. But those are decisions for the State legislature, and, therefore, I oppose the motion to instruct the conferees and I urge that it be defeated.

Mr. BURTON of Indiana. Madam Speaker will be gentleman yield?

Mr. NADLER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I would just like to make one brief comment, and that is in Indiana not long ago, we had a woman terrified of a man who had been incarcerated. She asked specifically that she be notified if this man were to be released. She was not notified, and within hours after he was released, he went up to her home, 200 miles away, and brutally murdered her. Had she been notified, as this provision would mandate, she would be alive today.

Mr. NADLER. Reclaiming my time, I recall that incident, and I would say, number one, that that is a matter for the State legislature. But, number two, I would not have a problem, in concept or in policy, I think it makes eminent sense. Certainly if an individual was harassed by someone in State custody, if an individual has reason to believe that that person has something against them or is going to harass them, it makes eminent sense to notify that person when he is going to be released so that she can seek an order of protection, so that she can take whatever protective measures, so she can ask the local police to keep an eye on him or her, if it is going to be in the same community. I have no problem with that.

But that is not what this says. This says the general community at large should know about all people that a judge or some board will decide may have these characteristics, wherever he may go.

Now, it is true, and this case that the gentleman referred to is an example of that, it is true that there are certain individuals in our society, unfortunately, who are fixated on someone and may do bodily harm or kill that person. And that person ought to be protected, if we know about it, obviously. And certainly the woman that you referred to should have been protected. She had the right to know. She should have been told when he was being released, although if he were so dangerous, he probably should not have been released. But that is a separate question. She should have known. But that person is probably not a danger to anybody else.

So I would say, again, these are matters for the State legislature. We should not get into the business of writing State criminal laws. And the

State legislature in its wisdom might fashion a more narrow protection that would take care of the concern raised by the gentleman.

So, again, I urge that this motion be defeated.

Madam Speaker, I reserve the balance of my time.

Ms. DUNN. Madam Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. DEAL], a former prosecuting attorney, and who has been very active in putting this together.

Mr. DEAL. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, the gentlewoman from Washington [Ms. DUNN] and I, were cosponsors of an amendment to our original version of the crime bill that would have included language much more comprehensive than the language we are talking about instructing conferees to deal with. We were so presumptuous as to call it the Dunn-Deal amendment, and, as a result, the Committee on Rules did not allow us to vote on it.

We have a chance to make it a done deal here today by instructing our conferees that the language in the conference committee for purposes of consideration should be accomplished.

All of you, I think, knows what it does. It does require there be some tracking of those who are sexual predators. It is similar to language that is in the Jacob Wetterling Crimes Against Children Registration Act, which both bodies have passed.

I would like to take a moment to address the concerns of the gentleman from New York. He suggests to us we should not do this because in order to require registration, it requires we prove a predisposition of a mental condition to commit a crime, and that we have the inability to do that.

I would suggest to the gentleman we ought to tell all the defense attorneys in this country that that is impossible to prove, because it is the basis upon which defenses for being guilty but mentally ill or other mental defenses are usually based in order to get someone out of being punished for a crime.

The truth of the matter is we do have the ability to show this, and, yes, we do release them from jails and from prisons, even with that knowledge. And it is that basis upon which we should act.

I would also suggest that the fact that we may be telling State legislatures what they should or should not do has never been a deterrent to this body. In fact, if we took those provisions out of the Federal crime bill, we would probably have only a few pages to deal with whatsoever. We are in the business of writing Federal statutes. We are in the business of dealing with legislation that affects people who cross State lines, things that State legislatures cannot do. There is an old saying that in time of crisis, women and children first. This is a time of crisis. We have taken care of the children with registration. It is now the time to do the same thing for the women of this country.

Ms. DUNN. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. PRYCE], a former judge and an active Member of the freshman class.

Ms. PRYCE of Ohio. Madam Speaker, I rise in strong support of the Dunn motion to instruct conferees on the crime bill.

As a former judge, I strongly believe one of the most important duties of government is to ensure that its citizens can live safely in their homes and neighborhoods, free from violence and crime. Yet each year thousands of our citizens, our neighbors and loved ones, face the reality of violent sexual crimes, and their lives are changed forever. Madam Speaker, I've seen the bad remnants of many of these lives hundreds of times in my former court room.

This motion to instruct conferees is a simple way to monitor this group of violent sexual offenders who are released into society after serving time for these heinous offenses. After decades of elevating the needs and rights of criminals, the American public has slowly begun to recognize that victims and potential victims of crime have rights as well. With the passage of this motion the American people will at least have more information about released sexual predators.

Madam Speaker, this should not be a controversial issue. For the thousands of individuals who are victims of sexual violence every year, we are simply trying to give the law enforcement officials another commonsense tool to do their jobs to protect the communities from these most violent and brutal criminals. I urge my colleagues to support the Dunn motion to instruct and urge its passage.

Ms. DUNN. Madam Speaker, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Speaker, I rise in strong support of the Dunn motion to instruct conferees. Let me just say in the moment I have left, the sexually violent predator as defined by this motion is a person who has been convicted of the sexually violent offense, and who suffers from mental abnormalities. At that moment of conviction under the Dunn motion, we are saying yes, you then abdicate your civil rights to live a free and normal life, just like your victim did at the moment that the crime was committed.

What does that accomplish? It gives every other woman who may live in that town an opportunity to be aware and be on guard. Does that sound fair? It is not fair. Nor is it fair for a sexual predator to be able to roam a neighborhood and ruin lives. And the moment that that conviction occurs, that person relinquishes his ability to serve with his civil rights like every other law-abiding citizen in the United States. And to the Dunn motion to instruct, it lets you know once and for all, at least in one portion of our Criminal Code, that if you violate this law, it will be an offense that haunts you for the rest of your life. Not only because that is justice, but because that is fairness for every woman who may live in that neighborhood.

Madam Speaker, I thank the gentlewoman, and I strongly support the motion.

□ 1720

Ms. DUNN. Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida [Mrs. FOWLER], who, just as the gentlewoman from New York [Ms. MOLINARI], has been a very active member of our conference and who is another strong, hard-working Member of the freshman class.

Mrs. FOWLER. Madam Speaker, I rise in support of the Dunn motion to instruct conferees on the crime bill to ensure that the conference report includes: National tracking and registration of released sexually violent predators; community notification of the presence of these released individuals; immunity for law enforcement agencies that act in good faith to notify communities.

A sexually violent predator is a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in another such offense.

This measure targets the small group of violent sexual offenders who are released into society after serving time for rape or child molestation, despite the fact that they are a continued threat.

After a determination has been made that a person is a sexually violent predator, it is simply a commonsense precaution for law enforcement officials to monitor the person's whereabouts and warn communities where the person may commit another offense.

Currently, law enforcement officials often fail to communicate the presence of a sexual predator in their communities, because they either have no way of ensuring his residence or lack the legal protection to do so.

This measure gives our law enforcement officials the tools to protect their communities from some of the most violent and brutal criminals.

According to the Congressional Budget Office, the cost of this measure is negligible.

The Dunn motion to instruct is a commonsense motion, which will serve to protect women and children in the future, and I urge my colleagues to support it.

79-059 O—97 Vol. 140 (Pt. 11) 49

Ms. DUNN. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. RAMSTAD], a member of the Subcommittee on Crime and Criminal Justice who has worked on this legislation for 3½ years.

Mr. RAMSTAD. Madam Speaker, I rise in support of the Dunn motion.

As Members will recall, the House passed the Jacob Wetterling Crimes Against Children Act last fall, and this measure was also included in the crime bill.

As the author of this legislation, I've worked on this issue for 3 years. I know how important it is to coordinate with the States to develop a national registration system to keep track of released sex offenders who are known to be notorious repeat offenders.

I support expanding the Wetterling bill to cover sexually violent predators, and I commend Republican DUNN for bringing this motion to the floor.

Regarding community notification, reasonable minds can disagree over whether it is good policy. Yes, there is the potential for abuse. On the other hand, we need to protect the public from persons we know are dangerous.

But the key point is that the individual State legislatures—not the U.S. Congress—should decide whether they want to adopt some form of community notification. This is all the Dunn motion would do.

Attorney General Janet Reno, in her recommendations to the conferees dated June 13, discussed this very issue as it pertains to the Wetterling bill, which, I might add, she supports. She recommends that the conferees strike the provision in the Wetterling bill which deems the registration information to be "private data."

As she says, "this could interfere with State discretion to use the data for other legitimate purposes, such as notifying school authorities or victims of earlier offenses that a child molester has moved nearby."

As you can see, the Attorney General essentially supports the concept of "community notification," and like me, she believes this should be a matter of State discretion.

Indeed, I think it is also instructive to note that her comments regarding the Senate's registration system for sexually violent predators, which is the subject of the Dunn motion, do not raise any objections to community notification.

While not the subject of this motion, I urge the conferees to accept the Attorney General's recommendation regarding deletion of the "private data" provision in the Wetterling bill.

And I urge Members today to vote for the Dunn motion. The women and children of America deserve nothing less.

A vote for the Dunn motion is a vote for victims rights.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I really had not expected to speak on this issue until I got in the Chamber. My disposition, frankly, is to support the gentlewoman from Washington, and I intend to do so because I think that her instruction makes a very important point.

I have listened to the gentleman from New York [Mr. NADLER], and he did an excellent job of presenting the nuances, the subtleties of the law, and the questions that are necessarily raised by this instruction.

But I think what we are talking about here, if I have heard correctly, and if the Members on the proponents' side of the argument are clear in their understanding, we are talking about those who have preyed upon children as well as preyed upon women. Is that correct?

Ms. DUNN. Madam Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentlewoman from Washington.

Ms. DUNN. Madam Speaker, it is sexual predators, and they prey most often upon women but also talking about children.

Mr. MAZZOLI. Madam Speaker, if I am correct in that, this would be a notification to the communities about the presence in those communities of people who have preyed upon children, who have abused children, who have raped and sodomized children. Is that correct?

Ms. DUNN. Madam Speaker, if the gentleman will continue to yield, the way we define sexually violent predator, the term sexually violent predator means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes that person likely to engage in predatory sexually violent offenses.

Mr. MAZZOLI. I thank the gentlewoman for that, because I remember when we had the markup of the crime bill in our Committee on the Judiciary, I had just come upon an article which appeared in the Courier-Journal, a Louisville, KY newspaper, about a man who did not live in Louisville, but nearby, who was a sexual predator, who had committed horrible and heinous offenses against children in his career as a career criminal and who freely confessed that he could not prevent himself from committing these acts again. And I think that the reality is that psychologists and the psychiatrists indicate that people who have preyed upon children are almost inevitably going to prey again. They are almost inevitably going to commit these acts again. So it does appear to me that, while I think the gentleman from New York [Mr. NADLER] has performed a very valiant duty here, it does seem to me that we should tell our conferees that we believe this kind of treatment is necessary to protect American women and American children.

Ms. DUNN. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], who has been very active on behalf of the initiatives to inform and protect women and who has been a strong supporter of this legislation.

Mr. CUNNINGHAM. Madam Speaker, I do not think it is too unreasonable to ask to instruct in a motion that is going to protect our most vulnerable citizens, our senior citizens are not included in this, but they should be, but the children and women.

The gentleman from Indiana [Mr. BURTON] talked about a lady that was harassed by a gentleman and asked to be notified when that gentleman got out of prison. She was not. The gentleman immediately drove 200 miles and killed that lady.

We need to protect these kinds of people. The gentleman from New York said, well, it is not our responsibility. It is the States' responsibility to do that.

I cannot tell my colleagues on this House floor what I feel about that response from the gentleman from New York. It is all of our responsibilities to protect our men and women, not just the State legislature. I have heard that it is unfair to have somebody register.

If you are a sexual molester, you molest either of my two daughters, you better not be told that you are in my district because you are probably not going to survive.

At a minimum, we ought to at least let the community know that that individual that has been convicted of rape, of stalking, of sexual molestation is in the district. Is it unfair? It is unfair to be raped. It is unfair to be sexually molested, and it is unfair to be stalked.

□ 1730

They should be informed not only at the time, but for the future people that that person is going to commit that crime against. Madam Speaker, I hope we look at the O.J. Simpson case out in California that is going on right now, as far as domestic violence, and get stronger penalties with that. Polly Klaas' dad was asking for at least 85 percent of the time that a molester should spend in jail, at a minimum. I would like to see 100 percent, but that did not happen.

Madam Speaker, it is time, a long overdue idea, that we quit protecting criminals and criminal rights and focus on the victims' rights, not only those that have been victimized, but those that will be victimized it we do not notify.

Madam Speaker, I rise in strong support of the motion offered by the gentlewoman from Washington [Ms. DUNN], and I thank the gentleman from Georgia [Mr. DEAL] as well.

Ms. DUNN. Madam Speaker, I yield 4 minutes to the gentleman from Arizona [Mr. KYL], who has been very active on behalf of this and other protective legislation.

Mr. KYL. Madam Speaker, first I want to thank the gentlewoman for yielding time to me, and for offering this motion. She has been a real leader in this field, and that is an important reason why I think we will be improving the crime bill and able to pass a very strong crime bill before this Congress is finally adjourned.

Madam Speaker, sexual violence is one of the most troubling issues facing our Nation today. Today, again, we have the opportunity on the floor of this chamber to help combat domestic and sexual violence. For the sake of the thousands of victims, I once again urge the House not to pass up an opportunity to strengthen laws against domestic and sexual abuse.

Both the House and Senate have wisely passed legislation to require law enforcement officials to notify communities when a child molester is released from prison and then moves into a community. Likewise, when a sexually violent predator is released from prison into a community, the citizens of that community should be notified.

During debate on the Senate crime bill, an amendment passed which provides for community notification of released sexual predators. The Senate amendment also encourages States to establish registration and tracking procedures of violent sexual offenders and establishes immunity for officials notifying communities of the presence of violent sexual offenders. This amendment, it should be noted, passed unopposed.

During consideration of the House crime bill, Representatives DUNN, SUSAN MOLINARI, and I attempted to offer that amendment, as well as other sexual assault measures, but we were rejected, on a party-line vote, from doing so. Today, we have an opportunity to continue the battle against domestic and sexual violence by ensuring that both the House and Senate are on record in support of these provisions. This notification amendment is important and complements the objectives of the Sexual Assault Prevention Act, legislation Representative SUSAN MOLINARI and I have introduced to combat sexual and domestic violence and give victims greater protection while going through the criminal justice system.

Every community in this nation has had to grapple with sexual abusers. And, in hearings I have held on sexual violence here in Washington and in Arizona, experts have testified the prognosis for curing violent sexual abusers in poor. They also testified that the likelihood of sexual abusers repeating acts of sexual violence is very high. If a criminal justice system were in place to put and keep sexually violent predators in jail, then a notification system would not be necessary. However, according to the Bureau of Justice, rapists, on average, spend only 3 years in jail. Given the recidivist nature of these offenders, it makes clear and perfect sense to let the citizens of a community know that a potentially dangerous person in living in their neighborhood.

My interest in ensuring that victims and communities receive proper notification of the release of perpetrators was heightened last year. During my work on the House Armed Services Committee, I became aware that the Department of Defense knows little about domestic and sexual violence even though 28,000 military families were touched by violence in 1992 alone. In those situations, victims were often not notified of their rights. As a result, I had language added to the DOD authorization bill last year which requires DOD to implement a system to ensure notification of victims and witnesses if prisoners in military correctional facilities are moved or released. As a result of last year's Defense bill, DOD has also established a new, centralized Victim and Witness Assistance Program.

Victims and citizens in communities around the country deserve to know when a violent abuser will be released from prison. The Dunn motion to instruct will help to accomplish this goal and so I urge my fellow colleagues to vote to instruct crime bill conferees to agree to subtitle F of title VII of the Senate-passed crime bill. Again, Members should not pass up the opportunity to make a positive difference in the lives of those who have experienced the tragedy of sexual and domestic assault.

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume to close debate for this side.

Madam Speaker, a number of references were made in the discussion that are not really apropos to the subject of the amendments, to the provision that the Senate seeks to put in this bill, which this motion urges our conferees to accede to. Reference was made, for instance, to protecting victims of child molestation, to protecting children.

The fact is that 12 pages earlier in this bill there is subtitle C, crimes against children, the Jacob Wetterling Crimes Against Children Registration Act to which the gentlewoman and several speakers on that side referred. This is the section of the bill which the House and Senate both passed, which is not the subject of what we are talking about, that is designed to protect children, and that sets up a notification system.

What we are considering here is a separate section which the Senate did but we did not on sexually violent predators. The child molestation notification is in subtitle C of the bill, which both House and Senate agree on. Here we are talking about setting up a sexually violent predators definition, and mandate on the States to set up a program to notify the police and the communities and local people.

Madam Speaker, I would point out that the Jacob Wetterling provision, which we are going to enact as part of the crime bill, because both Houses agree, is not a precedent for this, because it does the right thing.

It provides for notification of the police in a community when someone who has been a child molester is going to be released, so the police are notified, the law enforcement agencies are notified, and can keep an eye on this person to protect the community. It does not provide for community notification.

Madam Speaker, my main objection to this provision is the community notification, because once someone has been released from jail, if we think he is dangerous, I think it makes eminent sense to do two things: First, notify the police, and that makes eminent sense; second, if he has shown a fixation on an individual victim, as in the case in I forget which State was referred to before, in Indiana, notify the victim, by all means. If someone has been a victim, then he or she certainly should be notified when the felon or the perpetrator is going to be released.

However, to notify the world at large, what effect does it have, other than to enable people to demonstrate and try to put pressure on this person not to live in that community, so he can move to another community where they will have the same problem, and so forth, from one community to the other?

If this person is so dangerous, then that person should be in jail. As I said before, this is criminal law, local criminal law, and the State legislature should deal with it. Let the State legislatures mandate longer prison terms, or in certain cases, maybe life without parole. That is the prerogative of the State legislature.

Madam Speaker, again, either the person is so dangerous that he should be in jail or he is not so dangerous that he should be hounded from community to community because he is labeled a sexually violent offender and everybody is told about it when he is released from jail x number of years later.

Police notification makes sense, individual notification makes sense, large-scale notification does not make sense, because if we need large-scale notification, so-called community notification, then we should not be releasing him from jail, and the State legislature should be dealing with both ends of this problem, and that is the bottom line of this. This is a State matter.

When I hear someone stand up here and say that it is all of our responsibility, sure, it is all of our responsibility, but in this country we leave general decisions of criminal law generally to the States except when it crosses the State line. Here there is no suggestion of crossing State lines.

In fact, in this provision we are saying to the State, "If you do not do it exactly the way we tell you to do it, then we are going to take Federal funds away from you and we are going to mandate it. We are not going to leave it to the discretion of the Attorney General or anything."

This is telling the States, "We know best how to do it, we are telling you how to do it in the States," and that is not something we ought to be doing in the criminal law in a matter of this kind, especially when there are strong policy arguments that this particular solution to this problem has real problems with it. Let the State legislature deal with the specifics of how to deal with this.

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

Ms. DUNN. Madam Speaker, I yield the remainder of my time to the gentleman from Florida [Mr. MCCOLLUM], who has been a diligent leader on crime legislation.

□ 1740

Mr. MCCOLLUM. Madam Speaker, I thank the gentlewoman for yielding me that time and her kind words.

Madam Speaker, I do not intend to take up the full 10 minutes. I first of all want to commend the gentlewoman from Washington for offering this. This is a very important and constructive provision in the crime bill that should have been out here on the floor with an opportunity for the Members of the House to vote on it way back on April 21 when we considered this bill. It was not for her lack of diligence. She tried very hard to convince the Committee on Rules, and many of us supported her, to get this opportunity to offer the amendment that today she is seeking us to offer in the motion to instruct to tell our conferees to accept what is in the Senate bill.

Madam Speaker, why is this so important? First of all, the No. 1 issue in the crime world today for the American public is violent crime. There is no greater violent crime problem that faces American women and children today than that of a sexual predator, that is, a stalker. That is what we are talking about today. We are talking about somebody who has been convicted of not just any old crime but a violent sexual crime who then is going to go back out onto the streets again, whose opportunity to commit another crime of that nature will be there, who has a track record that undoubtedly shows a predisposition of some sort with a mental abnormality or some personality disorder that psychologists and psychiatrists would say has this predisposition, and then who is somebody who probably is going to be winding up stalking a woman or potentially a child in our communities locally.

I cannot think of anything more appropriate to the crime bill than this provision. What does this provision do? We have heard a lot of talk about it today. It is pretty darn straightforward. What it is is simply saying to the States around the country who are receiving a lot of Federal largess under the Federal Justice Assistance Act and under many other provisions that are in this crime bill that is a multibillion dollar bill if we ever get around to being able to see the final product. We are simply saying to the States, "Look, if you want to get all of that justice assistance money that is coming out, if you do not want to lose 10 percent of it, then we want you to take the minimum step of enacting laws that require that any time somebody who is one of these sexually violent predators is defined, who has been convicted of such a crime, is released from jail, that they register with the local enforcement officials and that if they move, that they indeed take that address and notify the new folks of it and that the local law enforcement people where these folks have been released also take the step of notifying the next folks down the line where these folks are moving, in other words, to keep track of them."

Yes, there is the possibility of community notification. What is all the hullabaloo about that has been discussed today on that? I would like to read it. Community notification. It says:

"The designated State law enforcement agency may," does not require it to, but may, "release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section."

Madam Speaker, this legislation if adopted would simply say that the local law enforcement agency could determine, your local police chief, your local sheriff, your local or State head law enforcement person could determine that in a particular given case of such an egregious nature, this person's characteristics are such that that should be generally known by the public that his presence is in the community.

I doubt that occurs very often, but what is wrong with that? We are seeing today where 6 percent of the criminal population of this country are committing 70 percent of the violent crimes and serving only an average of about a third of their sentences. We are seeing sexual predators who have committed violent crimes against women and children released on the streets. The very least we should do is have the opportunity not only for registration in the States and local law enforcement agencies as someone who has done this and been released but also the opportunity for those law enforcement locals to make a discretionary judgment on a case-by-case basis to let the general population know that this particular individual is up and about and out and been released. That is all this is about. It is our opportunity to instruct conferees.

Madam Speaker, I would like to remind my colleagues that we are stuck right now without a crime bill. It has been since April 21, when we passed our crime bill, the Senate all the way back last year passed its, and we still do not have any movement toward a conference report between the House and the Senate. Every single week that passes, there are officially at least 2,000 rapes committed in this country. There are reportedly 12,000 or so that have not been reported in officially that are committed every week. That is just one of many statistics on violent crime that demonstrate the importance and the urgency of a crime bill that the other side has not been able to get its Members together and act on.

We have things like the so-called Racial Justice Act, the quotas for murderers that we have already passed a provision on saying we want to retreat from here on a motion to instruct similar to the one tonight passed a couple of weeks ago, passed long before we went out on our recess for the Fourth of July. But it seems that provision from all we hear on this side of the aisle is hanging up on the on the Democrat side of the aisle and they are unable to come up with an opportunity for us to get together on a crime bill.

Madam Speaker, how many more weeks have got to pass before we get legislation through a conference committee and get it passed into law that will stop some of this nonsense and give the resources to the States for prisons? I do not know. But I do know that tonight, because of the gentlewoman from Washington [Ms. DUNN] and her motion to instruct conferees, we at least have the opportunity to tell our conferees that when and if we ever get together as a conference on this with the Senate, they should accept this Senate language that takes care of the simple matter of requiring States to pass rules and regulations having registration of stalkers, of sexually violent predators and giving community notification.

It is a good proposal that the gentlewoman is offering. It is a simple proposal. There should not be any no votes on it. It should not be controversial. It should have been brought out on the floor and allowed under the rules. The other party did not let that happen when the bill was voted on before. Certainly tonight we should be correcting that problem and at the very least saying to the conferees, "Please accept

this language when you go to conference. Don't tinker around with it. Don't take out this permissive language on community notification." It is just permissive, but it is very, very important.

Madam Speaker, I thank the gentlewoman for letting me close.

Ms. DUNN. Madam Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from Washington.

Ms. DUNN. Madam Speaker, I thank the gentleman for yielding.

I do want to say, Madam Speaker, this has been a joint operation and I want to send my special thanks across the aisle to the gentleman from Georgia [Mr. DEAL] for all the work he has done and for his helping so much in his very adroit, adaptable, and effective way in making this a "Dunn-Deal."

I hope the Congress will support us as well.

Madam Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Ms. KAPTUR). The question is on the motion to instruct offered by the gentlewoman from Washington [Ms. DUNN].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 13, not voting 14, as follows:

[Roll No. 323]

YEAS—407

Abercrombie, Ackerman, Allard, Andrews (ME), Andrews (NJ), Andrews (TX), Applegate, Archer, 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, Blackwell, Bliley, Blute, Boehlert, Bonilla, Bonior, Borski, Boucher, Brewster, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Cardin, Carr, Castle, Chapman, Clayton, Clement, Clinger, Clyburn, Coble, Coleman, Collins (GA), Collins (IL), Collins (MI), Combest, Condit, Cooper, Coppersmith, Costello, Cox, Coyne, Cramer, Crane, Crapo, Cunningham, Danner, Darden, de la Garza, Deal, DeFazio, DeLauro, Dellums, Derrick, Deutsch, Diaz-Balart, Dickey, Dicks, Dingell, Dixon, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Durbin, Edwards (TX), Ehlers, Emerson, Engel, English, 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, Gejdenson, Gekas, Gephardt, Geren, Gibbons, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Grandy, Green, Greenwood, Gunderson, Gutierrez, Hall (OH), Hall (TX), Hamburg, Hamilton, Hancock, Hansen, Harman, Hastert, Hayes, Hefley, Hefner, Herger, Hinchey, Hoagland, Hobson, Hochbrueckner, Hoekstra, Hoke, Holden, Horn, Houghton, Hoyer, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Istook, Jacobs, Jefferson, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, E.B., Johnson, Sam, Johnston, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kim, King, Kingston, Kleczka, Klein, Klink, Klug, Knollenberg, Kolbe, Kreidler, Kyl, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Lazio, Leach, Lehman, Levin, Levy, Lewis (CA), Lewis (FL), Lewis (GA), Lewis (KY), Lightfoot, Linder, Lipinski, Livingston, Lloyd, Long, Lowey, Lucas, Machtley, Maloney, Mann, Manton, Manzullo, Margolies-Mezvinsky, Markey, Martinez, Matsui, Mazzoli, McCandless, McCloskey, McCollum, McCrery, McDermott, McHale, McHugh, McInnis, McKeon, McKinney, McMillan, McNulty, Meehan, Menendez, Meyers, Mfume, Mica, Michel, Miller (CA), Miller (FL), Mineta, Minge, Mink, Moakley, Molinari, Mollohan, Montgomery, Moorhead, Moran, Morella, Murphy, Murtha, Myers, Neal (MA), Neal (NC), Nussle, Oberstar, Olver, Ortiz, Orton, 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, Ravenel, Reed, Regula, Reynolds, Richardson, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Rose, Rostenkowski, Roth, Roukema, 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, Waxman, Weldon, Wheat, Whitten, Williams, Wilson, Wise, Wolf, Woolsey, Wyden, Wynn, Yates, Young (AK), Young (FL), Zeliff, Zimmer

NAYS—13

Brooks, Clay, Gonzalez, Hastings, Hilliard, Hughes, Kopetski, Meek, Nadler, Owens, Rangel, Waters, Watt

NOT VOTING—14

Armey, Bishop, Boehner, Conyers, DeLay, Edwards (CA), Gallo, Laughlin, McCurdy, McDade, Obey, Rowland, Slattery, Washington

□ 1807

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

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. COLLINS of Illinois, and Mr. RUSH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. ROHRABACHER. Madam Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Ms. KAPTUR). The Clerk will report the motion.

The Clerk read as follows:

Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to agree to section 5102 of the Senate amendment.

Mr. BECERRA. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] will be recognized for 30 minutes, and the gentleman from California [Mr. BECERRA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

□ 1810

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

Madam Speaker, when the Senate considered the crime bill, which is now

in conference, it adopted, by a vote of 85 to 2, the Exon amendment which takes a significant step forward in excluding some illegal aliens from certain Government programs. The Exon amendment specifically excludes illegal aliens from Aid to Families with Dependent Children, Supplemental Security Income, food stamps, Medicare, except for emergency care, legal services, assistance under the Job Training Partnership Act, unemployment compensation and financial aid for postsecondary education.

The primary effect of this amendment is to effect on persons residing under color of law, meaning PRUCOL, aliens. PRUCOL aliens are those immigrants who are deportable, but the INS has failed to deport. It also includes refugees and others who have a claim to remain in the United States but have not had their legal status determined. The Exon amendment makes the important distinction between the PRUCOL aliens who are simply awaiting deportation and those who have a claim to permanent resident status. The amendment cuts off benefits to those aliens who are illegally in the United States or aliens who are PRUCOL but are only in this country awaiting deportation.

Some programs covered by the Exon amendment already contain prohibitions on illegal alien eligibility, however the Exon amendment breaks new ground by cutting off illegals, to illegals, any eligibility for the Job Training Partnership Act assistance, and it only takes a little bit of common sense that people who are now here legally and are not entitled to a job here because they are here illegally, they should not be eligible for job training.

Another program that the Exon amendment reserves to citizens and legal residents is college financial aid. We in this House have wrangled with the issue over scarce Federal dollars for student aid. This provision would cut off illegal alien eligibility for Federal postsecondary student aid and help ensure that our own citizens enjoy the resources that we have committed to help young people to college.

This amendment is a blow for fiscal sanity at a time of high deficit spending. The CBO estimates that over 5 years the Exon amendment will save $2.2 billion. The National Taxpayers Union, which it even further studied on this proposal, states that the provision will save over $700 million a year, each and every year.

The Exon amendment is compassionate. It says we cannot afford to be the welfare benefactor to the whole world. We have citizens who have dreams and needs, and we must preserve our social services for those who have paid into the system.

Furthermore, without amendments such as this we are sending an unmistakable invitation to needy people everywhere in the world and on every continent of the world. We are inviting them to ignore our immigration laws, and to come to our country and receive a host of taxpayer benefits provided by the taxpayers. Madam Speaker, the taxpayers cannot continue to provide such largess to illegal aliens wherever they come from in the world.

This vote presents Members with the most straightforward and clear choice on the illegal immigration issue that the 103d Congress has had. I say to my colleagues, if you support the giveaway of taxpayer funded benefits to illegal aliens, vote against my motion. If, however, you believe that we must cut off the illegal aliens from benefits and stop the tidal wave of illegal immigration, then a vote for the Rohrabacher motion is in order.

Only a majority vote of this House will ensure that the Exon amendment will stay in the conference report. It is time to go on the record on this pivotal issue of tax supported benefits for illegal aliens.

I am pleased to note that both of California's Senators; that is, BARBARA BOXER and DIANE FEINSTEIN, as well as Senator MOSELEY-BRAUN and Senator MURRAY, have joined as cosponsors of this amendment in its present form. I urge my colleagues to join with the overwhelming majority of our Senate colleagues. It was an 85 to 2 vote in support of this historic change as to what benefits the Federal Government will be providing to illegal aliens, the proper amount of money that should be going to illegal aliens at a time when we are reducing services for our own people.

Madam Speaker, that is what this amendment is about, is to try to reduce the amount of money going to illegal aliens.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker and Members, I rise in opposition to this motion for a number of reasons, but let me first try to address a couple that were raised by my colleague, the gentleman from California [Mr. ROHRABACHER].

First, we have to remember we are talking about a crime bill here. Yet all of a sudden, through the crime bill, through this motion to instruct, the gentleman from California [Mr. ROHRABACHER] would want us to address issues of public benefits which have nothing to do with the issue of crime.

We have a crime bill which is stuck in conference that has not moved yet. Now we are trying to clutter it up with more things that relate not at all to the issue of crime and making our streets safer. But let us go to the issue that the gentleman from California [Mr. ROHRABACHER] raises.

First, Madam Speaker, he says that he is trying to deny undocumented immigrants benefits from the Federal Government because it is taking taxpayer dollars. Well, what the gentleman from California [Mr. ROHRABACHER] does not tell anyone is that each and every program service that he is trying to deny undocumented immigrants, they are already denied in Federal law.

I say to my colleagues, if you look at AFDC, Supplemental Social Security Income, SSI, food stamps, Medicaid, except emergency assistance, as Mr. ROHRABACHER pointed out, Job Training and Partnership Act moneys, unemployment compensation and postsecondary student financial aid, each and every one of those that's specified in the language in this motion to instruct already is prohibited from going to someone who is here without documents as an immigrant. The only program that is listed that currently is not restricted is legal services, and that's of course because we have a Constitution that says someone who is being charged with a crime under this Nation's Constitution is afforded a right to counsel.

□ 1820

Unlike what the gentleman from California says in one of his "Dear Colleague" letters, this does not pertain just to the Legal Services Corporation provision of services. This is legal services of any sort. So there is a good chance the amendment of the gentleman from California [Mr. ROHRABACHER] is not only inaccurate in what it says it will do, but it is probably unconstitutional.

The sum of $2.2 billion is what the gentleman from California [Mr. ROHRABACHER] says this particular motion to instruct will save the American taxpayer. It will not do so, because most of the benefits that he lists are already restricted to the undocumented. But more than that, the gentleman from California [Mr. ROHRABACHER] is basing his judgment of $2.2 billion on a Congressional Budget Office report that said that $2.2 billion could be saved by a Senate bill that was raised back in 1993 that would have struck any provision in Federal law that would have provided benefits to the undocumented, including, and this is the main point, including emergency medical services that are reimbursed by Medicaid.

The gentleman from California [Mr. ROHRABACHER], just said, and he said to be compassionate, we do not restrict emergency medical services under Medicaid from reimbursement. So the money that is being saved under that 1993 Senate bill of $2.2 billion was based on the fact that emergency medical services would be denied.

I am not just saying it. Let me refer to a letter which I know the gentleman from California [Mr. ROHRABACHER] has, from Jean Hearne from the CBO dated July 13, which says:

In May of 1993, CBO was asked to provide an estimate of Senate bill 457, a bill that would prohibit the payment of Federal benefits to undocumented illegal aliens. CBO estimated this would save $2.2 in Federal Medicaid payments during the period of 1994 to 1998 because undocumented aliens would no longer be eligible to receive Medicaid reimbursement for emergency services.

The 2.2 billion is based on savings because there would be no reimbursements for medical services under Medicaid. As the gentleman from California [Mr. ROHRABACHER] just told us, he is exempting from prohibition the emergency medical services. Therefore, the $2.2 billion would not be saved.

We know from this that there would likely be no savings or negligible savings from this particular language in this motion to instruct.

But forget everything I have said. Do not worry about that. Do not vote based on anything I said. Do me a favor. I hope my colleagues will do me one favor. Listen to the following, and listen to a couple of speakers that will come up.

I hope Members will listen to this one last point: Regardless of what you think about the issues, regardless of whether you think it is appropriate for this Congress to repeat and just state, rubber stamp again what is current Federal law, which already denies the undocumented immigrant Federal services, if you want to make a political point, okay. But forget abut that and think about this one last point. With the language in this provision, you summarily deny an America national from the Island of American Samoa the opportunity to apply for Federal benefits. You deny individuals who are here as immigrants who are under the protected status of the U.S. law, like El Salvador nationals, the chance to be able to obtain some benefits while they are here under the legal protection of the law. Why? Because the language in this particular provision was drafted very hurriedly, and it excluded people who are here under a lawful status.

So regardless of what you think of the undocumented immigrant, understand what you are going to do to folks from American Samoa. You are telling them they cannot receive public benefits for which they probably paid a great deal of taxes for. I think for that reason alone, we should oppose this motion to instruct.

Mr. ROHRABACHER. Madam Speaker, will the gentleman yield?

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

Mr. ROHRABACHER. Madam Speaker, the CBO memorandum that the gentleman read, who is that signed by?

Mr. BECERRA. It is a memorandum, so it is not signed. It was faxed over, so there is no signature.

Mr. ROHRABACHER. Is it signed by Mr. Reischauer or his deputy?

Mr. BECERRA. No, it is from Ms. Jean Hearne. We can find out if she is willing to subscribe by this.

Mr. ROHRABACHER. The documentation of the cost figures that I gave were documents signed by those individuals. Those individuals actually verified the statistics I gave before. What you have is a document not signed by the head of the organization that you are quoting.

Mr. BECERRA. Madam Speaker, let me reclaim my time and just say I am not trying to verify. Unless the gentleman from California [Mr. ROHRABACHER] is saying there is no such thing as a Senate bill 457 and the CBO report that was the basis for the analysis on that Senate bill is not the status of that, then I would yield to that. But that is not the case. Unless you are saying this person is lying, then I think there is a reason to question it.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, first of all, let us note that there has been tremendous pressure put on the CBO to come up with certain figures about my proposal. The fact that we have a last minute reneging on figures that have gone out from CBO many months before, and now in the last minute we are presented a reneging on the part of the CBO and they come up with cooked figures, it suggests that at the CBO, there has been political pressure applied. I think that is evident to anyone listening here.

The figures that Mr. EXON used when he made his proposal in the Senate were backed up by the Congressional Budget Office. They are not my only source, however. The National Taxpayers Union and many other organizations have done studies indicating that the cost of illegal aliens in our society is in the billions and billions of dollars. If our friendly opponents on the other side are trying to convince us that there is no cost for illegal aliens in our society, and that this is bogus, why not just accept my amendment then?

If indeed what I am saying is already in the law, why is there such opposition to us reaffirming the law.

Mr. BERMAN. Madam Speaker, will the gentleman yield?

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

Mr. BERMAN. Madam Speaker, does the Exon amendment, does S. 457 exclude emergency Medicaid services?

Mr. ROHRABACHER. Madam Speaker, the amendment does not exclude emergency aid. Let me note this: The fact that we are talking about here is how much that emergency aid costs. If it is your contention that all the costs of illegal aliens is just emergency aid, and that is the full $2.2 billion, we have a real problem in this country that we are providing $2.2 billion in emergency aid to people who are coming here illegally from all over the world. That cannot be what you believe.

Mr. BERMAN. If the gentleman will yield further, your amendment I think very appropriately excludes emergency Medicaid services, the only kind of Medicaid services for which people who are not here legally are eligible. It would make sense an estimate of $2.2 billion would be substantially less, once you exclude that service.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Madam Speaker, I thank the gentleman for yielding. I think this is developing into an interesting debate over a motion to instruct conferees on something that is in the Senate crime bill but not in the House crime bill. There is a little lesson to be learned about this particular debate, about our procedures and what we have and have not been doing in the House.

For one thing, there is no major immigration reform bill of any type coming forward in this Congress, this last year or this year, although we have got a lot of problems that should be addressed. I serve as the ranking member on the Subcommittee on International Law, Immigration, and Refugees in the House, and I know for a fact that we have tremendous problems with the asylum laws of the Nation and the definitions that are there, what we should be doing to deal with the backlog of now almost 400,000 asylum applicants with no plan of the Clinton administration whatsoever to find a way to reduce that huge backlog and many other areas of immigration reform that should be addressed.

However, today, we have a very limited opportunity to address this on the kind of technical procedure we are involved with here, because the Senate does not have the same rules of germaneness the House does. On their crime bill, Senator EXON did put this provision in we are discussing today. The gentleman from California is seeking to instruct our conferees in the House-Senate conference to recede to the Senate on this point and let this one immigration matter, with a welfare overtone to it, get passed.

I might add, we also do not look like we are going to see a welfare reform bill, despite the President's stated intentions, during this Congress. We do not have much time left, and I see no movement to do that.

This is the only opportunity we have to address the matter.

□ 1830

Now, I pose a query, if all of these matters are covered, and I do not believe they are, by present law, excluding all the illegal aliens from the various benefits that are proposed to be excluded under this proposal, then why

is there such an objection to this anyway? I heard a couple of things being raised on the other side of the aisle, but they sound exceedingly technical to me. I do not read in my interpretation of the language anything so abhorrent about it.

I would say to my colleagues that ther are technical matters of coverage that are not presently excluded for illegal aliens, people who are here who are receiving benefits, welfare benefits, and other benefits.

Madam Speaker, one of the problems is the so-called PRUCOL area that was described by the gentleman from California a moment ago. We have left in the law various loopholes for those who are not really here legally to be receiving various and sundry benefits under some of these provisions that are covered by the so-called Exon proposal that we are here asking our conferees to accept.

There is no reason why we should not close that loophole, and that is what at the very least this would do.

As far as legal services are concerned, I would remind my colleagues that the very stated language of this provision says that no direct Federal financial benefit or social insurance benefit may be paid for legal services. We are talking now not about cutting off the opportunity for criminal assistance by State public defenders. That is State law and a State matter. We are talking about Federal benefits.

I would encourage the adoption of this. I think this is an excellent motion to instruct, and it really should not be that controversial.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the majority whip.

Mr. BONIOR. Madam Speaker, supporters of this amendment would have us believe that as we have just heard that this bill would just apply to undocumented immigrants, that it would just exclude undocumented immigrants from receiving certain services.

But the truth is, the truth is that current law already does what the gentleman from California is trying to do with his amendment.

Undocumented immigrants are already excluded from receiving aid to families with dependent children. They are already excluded from receiving supplemental security income. They are already excluded from receiving food stamps. They are already excluded from receiving Medicaid.

Current law excludes undocumented immigrants from receiving these services. If that is the intent of the gentleman from California [Mr. ROHRABACHER], we do not need it. But in fact, the Rohrabacher amendment is not just limited to undocumented immigrants. As the gentleman from California [Mr. BECERRA] has so eloquently pointed out at the beginning of this debate, this amendment will not just affect undocumented immigrants. It affects the legal, documented immigrants as well.

The fact is, this amendment is drafted in such a way as to exclude people who are lawfully in the United States from receiving benefits that they are eligible for under the law, because of constitutional requirements under our system of government which the gentleman from California [Mr. BECERRA] referred to and because of benefits earned.

We will hear more about that as other speakers speak, Madam Speaker.

Madam Speaker, we may have disagreements about how best to deliver these services. We may have disagreements about who is eligible to receive services, and we may have disagreements about who is covered under these agreements and the services. But this is a crime bill. It is not a welfare bill. And this is not the place to address these issues.

Once again, the gentleman from California is trying to take, I think, a highly emotional issue, an issue that has nothing to do with this bill and waste the time of the House to debate something that he knows is best addressed elsewhere.

The fact is, what he claims this bill will do is already part of current law. And what he will also do with this amendment is exclude people who are lawfully entitled to the benefits through our constitutional guarantees and through other means which we will hear in a little while.

I urge my colleagues to vote "no" and against the Rohrabacher motion.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

Mr. COX. Madam Speaker, it is difficult to imagine that the language that we are now debating was drafted by a Democratic Senator and was voted for by every liberal in the U.S. Senate, comprised, last time I checked, of many Democrats and many liberals. The vote was 85 to 2 in favor. Only 2 out of 100 U.S. Senators voted against this amendment.

My colleague, the gentleman from Michigan [Mr. BONIOR], made it seem as if somehow there was something wrong or something not liberal with this amendment. In fact, the Rohrabacher motion is a motion to instruct. There is no Rohrabacher language. This is Senator EXON's language. It is not changed one iota.

All that my colleague from California is asking this body to do is what the other body already did by a vote of 85 to 2. And of course, we in California, which have over half of the Nation's illegal aliens, are especially concerned about this. And thus, we ought not to be surprised that Democratic Senator BARBARA BOXER, our former colleague here in the House, and that Democratic Senator DIANNE FEINSTEIN of California voted in support of this.

There is no reason whatever that Democrats in the House hold en masse behave differently than Democrats in the Senate, unless somehow there is a political fix in and this is not on the level. But I cannot imagine that that is so.

We are told that because this is a crime bill, we cannot vote for this motion to instruct. Yet the language is already in the bill. Four years ago this very same thing happened. Four years ago Senator EXON had a similar bill passed, but the House and Senate negotiators dropped it out of the final bill. That is why we need a motion to instruct. Otherwise this is all a charade, providing political cover for Senators in an election year. We would not want that.

We are told that all of these programs already deny benefits to illegal aliens. If that were true, why would we get this resistance? Why would Members not want to go ahead and vote "aye" on this motion to instruct?

The answer is that current law is not enforced.

Current law is not enforced. Yes, it is true that in theory the law prevents an illegal alien from picking up welfare benefits, from picking up food stamps, from picking up SSI. And yet, certainly in California, certainly in Texas, certainly in New Jersey and New York and Illinois, Arizona, and Florida, we all know that illegal aliens do this every day because they break the law with some success and because those laws are not enforced.

As a matter of fact, the assassin of Mr. Colosio, the PRI candidate for President in Mexico, was an illegal alien in California, registered to vote in California, who actually voted in two Democratic primaries.

These laws must be enforced. They are not enforced, and in order to enforce them, we need the Exon language. That is why what the other body accomplished is not an idle act. That is why it is so important.

The Exon language begins, "Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid."

This is a vitally important measure. I urge my colleagues to vote "aye" on this motion to instruct.

Mr. BECERRA. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Madam Speaker, I rise today in strong opposition to the motion to instruct on the crime bill offered by the gentleman from California [Mr. ROHRABACHER].

The drafters and supporters of the amendment in question thought, no doubt, that it struck only at those who are illegally in this country.

Well, Madam Speaker, nothing could be further from the truth. The amendment does not affect the undocumented at all in the programs it lists. The undocumented, under existing law, are already ineligible for every single one of them.

This amendment was aimed to strike at illegal aliens, but it does not affect them at all.

The people it would affect, however because it was so poorly drafted, are American Samoans and other nationals of the United States living legally in this country. That is why, as Chair of the Asian Pacific American Caucus, I am asking my colleagues to vote "no" on this motion to instruct.

American Samoans are U.S. nationals, and when they come to this country, they are here legally. They pay taxes just like every other legal resident, and they receive social services benefits just like any other legal resident.

The amendment which the gentleman from California would have us support would strip U.S. nationals and American Samoans of their eligibility for legal aid assistance, AFDC, and Medicaid. American Samoan students going to school here would lose their guaranteed student loans.

Madam Speaker, that is flatly wrong—and I am positive that it was never the intention of either the author of the amendment in the other body or the gentleman who offers this motion to instruct from California.

But the fact remains, the amendment in question is poorly drafted, it accomplishes nothing with regard to the undocumented, and it would inflict real pain on territorial citizens who are legally in this country.

So I urge my colleagues to join me in voting against the Rohrabacher motion to instruct.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

First of all, Madam Speaker, this language, which was voted on by 85 U.S. Senators, including almost all of the leadership of the Democratic Party, minus just two people who opposed it, makes it very clear in the language that we are talking about people who are not lawfully present within the United States. It defines what is not lawfully present very clearly. This is what their own leadership voted on 85 to 2.

However, as my colleague, the gentleman from California, pointed out, sometimes people do things in the other body when they are just trying to make a political point because they think that here we will be prevented from acting on this side. I do not know if that is the case on this side. I would hate to think that people were making political points.

Madam Speaker, under current law, the illegal immigrants are not, are not, excluded by current law under the Job Training Partnership Act and college aid. This proposal today deals specifically with those two programs. If it is illegal for an immigrant trying to come here and have a job in the first place. We always hear from that side, why should we give them free job training? It is crazy.

Mr. ROHRABACHER. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from San Diego, California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, so may times we are on the House floor and we have heard that the problem of illegal immigration is best addressed elsewhere. When we had an earthquake with illegals applying for services, it was best addressed elsewhere. When we had an education bill on the House floor, it was best addressed elsewhere. In committee, on the health care bill, it was best addressed elsewhere.

Madam Speaker, we need to come to task with the problems that we have in this entire country on illegal immigration. Why has the gentleman from California [Mr. ROHRABACHER] brought this to the floor? It is not just the issue that he is talking about. In the State of California, and especially the border States, illegal immigration is costing American taxpayers and preventing health care and education from Americans. We have to come to grips with that.

Illegal aliens are receiving services today, not only in the State of California, but all over this Nation. It has been by reputable factors $37 billion a year that it costs this Government for illegal aliens in this country, in the United States, $37 billion a year. Now take that times five, over a 5-year period, take half of that. Say "DUKE, your figures are inflated." That is $93 billion. You want to figure out how to pay for the other 5 percent of the health care bill? There it is. It would be easy to cover Americans instead of illegal immigrants in the services that they receive. Only those illegal aliens already that are not affected, I want to tell the Members I can take them down in San Diego and show them five different places where someone can get an ID card saying you are an American citizen as an illegal alien. Again, that is why we need an ID card that specifies if a person is an American citizen or not.

Mr. BECERRA. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI], the distinguished chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary.

Mr. MAZZOLI. Madam Speaker, I want to thank my good friend, the gentleman from California, who is a very valuable member of the subcommittee, for yielding me this time.

Madam Speaker, I have somewhat of a different opinion than the gentleman does about what we should do on this amendment, or on this motion to instruct. Let me say, Madam Speaker, first of all I do not feel it is appropriate to use the term "illegals," as the gentleman from California has used in his letter to all of us. I think it is a disparaging term and I think it ought not to be too quickly resorted to because it conjures up a lot of emotionalism that I think this debate does not need. We have enough emotion in looking at it straightforwardly.

Madam Speaker, having said that, and also what my friend, the gentleman from California [Mr. BECERRA], has said, this is really a crime bill, and this proposed instruction really has no place here. It was a very hastily drafted amendment. The gentleman and I have talked about the loose wording in here, the uncertainty of some of the phrasing, and it can be actually speculated, as my staffers said, that it, might actually expand rather than contract the types of people who might get these benefits.

But having said that, I think that my problem here is based on the fact that as long ago as last October, October 1993, our subcommittee reported a bill which was a bill drafted by the gentleman from New York [Mr. SCHUMER], the gentleman from Florida [Mr. MCCOLLUM], and myself, the gentleman from Kentucky, dealing with asylum reform, dealing with the question of expedited exclusion of people who try to come into the country illegally using asylum as the recommendation, and then trying to have some preclearance, so people are prevented abroad from coming in here using false and fraudulent paper.

That bill was passed by our subcommittee. It has languished, and I use that term advisedly, languished at the full committee since October 1993. I even asked as recently as today what the prospects are of taking up that sensible, multifaceted, balanced, highly principled bill that would do something about the back door.

Madam Speaker, let me just say that I think the instruction of the gentleman from California [Mr. ROHRABACHER] ought to be adopted. I think it would help to do something about closing the back door in order that we could keep the front door open.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, illegal alien is a pejorative term and we certainly do not feel right about using terms that are not positive terms about other human beings, but when you struggle to try to find definitions of what is going on, the fact is many people are coming into our society illegally and they are participating in services, they are consuming money that was supposed to go for benefits for our own people, and when we struggle to come up with funds for different programs here, and we know

that we are not even providing all the funds we need for our own people, and then we find out that someone who has come out illegally from another society is consuming those resources, it is not right.

Mr. MAZZOLI. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Madam Speaker, I do not argue the righteousness of anything. What I do argue is the use of the terminology. I do take issue with the gentleman's terminology, because I think it disparages people, human beings, many of whom are here doing good things and working hard and making a go of it, adding in some cases burdens to States like the gentleman's, but I think what it does is add an emotional edge. It puts a context here which is very difficult for us to deal with.

Mr. ROHRABACHER. Madam Speaker, reclaiming my time, it is emotional for a lot of people who depend on programs. In California they see money that should be going for their own children's education being eaten up by a flood of illegal immigrants from other countries.

Yes, it is emotional for them, and we do not want to create hatred between one person and another, but the worst thing we can do is let this problem fester and continue to have an invitation to people from all over the world to come here.

Mr. MAZZOLI. If the gentleman will continue to yield, that is the point of the gentleman from Kentucky, unless we do something to end this festering, we are going to have a worse problem.

□ 1850

Mr. ROHRABACHER. Madam Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE]

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I just want to see if I can add to the discussion. The term "illegal alien" is harsher than "undocumented worker," there is no question. I do not know which is more accurate, however. But we do use a lot of terms that I think we could soften. I have often thought a bank robber could be called a holder not in due course. A dope dealer could be called an unlicensed pharmacist. There are lots of changes we could make. I should commend them to my friend.

Mr. MAZZOLI. Madam Speaker, if the gentleman will yield, the gentleman from California [Mr. ROHRABACHER] did not use the term "illegal alien," he used "illegals," i-l-l-e-g-a-l-s, and "illegals" has a pejorative connotation that "illegal alien" does not have.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. MATSUI], the distinguished chairman of the Subcommittee on Trade and the ranking majority member of the Subcommittee on Human Resources of the Committee on Ways and Means, which, of course, is the committee that would have jurisdiction over these issues relating to public benefits.

Mr. MATSUI. Madam Speaker, I thank the gentleman from California for yielding me the time.

Madam Speaker, I might just say that the gentlemen on the other side of the aisle have made reference to the fact that on the Senate side, 85 Members, liberals included, voted for the Exon amendment. Let me explain why that happened, I believe. The Exon amendment passed the Senate floor on November 5, 1993, last year. I do not believe a lot of attention was paid to that legislation on the Senate side when it was passed. We received some 6 days later on November 11, the Committee on Ways and Means which has jurisdiction over many of these benefits, from the American Law Division of the Congressional Research Service which all of us use as an authoritative body that analyzes legislation, the CRS said 6 days after the Exon amendment passed, "The primary effect of the Exon amendment as adopted may be to deny AFDC, SSI, full Medicaid coverage, and unemployment compensation to aliens," now, listen, "allowed to remain in the United States under certain exercises of administration discretion."

Madam Speaker, it will not affect illegal aliens, because illegal aliens are not allowed to collect benefits under current law. The gentleman did talk about the Job Training Partnership Act. We will close that loophole when we deal with the retraining legislation if, in fact, it is a problem.

I will say to the gentleman that it is an issue of enforcement in terms of making sure illegal aliens do not receive resources. What the gentleman is going to affect is people who are residents in this country, permanent residents in this country under color of law. They got here perhaps on an illegal basis, but because the Immigration and Naturalization Service feels that for some reason they should stay through their discretion, by laws passed by the United States, now we are going to deny those legal residents, although they are illegal aliens in the true sense, benefits.

Madam Speaker, the gentleman is just going to affect a small number of people but people that have been welcomed into this country, and it is not going to have any impact on illegal aliens because it is an issue of enforcement.

Madam Speaker, I might just conclude by saying, I do not question that the gentleman's amendment or proposal will pass. But it is a shame that this issue is brought up in the way it is, because frankly I think reality would say that this is an issue that is being exploited time and time again in the recent past.

Mr. ROHRABACHER. Madam Speaker, I yield 1½ minutes to the gentleman from California [Mr. COX].

Mr. COX. Madam Speaker, I would like to respond to the comments of my colleague, the gentleman from California, by saying that it is not the intent, I do not think, of the amendment as drafted, neither is it the intent of any of the Senators, the 85 of them who voted for it, to include within the term "persons not lawfully present within the United States" people who actually are lawfully present within the United States. I do not believe a judge would ever interpret those words in that fashion.

Madam Speaker, the argument that is being made would require a Federal judge to interpret the words "persons not lawfully present within the United States" to mean people who are lawfully present within the United States, that is the only way to reach the territorial residents referred to and so on.

Mr. MATSUI. Madam Speaker, will the gentleman yield?

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

Mr. MATSUI. Under the CRS report on this issue, it basically says that those that are permanently residing under color of law do not necessarily reside legally in the United States, but what they are allowed to do is through an administrative action stay in this country but are not under any illegal categories in this country.

Mr. COX. Madam Speaker, in a colloquy off the floor, another one of our California colleagues on the Democratic side and I discussed this. There is no question that the list of categories in the definition of the term "persons not lawfully present within the United States" should be if and when our conferees get a chance to include this language in the crime bill, should be deemed inclusive rather than exclusive. But we have to keep in mind here, we are voting on a motion to instruct. Routinely our conferees reject our instructions. We ought to clearly with one voice let them know we want to cut out welfare benefits for illegal aliens. That is the point of the Exon amendment.

Mr. BECERRA. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from California [Mr. BERMAN], chairman of one of the subcommittees of the Committee on Foreign Affairs.

Mr. BERMAN. Madam Speaker, I think this debate can at least get the author of the motion to instruct, whom I have great respect for, and I know he believes in what he is doing, to acknowledge that there is some obligation here to draft precisely when dealing with these kinds of issues. The fact

is the way the motion to instruct is drafted and by incorporating the Exon amendment, what the gentleman has done or what he is urging the conference committee to do is to pass a law which excludes from a whole series of benefits they are otherwise eligible for, Nicaraguans who fled the Sandinistas in the mid-1980's who were granted temporary protected status in 1990, who were then given deferred extended departure status in 1992 and who would like to apply, perhaps, because their parents are part of the working poor, they are getting straight A's in school and they want to get some kind of college assistance, people who we have given work authorization to, who we have said can live in this country.

The gentleman from California [Mr. ROHRABACHER], my friend, does not want to exclude these people from these kinds of programs. He does not want to tell American Samoans that they cannot get certain kinds of benefits. He does not want to tell people whom we have allowed to come into this country under the Cuban-Haitian Entrance Act that they are ineligible for the whole series of benefits and the people he does want to tell that they are not eligible are for the most part already ineligible for the programs the gentleman is mentioning.

I think the gentleman has an obligation as the gentleman from California [Mr. COX] I think at least implied to draft this language correctly. The gentleman says, "Oh, we are only talking about persons not lawfully present within the United States." But look at the language.

In this section, "persons not lawfully present in the United States" means persons who at the time they applied for, receive, or attempt to receive, a Federal benefit are not either, and then the gentleman specifies a series of things, and he leaves out a large number of other people. He leaves out registry entrants who were here before 1971 and, therefore, under the pre-1986 immigration law are here legally at this particular time and they have work authorization. The gentleman leaves out U.S. nationals from the U.S. territories. The gentleman leaves out persons granted withholding of deportation status and a whole series of categories by the way this is done.

The gentleman does not want to do that, and I think since apparently a motion to instruct can be made every day, he can come back tomorrow with one that is drafted right.

I urge a "no" vote on this one.

□ 1900

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

Madam Speaker, I think that most people who are listening to this debate understand we are talking about language that has already passed the U.S. Senate. It is good language. The fact is we are trying to do something that has been needed to be done.

I am totally frustrated on this issue, because I have to go to such great lengths to get a vote. Finally, we have a vote, an up-and-down vote on the issue of benefits for illegal aliens.

People who followed this issue know that I have to go so far as to ask people to oppose a motion to rise so that I can then get a vote on the issue.

Do not tell me to come back tomorrow. I cannot come back tomorrow, because you will not give me an up-and-down vote on this issue. You will not give anybody on this side of the aisle who has been struggling so that we do not have to waste our resources on people who are coming here illegally. You will not give us those up-and-down votes.

Now, we had an up-and-down vote in the Senate, and that is why it passed so overwhelmingly, 85 to 2.

So do not tell me to come back and draft it again. I did not draft it. A Democratic Senator drafted this language.

Under current law, under the Job Training Partnership Act, the college aid goes to illegal aliens. This will cover that. People who have come here temporarily, whom my last colleague just mentioned, if you come here temporarily, whether from Nicaragua or elsewhere, if you overstay the time you are permitted to be here, you should not be collecting welfare; you should not be getting college aid. That money should be going to our own citizens.

We are taking food out of the mouths of our own people if we refuse to be responsible when it comes to aid to illegal aliens.

Madam Speaker, I yield 1 minute to my colleague, the gentleman from Georgia [Mr. KINGSTON].

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

The other previous speaker from California mentioned how this body is reluctant to deal with the issue of illegal immigration.

We hear a lot about gridlock. This is majority party gridlock at its finest. This is the same old thing. We cannot get a good bill on the floor because we cannot get it through the Committee on Rules or through subcommittees, and so we are here one more time, not here, not now, not this time, not this committee, not this vehicle, not this subcommittee. Now, it is a drafting problem, from people who routinely pass bills they have never read.

I certainly hope that the other side of the aisle is just as careful when it comes to health care, because we are going to be passing some bill that will be about that thick, and none of us will get it until the day of the vote.

I hope everybody keeps this in mind.

Madam Speaker, as you know, this is only a motion to instruct. If there is a true language problem and not just a political problem here, then the conferees can work that out. If that is the case, the counsel confers with it. This is saying we are making a statement about benefits to non-Americans, non-tax-paying people who are in our country.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Madam Speaker, outside of the jurisdictional, nongermaneness issues, there are a multitude of major policy shortcomings with the Exon amendment that have been aptly pointed out by my colleagues.

I join my colleagues in their objections and concerns. As a Member representing the Territory of American Samoa, I am particularly concerned with the sloppy drafting of this measure.

Let me say why. Although it may be intended for the measure to prohibit Federal benefits from being received by those illegally in the United States, the way the measure is drafted though, unfortunately, is that as presently constituted, the measure would disqualify some 100,000 U.S. Nationals currently living in the United States; for that matter, even those of my constituents living in the territory of American Samoa.

What is a U.S. national? Madam Speaker, by definition of the Immigration and Naturalization Act, a U.S. national is any person who owes permanent allegiance to the United States but who is neither a citizen or an alien, and our territory seems to have the distinct honor of being classified under this Federal statute of being the only U.S. nationals currently living under the U.S. flag.

Madam Speaker, U.S. nationals have fought and died at least for all the wars that our country has faced, and I want to say that the gentleman's motion will, in effect, deny thousands of U.S. nationals who served honorably in the armed services the benefits that I certainly feel they should be allocated like all others legally residing here in the United States.

So I ask my colleagues to defeat the motion to instruct.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Madam Speaker, this may come as quite a shock to my good friend from California, but I do think if we are going to have a motion to instruct, we might take a look at what is actually written in the bill. That would be strange for some of us, because you are intent today upon exploiting anxieties and fears over immigrants.

Every time someone brings up something that actually shows the weakness of the language that has been

drafted here, you go off on a tangent about illegal aliens. The fact of the matter is that the definition under this prohibition on payment, section 5102 that you are referring to, leaves vulnerable all American nationals.

I agree with the gentleman from California [Mr. BERMAN], and I am sure you did not intend to do that, and what you need to do is draft language where the meaning is precise. This is legislation, friends, that we are passing on behalf of the people of the United States. This is not something to appeal to your constituents on the political fashion of the moment, and we ought to respect this institution enough not to pass slopping language that, in effect, says it is all right to be an American-Samoan and die for this country, it is OK to play football in southern California and exploit them that way, it is OK to take 100,000 people; after all, that is not very many. And so what if we have to use them up? So what if they have to be sacrificed on the great altar of bashing immigrants because that happens to be something that will sell in someone's political constituency today?

These are people. These are American nationals. They are not a drafting problem. Someone has stood up today and actually said, "So there are a few drafting problems, pass it anyway. We can sell it."

Look, we are better than that. We have had this conversation before, my good friend from California. You do not really want to do this kind of thing to people. You would be the last person. We know one another. You would be the last person to say let us sacrifice American nationals like loyal American-Samoans, because you want to get at a greater issue.

I understand the bigger issue that you want to get to. This is not the way to do it. This is a motion to instruct, and it is a motion to instruct on very bad language, and if that language is written by a Democrat, it should be denied; if that language is written by a Republican, it should be denied.

You cannot come down here and say, "Well, the Democrats wrote it, and it is not very good language, but because they did, we can take advantage of it and do something for another purpose." What we need to do is remember that this is a motion to instruct, and it is language that I do not think anybody can look the gentleman from American Samoa [Mr. FALEOMAVAEGA] in the eye and say, "Well, it is too bad you people have to go on the altar, but we had a larger purpose in mind. We wanted to make sure that everybody knows we are on the right side with respect to illegal immigrants, illegal aliens," or whatever the fashionable phrase of the moment is.

If that is what you want to do, let us draft language to do that. You are capable of it. You have spoken on this issue very, very clearly; let us not take the language and try to make something good of it.

Let us defeat this motion. Put language forward that you can be proud of.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

The language is very clear in this bill. It states very clearly that it is aimed at those who are illegally residing in the United States. That is illegally residing in the United States.

This idea that I can just go back and write something else: The American people who have been watching this either at home or are reading about it in the CONGRESSIONAL RECORD should understand that the people making that argument know full well that I am not permitted to do that, and every time that I have tried over and over and over again to try to get a vote on the issue of illegal immigration into this country, I have been cut off one time after another. Very rarely do I ever get even close to a vote, and there is a reason, because of that. The reason is that on that side of the aisle, which controls the debate here, you do not have a clean debate on whether or not we should give benefits to illegal aliens.

This language is clear. It is aimed at those illegally residing in the United States. If those illegally residing in the United States should not get benefits, you should vote "yes" on my proposal.

Madam Speaker, I yield 2½ minutes to my colleague, the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Madam Speaker, I have only spoken on this issue once, but I have seen so many red herrings flying around this room tonight, I think we will review the issue from a Californian's standpoint.

The sum of $2.8 billion in California's thinly passed budget this year goes to illegal alien benefits.

□ 1810

That is the problem. The problem is we are paying $350 million to house 14 percent of our State prison population, which is not and has never been in California legally. Twenty-one thousand dollars per year we spend on each prisoner. Fourteen percent of our population, around 20,000 of our prisoners, in California are here illegally and came here not for opportunity but to commit crimes. That is the problem.

Over a billion dollars is spent in educating people who came to California illegally. That is the problem.

We spend over a billion dollars in California in health and welfare expenditures, health and welfare expenditures for people who came to California illegally. That is the problem.

What Mr. ROHRABACHER is doing is repeating a Senator Exon amendment to the crime budget which says in his letter to us:

> I have been trying to get an amendment passed since 1988 which would cut off funding to illegal aliens.

Now, we have heard of all of the screwball definitions of illegal, but I am not a lawyer so I just read it as meaning not legal. Senator EXON said also:

> I have designed this amendment to prohibit the payment of Federal benefits to illegal aliens. That amendment is a modification of a bill I have introduced in this Congress since 1988. At times I quote this to show how far out of step Congress is with the taxpaying public, at times due to congressional inaccuracy or expansive court interpretation, Federal statutes have been used to provide Federal financial benefits for illegal aliens. The amendment which I offered set a basic governmentwide policy.

A basic governmentwide policy, "prohibiting the payment of such benefits." That is what we are asking. Let us uphold the law. If we have laws against illegal aliens entering this country and laws which require people to stay here 5 to 10 years in order to come here legally, then we ought to uphold those laws.

Mr. BECERRA. I yield myself 30 seconds.

Just quickly in order to respond: It bothers me no end to constantly hear people throw out these numbers that they know they cannot prove. On several occasions I have asked my colleagues, Mr. BAKER and Mr. ROHRABACHER, to provide me the documentation of these very inflated numbers that they continue to cite. Not once, not once have they responded to give me the documentation or the source for that information. Why? Because they cannot provide it, but it sounds very good.

Madam Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MFUME], chairman of the Congressional Black Caucus.

Mr. MFUME. I thank the gentleman for yielding this time to me.

Madam Speaker, may I ask the gentleman from California [Mr. ROHRABACHER] for some clarification on this issue of American national, which I thought was rather clear? Is the gentleman saying that the bill does not exclude American nationals from receiving benefits?

Mr. ROHRABACHER. Madam Speaker, will the gentleman yield?

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

Mr. ROHRABACHER. I thank the gentleman for yielding.

Madam Speaker, it is aimed specifically at people who are not lawfully present in the United States. The intent of this is very clear. When it gets into conference, if there is any lack of definition, they can clear it up. But to me it seems very clear that they are not lawfully in the United States.

Mr. MFUME. I happen to have the bill here, and on page 831, this is the wording:

> (c) "Persons not lawfully present within the United States" means persons who at the time they applied for, receive, or attempt to

receive a Federal benefit are not either a United States citizen, a permanent resident alien, an asylee or asylee applicant, a refugee, a parolee, a nonimmigrant in status under the Immigration and Nationality Act, * * *.

So, technically, then, if you are from American Samoa and you have fought and died for this Nation and just happened to be living here at the time and you go and apply, because you are not a citizen, you are not qualified?

Mr. ROHRABACHER. I do not believe 85 Members of the Senate intended that. That would never be upheld by any court whatsoever. Obscuring the issue in that way is not going to hold water.

Mr. MFUME. Madam Speaker, I have a unanimous-consent request: May the gentleman from California and I proceed for another 30 seconds?

The SPEAKER pro tempore (Ms. KAPTUR). The gentleman from California [Mr. BECERRA] has the time.

Mr. MFUME. I am making a unanimous-consent request.

Mr. LINDER. Madam Speaker, reserving the right to object, is there time left on each side?

The SPEAKER pro tempore. There is time left on each side. There is 3 minutes on this side and 4 minutes on this side.

Mr. LINDER. So if there is time left on each side, Mr. MFUME has the right to get more time from Mr. BECERRA.

The SPEAKER pro tempore. That is correct.

Mr. LINDER. I object.

Mr. BECERRA. Madam Speaker, I yield 30 seconds to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. I thank the gentleman for yielding.

Madam Speaker, let me say I understand this was drafted on the Senate side and by a person who happens to be a Democrat, but that individual is absolutely wrong. This is bad language, and we are hurting people who have fought and died for this country. While many people might want to move toward supporting this, this is such a discriminatory act the way it is drafted that I think it requires a defeat, and I would urge Members of this House to defeat it.

Mr. ROHRABACHER. If the gentleman is only concerned about technical problems, he knows those things can be taken care of. The fact is that that is not the intent of this bill. The intent is to hit illegal aliens.

Mr. BECERRA. Madam Speaker, I have one additional speaker and 30 seconds to close. I do not know if the gentleman from California [Mr ROHRABACHER] has additional speakers.

Mr. ROHRABACHER. Madam Speaker, do I have the right to close? And if so, how much time do I have?

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] has the right to close, yes, and there are 3 minutes remaining on his side. There are 3½ minutes remaining on the other side.

Mr. ROHRABACHER. Madam Speaker, I reserve the right to close.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from the State of Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Madam Speaker, this is not a matter to be lightly considered. The House is being asked to instruct conferees on a crime bill. The amendment that we are debating today is really nongermane, as far as the House rules are concerned. But someone has felt it important to instruct our conferees on a matter that has been raised in the Senate.

We are being asked to adopt language that was inserted in the Senate that could egregiously hurt and harm at least 100,000 persons who live in the continent of the United States and in my State of Hawaii; at least 100,000 persons from American Samoa who have come into the United States by right because they are U.S. nationals, and yet, unthinkingly a Senate provision is going to say to these individuals, who are just like us, who are represented by the gentleman from American Samoa [Mr. FALEOMAVAEGA], who is here as a Member of this body, that somehow because you come from American Samoa and because the designation you have received under the laws of this country is not as a U.S. citizen but as a national, that from henceforth because we have deemed it to be because of defective language, that these individuals cannot get student loans, cannot get any of the entitlements of unemployment compensation when they work in my district and they lose their job, are not entitled to all the other benefits like you and I. We are being asked to adopt defective language which goes against the public policy of this institution.

Why have we allowed ENI to sit in this Chamber unless we have accepted the fact that he and the people he represents are just like us, American citizens? Let us not just dismiss this as defective language; we are being asked to put aside a very important principle which was accepted under the Constitution, to allow American Samoans to come in and be part of this country and to receive all the benefits and entitlements of this country and, yes, to go to war and die for this country.

So please, do not be dismissed by the notion that we can go to conference and fix it. This is not our idea. Our conferees can discuss it. They can bring it before the table and debate it.

What we are being asked is to endorse, to give thus the approval of this language which has no place in any deliberative body in the United States, which discriminates and denigrates citizens of this country who belong here but who, because of their status, are regarded as U.S. nationals.

I rise in great indignation this afternoon and ask you to vote down this motion to instruct.

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Mr. BECERRA. Madam Speaker, Members, please do not close your eyes to defective language. We are asking the highest body of this Nation to do what we would not expect a first grader, a sixth grader, or a twelfth grader in our schools to do, and that is to accept something that we know is wrong.

It makes no difference what the intent of the Senators or the Representatives in this House is. We all know that it is the letter of the law, the express meaning of each word, that counts. If we pass this, we know what will happen. American Samoans will be deprived benefits.

I say to my colleagues, "Don't pretend you do something with a bill that it doesn't do. This doesn't help. It just hurts."

I urge my colleagues to oppose this motion.

Mr. ROHRABACHER. Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Madam Speaker, it is a sophomoric debating technique to challenge one's opponent to give them some facts.

On August 31, Madam Speaker, the gentleman from California [Mr. BECERRA] asked me for facts regarding illegal aliens and the expenditures in California. On September 3, 1993, for eight categories I sent the gentleman those facts.

Mr. BECERRA. Never got them.

Mr. BAKER of California. It does not surprise me.

Mr. ROHRABACHER. Madam Speaker, I yield myself the balance of my time.

There have been articles; there have been studies; there have been countless studies and examinations of the illegal alien problem, and all the ones that I have seen conclude that the flood of illegal immigration into this country is causing a great hardship upon our people. It is stretching our own social infrastructure to the breaking point.

We are being told by the other side that that is already taken care of, go ahead, vote against Rohrabacher because the illegal alien problem is already taken care of. Well, if my colleagues do not believe there is an illegal alien problem in this country, fine. Vote against what I am proposing today. But if they believe that the millions of illegal aliens that have come into our country are consuming limited, scarce benefits that should be going to our people is a major problem in our society, they should be voting for my proposition because I probably will get very few chances of ever presenting this on the floor again.

Madam Speaker, I have time and again had to go through maneuvers on

this floor to try to get a vote and have been denied almost every time a chance to get a direct vote by those people who now say, "Just correct the language and come back and get another vote when it's absolutely perfect." There was a vote on this issue. It was 85 to 2 in the Senate.

Now we are told that all of those Senators, including the two Senators from my State, well, they were too imperfect to pass it here in the House. I would think that there might be some other motivation besides total perfection in terms of the opposition to my proposal. The fact is that, if there is, and I deny that there is any problem in terms of the issue that is being brought up, the fact is, if there is a problem, everyone on that side knows, and everyone here knows, we have worked here, it could be cleared up in conference committee, made absolutely perfectly clear.

Madam Speaker, there is no problem with that at all. What the real opposition to my proposal is is that those folks who are opposed to this proposal, the fact is that they do not want to deal with the illegal immigration issue no matter how we bring it forward. They believe that we are being inhumane.

I say to my colleagues, "I grant you you have good hearts, you are wonderful people. The fact is we all have love in our hearts. I say we have a responsibility to our own citizens to make sure that those very scarce resources that we have in this country are channeled to our own citizens rather than to illegal aliens."

Ms. HARMAN. Madam Speaker, to date, the debate on illegal immigration has been marked by a great deal of vitriol and relatively little wisdom. On one extreme, there have been those who claim that immigrants—both legal and illegal—are responsible for every ill facing this country. And on the other extreme, there are those who claim that borders are meaningless, and that there is no such thing as an illegal immigrant.

This motion today provides a rare opportunity to be reasonable. It allows us to clearly support a very basic principle: Illegal immigrants are not entitled to Government benefits. They are not entitled to AFDC. They are not entitled to food stamps, SSI, unemployment compensation, or routine health care.

It is not racist to say to. And it is not heartless to believe that American borders ought to be respected.

This debate about illegal immigration is not just some academic exercise. Illegal immigration affects millions of Americans who are here legally, and to ignore those impacts is irresponsible.

This motion simply states that illegal immigrants are not entitled to receive benefits like AFDC, food stamps, and nonemergency health care, and I support it strongly.

Mr. ROHRABACHER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the privileged motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Ms. KAPTUR). The question is on the motion to instruct offered by the gentleman from California [Mr. ROHRABACHER].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 289, nays 121, not voting 24, as follows:

[Roll No. 324]

YEAS—289

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Archer
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Deutsch
Dickey
Dingell
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Myers
Neal (MA)
Neal (NC)
Nussle
Orton
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—121

Abercrombie
Andrews (ME)
Bacchus (FL)
Becerra
Berman
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
Dellums
Derrick
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hamburg
Hastings
Hilliard
Hinchey
Hughes
Jefferson
Johnson, E.B.
Johnston
Kleczka
Kopetski
Lantos
Lewis (GA)
Lowey
Manton
Markey
Martinez
Matsui
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Murphy
Nadler
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Rangel
Reed
Richardson
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Shepherd
Skaggs
Smith (IA)
Smith (NJ)
Stark
Stokes
Studds
Swift
Synar
Thompson
Torres
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Woolsey
Wynn
Yates

NOT VOTING—24

Applegate
Armey
Bishop
Boehner
DeLay
Doolittle
Fish
Ford (MI)
Frank (MA)
Gallo
Laughlin
McCurdy
McDade
Michel
Murtha
Obey
Oxley
Rowland
Sharp
Slattery
Smith (OR)
Washington
Whitten
Wilson

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Messrs. MOAKLEY, ACKERMAN, and GEJDENSON, Mrs. KENNELLY, and Ms. FURSE changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

WAIVER OF RESTRICTIONS ON CERTAIN EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–279)

The SPEAKER pro tempore (Mr. STARK) 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 Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the restrictions contained in that Act on the export to the People's Republic of China of U.S.-origin satellites insofar as such restrictions pertain to the EchoStar project.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 13, 1994.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. GOSS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3222.

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

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–99

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal year 1994, to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 13, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 30, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on June 9, 1994 (H. Rept. 103–539).

The aggregate appropriate levels and allocations reflect the adjustment required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 218—REFLECTING ACTION COMPLETED AS OF JUNE 30, 1994

[On-budget amounts, in millions of dollars]

	Fiscal years	
	1995	1995–1999
Appropriate level (as set by H. Con. Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	730,011	NA
Outlays	916,222	NA
Revenues	977,700	5,393,058
Current level over (+)/under (−) appropriate level:		
Budget authority	−508,694	NA
Outlays	−301,383	NA
Revenues	0	−22,142

NA=Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $508.694 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $301.383 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measure producing any net revenue loss in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA	Budget authority	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
Armed Services:						
Allocation	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA	Budget authority	Outlays	NEA
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5,943
Current level	0	0	0	0	0	0
Difference	0	0	−309	0	0	−5,943
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	2	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	2	2	0	10	10	0
Difference	2	2	0	10	10	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	3	0	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2,161	0	0	64,741	0	0
Current level	0	0	0	0	0	0
Difference	−2,161	0	0	−64,741	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	0	0	0	0	0	0
Difference	0	0	−340	0	0	−5,743
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−214
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

NEA=New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (June 9, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	13,817	13,945	0	4,197	−13,817	−9,748
Commerce, Justice, State	26,057	24,818	2	6,322	−26,055	−18,496
Defense	243,432	250,515	0	86,480	−243,432	−164,035
District of Columbia	720	722	0	2	−720	−720
Energy and Water Development	20,373	20,853	0	8,801	−20,373	−12,052
Foreign Operations	13,795	13,736	0	8,167	−13,795	−5,569
Interior	13,525	13,943	375	5,063	−13,150	−8,880
Labor, Health and Human Services, and Education	69,978	69,819	1,771	41,702	−68,207	−28,117
Legislative Branch	2,468	2,424	2,367	2,380	−101	−44
Military Construction	8,837	8,554	0	6,345	−8,837	−2,209
Transportation	13,584	36,445	0	24,562	−13,584	−11,883
Treasury-Postal Service	12,049	12,260	0	2,953	−12,049	−9,307
VA-HUD-Independent Agencies	70,418	72,945	813	43,270	−69,605	−29,675
Reserve	2,106		0	0	−2,106	0
Grand total	511,159	540,979	5,328	240,244	−505,831	−300,735

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through June 30, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget Authority	730,011	1,238,705	−508,694
Outlays	916,222	1,217,605	−301,383
Revenues:			
1995	977,700	977,700	
1995–1999	5,393,058	5,415,200	−22,142

Since my last report, dated June 13, 1994, Congress approved and the President signed the Independent Counsel Reauthorization Act (P.L. 103–270). Congress has also approved for the President's signature the 1994 FHA Supplemental (H.R. 4568) and the Legislative Branch Appropriations bill (H.R. 4454). These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 30, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriation legislation		242,066	
Offsetting receipts	(203,682)	(203,682)	
Total previously enacted	543,453	744,370	977,700
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	18	(832)	
Federal Workforce Restructuring Act (P.L. 103–226	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Independent Counsel Reauthorization Act (P.L. 103–270)	2	2	
Total enacted this session	190	(657)	
PENDING SIGNATURE			
Legislative Branch Appropriations (H.R. 4454)	2,367	2,174	
1994 FHA Supplemental (H.R. 4568)	(2)	(1)	
Total pending signature	2,365	2,174	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	184,003	170,335	
Total Current Level [2]	730,011	916,222	977,700
Total Budget Resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under Budget Resolution	508,694	301,383	

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Over Budget Resolution			

[1] Less than $500 thousand.

[2] In accordance with the Budget Enforcement Act, the outlay total does not include $4,568 million for funding of emergencies that have been designated as such by the President and the Congress, and $252 million for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[3] Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1994

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994.

This report is to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64), for legislation having spending or revenue effects in fiscal year 1994. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal years 1995 through 1999, to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 13, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 1994.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 30, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 64 for fiscal year 1994. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the CONGRESSIONAL RECORD for March 31, 1993, on pages H. 1784–87.

The third table compares the current levels of discretionary appropriations for fiscal year 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on June 16, 1993 (H. Rept. 103–549).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64, REFLECTING ACTION COMPLETED AS OF JUNE 30, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Appropriate level (as set by H. Con. Res. 64):	
Budget authority	1,223,400
Outlays	1,218,300
Revenues	905,500
Current level:	
Budget authority	1,218,333
Outlays	1,216,991
Revenues	905,429
Current level over (+)/under(−) appropriate level:	
Budget authority	−5,067
Outlays	−1,309
Revenues	−71

BUDGET AUTHORITY

Enactment of measures providing more than $5.067 billion in new budget authority for fiscal year 1994 (if not already included in the current level estimate) would cause fiscal year 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase fiscal year 1994 outlays by more than $1.309 billion (if not already included in the current level estimate) would cause fiscal year 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of any measure producing any revenue loss in fiscal year 1994 (if not already included in the current level estimate) would cause fiscal year 1994 revenues to fall further below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal year, in millions of dollars]

	1994		
	Budget authority	Outlays	NEA
House Committee:			
Agriculture:			
Allocation	−65	−66	−60
Current level	−99	−106	−402
Difference	−34	−40	−342
Armed Services:			
Allocation	−128	−128	−128
Current level	−153	−163	−167
Difference	−25	−35	−39
Banking, Finance and Urban Affairs:			
Allocation	0	−338	0
Current level	−417	−915	0
Difference	−417	−577	0
District of Columbia:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Education and Labor:			
Allocation	0	0	118
Current level	−142	−155	−787
Difference	−142	−155	−905
Energy and Commerce:			
Allocation	0	−1,700	−180
Current level	2	−2,398	42
Difference	2	−698	222
Foreign Affairs:			
Allocation	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal year, in millions of dollars]

	1994		
	Budget authority	Outlays	NEA
Current level	−35	−35	−3
Difference	−35	−35	−3
Government Operations:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
House Administration:			
Allocation	0	0	0
Current level	1	1	0
Difference	1	1	0
Judiciary:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Merchant Marine and Fisheries:			
Allocation	0	0	0
Current level	−1	3	0
Difference	−1	3	0
Natural Resources:			
Allocation	−117	−112	0
Current level	−74	−78	0
Difference	43	34	0
Post Office and Civil Service:			
Allocation	−66	−66	−77
Current level	−256	−256	−218
Difference	−190	−190	−141

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal year, in millions of dollars]

	1994		
	Budget authority	Outlays	NEA
Public Works and Transportation:			
Allocation	2,092	−13	0
Current level	−78	−13	0
Difference	−2,170	0	0
Science, Space, and Technology:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Small Business:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Veterans' Affairs:			
Allocation	−11	−11	70
Current level	−11	−11	28
Difference	0	0	−42
Ways and Means:			
Allocation	−2,876	−2,054	−2,036
Current level	−1,216	−824	261
Difference	1,660	1,230	2,297
Perm. Select Committee on Intelligence:			
Allocation	0	0	0
Current level	7	7	7
Difference	7	7	7

NEA=New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (June 16, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,595	14,205	14,595	14,205	0	0
Commerce, Justice, State	23,470	23,887	22,800	23,217	−670	−670
Defense	240,319	255,151	239,897	255,151	−422	0
District of Columbia	700	698	700	698	0	0
Energy and Water Development	22,017	21,585	21,689	21,585	−328	0
Foreign Operations	13,444	13,878	12,690	13,878	−754	0
Interior	13,736	13,726	13,727	13,726	−9	0
Labor, Health and Human Services, and Education	67,283	68,066	67,189	68,012	−94	−54
Legislative Branch	2,270	2,267	2,264	2,262	−6	−5
Military Construction	10,066	8,784	9,464	8,759	−602	−25
Transportation	12,284	34,889	12,435	34,878	−849	−11
Treasury-Postal Service	11,469	11,642	11,312	11,639	−157	−3
VA-HUD-Independent Agencies	68,311	69,979	68,053	69,976	−258	−3
Grand total	500,964	538,757	496,815	537,986	−4,149	−771

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through June 30, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	1,218,333	1,223,400	−5,067
Outlays	1,216,991	1,218,300	−1,309
Revenues:			
1994	905,429	905,500	−71
1994 to 1998	5,105,866	5,153,400	−47,534

Since my last report, dated June 13, 1994, Congress approved for the President's signature the 1994 FHA Supplemental (H.R. 4568). This action changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 30, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,126	695,196	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,648	1,216,855	905,429
ENACTED THIS SESSION			
Emergency Disaster Supplemental (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Certain Colleges (P.L. 103–235)	5	3	

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Total enacted this session	(2,748)	(643)	
PENDING SIGNATURE			
1994 FHA Supplemental (H.R. 4568)	(2)	(2)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted.[3]	(5,567)	781	
Total current level[4 5]	1,218,333	1,216,991	905,429
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	5,067	1,309	71
Over budget resolution			

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.
[2] Less than $500 thousand.

[3] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66 and P.L. 103–140.

[4] In accordance with the Budget Enforcement Act, the total does not include $14,203 million in budget authority and $9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $757 million in budget authority and $291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[5] At the request of Committee staff, current level does not include scoring of sec. 601 of P.L. 102–391.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

□ 1950

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STARK). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE FAILED POLICY IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, the subject of Haiti and our policy in Haiti has certainly captured the attention of the Nation these days. I wanted to sum up just exactly what the facts are again, because there seems to be an increasing dialogue and debate in the media and on the electronic TV.

There are failures in the Clinton policy. These are factual matters. These are not debatable, they are facts. Think of this: Under the Clinton policy, we have unleashed a monumental refugee crisis. That is a fact. It cannot be denied. It was not there until we had the Clinton policy.

The second thing that has happened, which is uncontroverted, I believe, is that we have driven up the misery index for Haitians, mostly poor Haitians and middle-class Haitians trying to get along in Haiti.

At the same time, we have made life fairly easy, or at least relatively easy, for the very people that we are targeting our sanctions against: that is, those military people who illegally took over the country. They are thriving, and the people we are trying to help are being subjected to additional misery virtually every day. That misery is real. It is starvation, it is lack of medical attention that is causing disease to thrive, and it is an extraordinary, deplorable condition.

When we start eating our seed corn, literally, and cutting down our fruit trees to build boats to escape, and are no longer going to have fruit, we have a problem on our hands. That is what our policy is causing.

Equally true, it is not debatable that the Clinton policy is causing a political situation in Haiti that has always been difficult to polarize. The people who do not like each other really detest each other now, because we have created so much pressure there that there is no chance they will talk to each other and come to a common accord and make peace.

We have polarized people who do not like each other to the point where they are ready to do bad things to each other again. We have also certainly created a loss of credibility for our capabilities as a world power.

We have had a policy of zigging and zagging and changing our minds and inconsistency, applying now one way and then the next. We have got our friends and neighbors in the Caribbean wondering what in the world we are trying to do, and why we are putting the pressure on them to do things that do not need to be done, that they do not want to do, like take hundreds of thousands or tens of thousands of any numbers of Haitian exiles into their countries where jobs are just as precious as they are in any other country, including ours, especially when we do not need to be having all these Haitians leaving Haiti. There is a better solution.

Finally, we need to talk about another incontrovertible fact, Mr. Speaker. It is one that I do not have the numbers on because nobody seems to be willing to come forward with it. This is costing the American taxpayers a bundle, but nobody knows just how much a bundle. It is a big bundle.

We have 15 Coast Guard cutters down there, we have 8 Navy ships, we have 5 attack assault amphibious ships down there with our best fighting forces aboard. All of this is going on at some very great expense.

Of course, we have the refugee processing centers, the ships that we have rented; we have the *Comfort*, the hospital ship we are using as a processing center, and whatever deals we have made with neighboring countries to rent land or rent processing stations in the area. It is expensive.

Mr. Speaker, I think what else is happening, which is really critical and catching everybody's attention here, is that we are beginning to box ourselves into a dangerous and foolhardy position where we may not have a good out if we do not retreat from where we are, except a military invasion, and that would be a fateful, serious mistake. It has not worked before and it will not work this time.

Yes, we will win the military engagement, but we will end up losing credibility and we will end up taking on problems that we are not prepared to take on, that we have no ways to resolve. It will not be doing the Haitians a favor and it will not be doing the United States of America a favor.

Mr. Speaker, I might say that all of these things are going on under the Clinton policy. Are there elements of a successful policy we could adopt instead? Indeed there are. If we take the pressure off and pull back from the invasion, if we lift the sanctions and we remove those magnets that are drawing the refugees out of Haiti, we begin to make life a little bit more sane in Haiti for those people.

Can we do that? Yes. Lifting the sanctions will indeed allow our humanitarian relief flights to go back in. We have had flights that have not flown for a month now, that used to go in twice a week to provide food, medicine, and other supplies for the needy and the poor in Haiti. We just got one flight out, I am told. We have to go through a tremendous amount of red-tape to get these flights in that used to go routinely a couple of times a week. This is insane. Why don't we send those flights back with this relief that these people need?

We can certainly set up a safe haven in Haiti on an appropriate geographical site where we can provide this humanitarian relief, where we can do it safely, and where we can create the opportunity for the return of the duly elected president, who, frankly, should be picking up his paycheck in Haiti, on Haitian soil, doing his job, rather than in the United States of America, in Washington, DC, living in a Georgetown penthouse.

Mr. Speaker, I think the final point as I close out is to say that we have an opportunity to deal with real people who want to bring peace to Haiti, the elected people in the parliament. They want to talk to us, they want parliamentary exchange. We should be doing that instead of talking war.

THE FLOOR OF THE HOUSE: NO PLACE FOR SENSATIONALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, the floor of this House is supposed to be a place where people exchange ideas.

A place where we're supposed to work together to move this country forward and work out our differences with open and honest debate.

It's not a place for sensationalism.

It's not a place for rumor-mongering.

And it's not a place for scandal-baiting.

And even though the rhetoric gets heated at times, even though words get exchanged, for the most part since I've been privileged enough to serve in this body democracy has been served well by this Chamber.

But I'm extremely sad to say, Mr. Speaker, that that was not the case earlier this morning.

Mr. Speaker, during a 1-minute speech earlier this morning, we were treated to the same kind of scandal-mongering and gutter politics that's usually reserved for cheap tabloids.

Once again, we saw a Member from the other side of the aisle take the

floor and try to exploit the sad death of Vince Foster as something more than a tragic suicide.

The fact is, Mr. Speaker, that this case has been closed.

Less than 2 weeks ago, the independent prosecutor who the Republicans called for, who the Republicans greeted with such open arms, who is himself a Republican, issued a report on this case.

And that report said: "the evidence overwhelmingly supports" the conclusion that Mr. Foster committed suicide at Ft. Marcy Park.

After the independent prosecutor had a team of investigators looking into every minute detail of this case, they concluded: "there is no evidence to the contrary."

And after the independent prosecutor had numerous lawyers spend thousands of hours examining and reexamining all the evidence, they found:

> No evidence that issues involving Whitewater, Madison Guaranty, Capitol Management Services or other personal legal matters of the President or Mrs. Clinton were a factor in Foster's suicide.

That's what the independent prosecutor said. And everyone else involved in the case concurred.

The Park Police who were first on the scene called it a suicide.

The pathologist panel who examined the body called it a suicide.

All the participants in the investigation concluded that it was a suicide.

And the independent prosecutor concluded that it was a suicide.

Even the Washington Post wrote:

> The * * * question whether Vincent Foster's death was a suicide or homicide has been answered in a manner that should satisfy all but the most cynical participants. His death was a suicide.

Mr. Speaker, those are the facts. And nobody should be exploiting this situation to score cheap political points.

This is a real human tragedy and to turn it into fodder for partisan politics is beyond reprehensible and it's beyond the dignity of this institution.

We may have our differences on how to reform health care.

We may have our differences on the budget.

We may have our differences on the role of Government.

But let's not resort to this.

Let's not turn the floor of this House into an arena for the wretched refuse of trashy tabloids.

Let's not resort to a politics of hate that preys on other people's tragedy.

Let us rise above this and work together to move this country forward.

And let's see Vince Foster for who he was: a good man and a good father who did his best to serve this country well, who was faced with a pain and a darkness that few of us could ever fathom, and who followed that darkness to a bitter, tragic end.

For the sake of the people who loved Vince Foster, and who still mourn his loss I hope we'll let him rest in peace.

And for the sake of this institution and the dignity of our democracy I hope we will never hear rhetoric stoop to this level again on the floor of the House of Representatives.

□ 2000

UNANSWERED QUESTIONS ON VINCENT FOSTER'S SUICIDE

The SPEAKER pro tempore (Mr. HOLDEN). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am very glad I was here to hear the remarks made by the majority whip because I want to go into what I said this morning in more detail. I believe there is a real possibility that Vince Foster committed suicide. I do not believe, after reading that report in some detail with about seven other people, that he committed suicide at Fort Marcy Park. I believe his body was moved to that location, and I will tell this body why.

I want to go into my remarks this morning because I do not want to hurt the Foster family, but at the same time I believe that if there was some misdeeds done out there, the American people have a right to know and this Congress has a right to know, and there should be a complete and full investigation if there are any irregularities.

Let us go into this just a little bit. The man that found Vince Foster's body said his face was straight up, and yet if you read the report there was blood coagulated on the side of his face, and on the shirt. Forensics experts say his body was like this, and they say in the report that one of the people who worked on the investigation must have moved his head. The fact of the matter is before they even got out there the man that found him said his head was straight up. So the head had been moved before the experts went out there.

Who moved the body? We need to find out who moved the body.

There was blonde hair, not Mr. Foster's, on his T-shirt and other parts of his garments. Whose hair was it? It was not his.

There were carpet and other wool fibers found on the body. Where did they come from?

I do not like to talk about this, but there was semen found on his underwear, which would indicate there might have been a sexual experience that afternoon between 1 and 5. If that is the case, it is hard to understand the state of mind of somebody who is thinking about committing suicide and having a sexual encounter at the same time.

Here is something very damaging. They dug 18 inches around the body, and they sifted all of the dirt, and they could find no skull fragments at the site, no skull fragments were found at the site, and there was a 3-inch hole at the back of the man's head from the gun. If he was killed at Fort Marcy Park, they would have found skull fragments at that site. Why were they not found there? I believe because he committed suicide or was killed someplace else and moved to that spot.

All of the bullets that were found at the site, using modern technology, show that there were a number of bullets found but not the one which killed Vince Foster, and they were out there with grids and everything else for several days with 16 people looking.

And why was the gun in Mr. Foster's hand, in the wrong hand? Mr. Foster was left-handed. The gun was in his right hand. I want to tell you that if you are going to commit suicide, and you are in that state of mind, usually you grab with the hand you use all of the time. The gun was in the other hand.

Why did the man who found Foster's body say there was no gun in either hand, not once, not twice, but three times when he talked to Gordon Liddy, and that is the man the FBI investigated.

My concern is for the facts and the truth. When people say I am down here trying to bring this body to a low ebb, I resent it. I am concerned about the feelings of the family members, and I think it is tragic that they went through this. Mr. Foster had an awfully good record in life. But if his body was moved, we need to know from where it was moved. If he had this kind of experience during the day, we need to know about it. We need to know whose hair was on his body.

These are questions that need to be answered. We need to know why there were no skull fragments at the site if he blew the back of his head out. It appears to me that he probably was moved from someplace else.

While I have time left, let me go into what happened after Mr. Foster was killed.

At 6 p.m. on July 20, deputy White House counsel Vincent Foster was found dead in the park.

Shortly after 9 p.m., White House chief of staff Mack McLarty was informed of his death. McLarty ordered his office sealed However, the office remained unlocked overnight until 11 a.m. the next day, and despite this order, less than 3 hours after his body was found, White House officials removed records of business deals between Mr. Clinton and his wife and the Whitewater Development Corp. from Mr. Foster's office without telling Federal authorities who were investigating the death. In fact, they did not admit that they were in the office until 6 months later, Why?

The people who went in were White House counsel Bernie Nussbaum, the

President's special assistant, Patsy Thomasson, and Mrs. Clinton's chief of staff, Maggie Williams.

Bernie Nussbaum said they were there 10 minutes. The Park Police said they were there over 2 hours taking files out of that office.

During his first search, Whitewater files and President Clinton's tax returns were removed and turned over to David Kendall, President Clinton's attorney. Were any of those destroyed? I do not know.

White House officials did not confirm that the July 20 search took place, as I said, until late in December.

There are a lot of questions to be answered. We want to take care of people's feelings, especially family members, but if something was done wrong, we need to get to the bottom of it.

I include for the RECORD the chronology of the two searches as well as some unanswered questions concerning Mr. Foster's death, as follows:

TWO SEARCHES OF VINCENT FOSTER'S OFFICE

THE FIRST SEARCH

At 6:00 p.m. on July 20, 1993 Deputy White House Counsel, Vincent Foster was found dead in Fort Marcy Park in Virginia.

Shortly after 9:00 p.m., White House Chief of Staff, Thomas "Mack" McLarty, was informed of Foster's death.

McLarty ordered Vince Foster's office sealed. However, the office remained unlocked overnight and was sealed at 11:00 a.m. the next morning when a guard was posted at the door.

Despite this order, less than three hours after his body was found, White House officials removed records of business deals between President Clinton, his wife, and the Whitewater Development Corporation from Mr. Foster's office without telling federal authorities who were investigating the death.

They were White House Counsel Bernard Nussbaum, the President's Special Assistant, Patsy Thomasson, and Mrs. Clinton's chief of staff, Maggie Williams.

Bernie Nussbaum said they were in the office ten minutes. Park Police say the visit lasted two hours.

During this first search, Whitewater files and President Clinton's tax returns were removed and turned over to David E. Kendall, President Clinton's attorney.

White House officials did not confirm that there was a July 20th search of Foster's office or that files were removed during this search until December, 1993.

THE SECOND SEARCH

On July 22, 1993, Mr. Nussbaum and White House officials searched Mr. Foster's office a second time. They collected more documents. Some were sent to President Clinton's attorney and others were sent to Vince Foster's attorney, James Hamilton.

During the second search, Mr. Nussbaum, citing executive privilege, kept Park Police and FBI agents from entering the office.

Dee Dee Myers, the White House press secretary, said "Bernie went through and sort of described the contents of each of his files and what was in his drawers while representatives of the Justice Department, the Secret Service, the FBI, and other members of the counsel's office were present."

According to other sources, FBI agents and Park Police were ordered to sit on chairs in the hallway while White House staff went through documents and that Mr. Nussbaum gave the FBI agents and Park Police no indication of what he was taking. One FBI agent was reprimanded when he stood up to peer in the room.

Park Police later discovered that Whitewater records had been removed from Vincent Foster's office during the second search after they visited James Hamilton, Foster's lawyer, a week after the death to review a personal diary that was also taken during one of the searches.

Hamilton allowed Park Police to briefly inspect the diary and other documents. However, he did not allow them to make copies citing privacy concerns, and he refused a request for access to the diary and documents by the Justice Department.

On July 27, 1993, White House officials revealed that on July 26, they found a note, supposedly written by Vince Foster, in the bottom of his brief case which was in his office.

They said they missed the note in their first two searches. The note was unsigned, undated, and torn into 27 pieces.

QUESTIONS

1.) When did White House Chief of Staff Thomas McLarty give the order to seal Vince Foster's office? How was the White House staff informed of McLarty's order?

2.) Why was the office not sealed until 11:00 a.m. the next morning?

3.) Did Bernard Nussbaum, Patsy Thomasson, and Maggie Williams know about Thomas McLarty's order? How did they first learn about Vince Foster's death?

4.) Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office, or did one of them make the decision to search the office?

5.) If someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office, what were they looking for?

6.) Why did they remove the Whitewater files?

7.) Were other documents taken? Were documents destroyed?

8.) Where were the documents when they entered the office? Were they in locked files or a safe? If so, how were these opened?

9.) Shouldn't they have left everything there for the police to examine?

10.) Instead of keeping the FBI from doing its job, shouldn't the White House staff have been giving law enforcement their full cooperation after their friend and colleague was found dead?

11.) Did anyone else go into Vince Foster's office that night?

12.) Did White House officials purposely mislead the Park Police about the existence of Whitewater documents in Vince Foster's office?

13.) How did the White House staff miss a note, torn into 27 pieces, in the bottom of Vince Foster's brief case during their first two searches of his office?

14.) What documents were given to Vince Foster's attorney James Hamilton and what was given to the Clintons' attorney David Kendall? Were any destroyed?

15.) Who were all the White House officials involved in the second search of Vincent Foster's office?

16.) Did the White House staff have the legal right to prohibit the FBI from searching Foster's office as part of an investigation into Foster's death?

HAITI AND THE CAPUTO MEMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise this evening with a great deal of concern as a member of the Armed Services Committee for the past 8 years about the rumors that are circulating rampantly on the Hill regarding this President's alleged intentions to involve this country in a military action in Haiti within a matter of the next several weeks, or perhaps even in a shorter period of time.

My concern stems from the fact that as a member of this Armed Services Committee who takes his position very seriously that we not engage ourselves in a situation like we saw last September where we had a big White House ceremony on the lawn in terms of bringing our troops back home from Somalia, but left 4,500 troops unprepared for what they would face in that country. In September of last year, the only time during the 8 years I have been here, we found out political considerations were used to deny a request by a senior military official to have appropriate backup support in Somalia to protect our troops. In other words, a political consideration was made involving our military troops.

The rumors circulating on the Hill are along the line that the President is considering another military operation for political purposes. That would be outrageous.

I point to a special confidential memo from Dante Caputo dated May 23. Dante Caputo is the Special Envoy to Haiti, the U.N. Special Envoy. This was leaked to the press. The document suggests that the current economic sanctions against Haiti are not intended or expected to dislodge the Haitian military rulers, but instead the sanctions are to serve as a diplomatic cover for the real objective, which is an armed military invasion to take place before the November election.

Caputo explains that the United States intends to leave 1 month after the invasion, to pass the torch to the United Nations.

He further explains that the only thing holding back Clinton's invasion is whether the United States can find countries to mount a multinational operation after United States forces exit Haiti.

This really tears me apart, this next point. In his memo, Dante Caputo, U.S. Special Envoy to Haiti, said the reason behind the invasion is to demonstrate "* * * The President's decisionmaking capability and the firmness of leadership in international political matters."

Is that why we are going to Haiti? Is this President so concerned with his polls that he is going to send American troops in? I can guarantee you, Mr.

Speaker, if this President causes us to shed one drop of American blood for a political purpose, there will be a war, but it will not be in Haiti. It will be inside of the beltway.

During a meeting between Mr. Caputo and Secretary General Boutros Ghali, Mr. Caputo is cited as saying, "The Americans will not be able to wait much longer than August at the latest to invade. They want to do something; they are going to try to intervene militarily."

Notes from that same meeting explained that "Mr. Caputo predicts a disaster. That the United States will make the United Nations bear the responsibility to manage the occupation of Haiti."

The notes of the meeting further convey Mr. Caputo's belief that "with Aristide as President during 2 or 3 years, it will be hell."

Yesterday, Mr. Speaker, the U.S.S. *Mount Whitney*, a 2d Fleet command ship, left for Haiti. Its primary function is that of an amphibious command and control center for major operations.

Mr. Speaker, let me put my colleagues on notice and the American people on notice. This President and this Commander in Chief had better be able to justify whatever action he takes in regard to Haiti, and if he cannot do that, he is going to have to pay hell with Members of this body, and I will be leading the attack.

□ 2010

THE AMERICAN PEOPLE DO NOT WANT TO GO TO WAR IN HAITI

The SPEAKER pro tempore (Mr. HOLDEN). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I also rise to discuss the situation in Haiti.

The American people, or at least an overwhelming majority of the American people, do not want to go to war in Haiti. There is no threat to our national security there. There is no vital U.S. interest there.

Some in the administration are saying that we have an interest in invading Haiti to slow the flood of immigration. However, as the gentleman from New Jersey [Mr. TORRICELLI] was quoted as saying in the Wall Street Journal, "A situation is being created where the administration is leaving itself no choice but military intervention."

In other words, it is the policy of this administration itself, that is, the embargo, the sanctions which are creating the "need" for military action. We are manufacturing this crisis ourselves. Senator GRAHAM of the other body from Florida said a few days ago the U.S. embargo is doing nothing to the rich people of Haiti, but it is starving the poor people there to death.

This was reconfirmed on the Nightline program last night. Our policies are having no effect on the rich, but we are forcing the poor from Haiti to come here.

If we invade Haiti, what have we proved? Nothing. Let us say we conquer Haiti in a few hours or a few days militarily. So what: Big deal.

But all the experts say we would have to stay there a long time to really stabilize the country. This would be a tremendous drain on our national finances at a time that we really cannot afford it. All this to satisfy domestic political considerations or to give the President some type of foreign policy victory. It is not worth it. It is not worth the life of one American soldier.

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

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

Mr. CUNNINGHAM. I thank the gentleman for yielding.

I think it is also important to remember the President was going to send marines into Haiti originally with sidearms only.

Mr. DUNCAN. I thank the gentleman for his comments.

One of our leading national columnists wrote this in yesterday's Washington Times:

(By Pat Buchanan)

God willing, the saving grace of America's ruthless and ruinous policy toward the tiny and destitute nation of Haiti will be that it tarnishes forever the reputations of those who pursued it. For what we have done to Haiti for three years, would, in better times, have been called "a crime against humanity."

"I think the sanctions are having an impact," President Clinton said cheerily in Latvia. He certainly has that right.

Haiti's strangulation is almost complete now. Her economy is destroyed; her population is without work; her people are dying of disease; many of her babies are being born retarded because their mothers are malnourished; and perhaps thousands have drowned trying to escape the hell on Earth our embargo-blockade has made of their country.

Why did the United States do such a thing?

Three years ago Jean-Bertrand Aristide, a priest defrocked by the Catholic Church for preaching class hatred, a man the CIA has concluded is a nut case, was ousted by the general he had made chief of staff. Gen. Raoul Cedras booted out Mr. Aristide because Mr. Aristide, though elected democratically, had begun ruling dictatorially.

Surely Haiti would have been better off for the ouster of Mr. Aristide, if only we had left her alone. But rather than accept the military coup, and suggest to Mr. Aristide he take up a new trade, the United States decided that Haiti's internal affairs were our concern. But this time it was the Left that was adamant that Mr. Aristide be returned to his palace, even if we had to choke his country to death to achieve it.

Consider the hypocrisy here.

In 1933 under Franklin Roosevelt the United States signed a convention in Montevideo stipulating that "No [American] State has the right to intervene in the internal affairs of another." This was the Good Neighbor policy, celebrated by the American Left as replacing Teddy Roosevelt's Big Stick policy so beloved of Yankee capitalists with large investments in little countries in the Caribbean and Central America.

Yet, today, it is the 1980's "Hands off Nicaragua!" crowd howling for intervention in Haiti, and a liberal Democrat who shakes his fist and sends the gunboats loaded with Marines.

Out of the blindness of ideology and the arrogance of power we have ravaged the poorest nation in our neighborhood, to force them to take back a Castroite demagogue we would never have tolerated in our own country.

Mr. Aristide is not worth the life of a single U.S. Marine. And if U.S. lives are lost putting him back in power, or a civil war erupts in Haiti that we are forced to put down, or a long and costly occupation has to be undertaken, full responsibility will rest with the Clinton administration.

Mr. Speaker, I say once again, an overwhelming majority, three-fourths, of the American people, by most polls, do not want us to go to war in Haiti. We should not do this just to give Mr. Clinton some points in some political popularity poll.

I urge my colleagues to say "no" to military intervention in Haiti.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

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

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the minority leader.

Mr. GOODLING. Mr. Speaker, on June 23 the Committee on Education and Labor reported the amended version of the Health Security Act, the legislation originally sent to the Congress by President Clinton last November.

This was one of the most disappointing days of my career in the Congress of the United States, because I had hoped when we began the process 7 weeks earlier that we would take some of the issues that everyone agrees need to be dealt with and build from that point.

The majority was very cordial. They allowed us in subcommittee and full committee to speak as long as we wanted to speak, to offer any amendment we wanted to offer, but they had also decided before we began the markups both in subcommittee and full

committee that they were going to start with the highest-priced Cadillac what was available, and then they were going to embellish that with some parts from Rolls Royce, Mercedes Benz, Ferrari, and Porsche. Unfortunately, that is what happened in the committee, and those of us on the Republican side of the committee made clear our intentions to respond to the problems with the current system of health insurance and health care delivery which were evidenced by the many who testified during the nearly 30 days of hearings held by the committee and the subcommittee.

Our preference was to take a problem-solving approach and build a bipartisan consensus on what needs to be accomplished without disrupting the positive qualities of the current system or inducing a decline in the quality of medical care Americans expect to receive.

As I indicated, unfortunately the committee rejected this bipartisan approach.

What we plan to do this evening, as members, minority members, of the Committee on Education and Labor is point out to the American public that we had alternatives to offer, and we offered them, and also to point out to the American public what we believe is totally wrong with the piece of legislation that came from our committee.

Mr. Speaker, at this point I would yield to the gentlewoman from New Jersey [Mrs. ROUKEMA], who is the ranking member on the subcommittee where this all began.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly want to extend my appreciation to the gentleman from Pennsylvania, our ranking Republican Member, Mr. GOODLING, for giving us this opportunity to discuss the actions in our Committee on Education and Labor.

I think this is a particularly propitious time for us to do this, because health care reform has come to be understood as, and obviously remains, one of the most complex and interrelated subjects to come before the Congress in modern history. In fact, the American people are learning what we learned when we worked on the committee, namely, that the more you work on health care reform, the more you realize you do not know.

I think we would all do well to heed these facts as we consider health care reform both in the context of what we did in the committee and as we look ahead now that the future of health care reform seems so clouded and so perplexing. We must do everything possible to reach bipartisan agreement before the election is upon us.

□ 2020

I think specifically we must agree and understand that no one is not for health care reform. We all want that. The question is how do we extend coverage for the uninsured Americans while still protecting the highest quality of health care coverage enjoyed by more than 80 percent of the American people, and at a cost that can be borne by society?

I think it is important now to understand, and many of us having been home with our constituents over the recess have learned, that the American public is now pulling back. Yes, there are certain things that they want, and that they understand that they need, but the national polls show as much as anything that there is confusion among the public, a certain cynicism, and lots of unanswered questions. Certainly, that is what we have learned in our long trek in fashioning an alternative to the Clinton "chubby", as it was dubbed in the Committee on Education and Labor. But I want to say here that we know, as the American people now know, that there is no magic pill to cure everything that ails our system, and that health care reform is not simply a matter of going after the so-called rich doctors and greedy hospitals and the waste, fraud, and abuse. If it were only that we could get at the people who were gaming the system, we would be able to fix it almost overnight. But we have a new understanding of all the things that we need. Above all, we know through the work that we have done and through the work with our constituents that paying more for less health care is not what the American people had in mind when they called for health care reform.

Unfortunately, that will be the consequence of what the Democrats on the Committee on Education and Labor have put forth. Most Americans will pay more and get less health care.

I think we kept as our standard the first principle of health care, which is to do no harm. It was our guiding principle both on the subcommittee and on the full committee as we presented our alternative.

I would like to give a little attention to how we developed this alternative. Many of us had worked with our Republican leader, BOB MICHEL, and the Republican Health Care Task Force. We took the very fine work of that group, we added to it, and we dubbed it Michel-plus in subcommittee. Then it became Michel-plus-plus in full committee as we fine-tuned our alternative.

I think the important thing is not what we call it but exactly how it works: following our principle of do no harm while still not undermining in any way the very fine coverage that 80 percent of the American people already enjoy.

I think we have to go back to the way this whole health care debate first started. I have got to give credit to the President because he put it very succinctly in one of his speeches. But subsequently, I am afraid he lost sight of what he originally talked about: namely, the fear that the American people have that their health care insurance might be canceled. And indeed I do not know about you, but I have found in discussing with all of my constituents that it is the sick joke of the health insurance industry that you can only get health insurance as long as everyone in your family is completely healthy. If someone gets ill, you are in danger of having that health insurance taken away.

So the President put out as a goal health care insurance that can never be taken away.

Taking the first principle that the President correctly laid out at the beginning, we built on it in this Republican alternative. We said, "All right, now, what are the problems that most shift from anxiety to near panic in the minds of the American people?" Very simply put, that became known as comprehensive health insurance reform, and it formed the basis of the Michel-plus-plus alternative that we put forward.

Just to summarize, and I know the rest of our colleagues on the committee are going to focus on some of the more specific areas, but just to summarize, I want to say that this proposal of the Republicans on the committee was fashioned on comprehensive insurance reform principles. It would continue access to coverage and eliminate the job lock. It certainly goes a long way to eliminate the job lock; namely, giving you portability if you happen to lose a job or must or want for some reason to change your job. You have insurance portability that goes with you.

It restricts the loss of coverage due to preexisting conditions. And here I want to make it very clear for all our colleagues that the Michel bill had gone a far distance, but we improved upon it and closed any continuing loopholes on the preexisting condition question. It ends the cancellation of coverage due to illness.

So it would give the American people that security of knowing that when a person gets sick or when a job opportunity comes along, they would have continuous coverage.

I think an important thing that we also did was that we used a modified community rating system. We understood that you have to get a lot of people into the pool in order to make insurance reform work. But we did not go to the extremes of total community rating. We used the very well accepted actuarial standards of a modified community rating.

It also permits us to develop affordable coverage for small businesses in group reform. It gives us the assurance of continued ERISA requirements for

self-insured plans, and I think that is essential for continuing to provide an incentive for the good health care coverage that Americans currently enjoy.

I could go on to some of the more detailed issues here, but I think I summarize the feeling on our committee by saying that I think we should form this as the basis for a bipartisan effort to pass legislation this year. It will be admittedly incremental reform, but I think that is what the American people want. It would satisfy their genuine needs, and it will be a giant step in terms of bringing into the insurance pools small business, the self-insured plans, the self-employed—who would get 100 percent deduction for their costs. We could all go home, face the voters in the fall by showing that we have made progressive reforms; that we have dealt with the genuine needs, the obvious needs of the American people for continuous insurance; that we have done no harm to their existing insurance program; and we have broken the gridlock and set a foundation for all future actions as we reach towards universal coverage. Here, Mr. Speaker, I would include in the RECORD a summary of the Republican Substitute offered:

REPUBLICAN SUBSTITUTE TO H.R. 3600 HOUSE COMMITTEE ON EDUCATION AND LABOR

GOALS

The goal of this substitute is to preserve and build upon what works best in the system. We work toward the ultimate goals of affordable, quality, universal coverage for all Americans.

By making health coverage more available and more affordable, we believe that significant strides can be made to reduce the number of the uninsured as we move toward the ultimate goal of universal coverage.

EXPANDING COVERAGE

The Republican Substitute requires all employers to offer their employees a health plan meeting minimum standards of coverage.

The expansion of more affordable coverage would be encouraged by removing barriers and giving incentives to employers to pool their purchasing power under multiple employer health plans.

COMPREHENSIVE HEALTH INSURANCE REFORM

The Republican Substitute provides for comprehensive health insurance reform, addressing the real problems that we have seen center around small business.

It expands access to affordable group health coverage for employers, and increases coverage through Pooled Employer Health Programs.

The Republican Substitute provides continued access to coverage to help eliminate "job lock"; restricts the loss of coverage due to preexisting conditions; and ends the cancellation of coverage due to illness.

The Republican Substitute Amendment provides for affordable coverage for small businesses through small group insurance reforms that limit the range over which premiums can vary because of experience.

CORPORATE/SELF-INSURED

The Republican Substitute preserves a viable self-insurance option, to encourage multiple employer health plans under ERISA, and increases access through the formation of community health networks under ERISA.

In both cases, we hold these arrangements to strict criteria for quality assurance, coordination of care, and solvency.

COVERAGE/LOW-INCOME

Finally, unlike other plans, our substitute does not terminate state programs to address the problem of the uninsured. Instead, we make it clear that states have even more flexibility. For example, under a medical allowance program, states could extend Medicaid eligibility to all those under 100 percent of poverty and also to other uninsured individuals on an optional basis.

States could also be counted on to develop Accessible Health Programs for those "underinsured" who do not have access to the minimum standards of coverage through their workplace.

ADDITIONAL

There is a consensus to include additional incentives to help cover the uninsured, including the self-employed and low-income families.

Insurance would be more affordable for the self-employed by ultimately increasing the current 25 percent deduction to 100 percent, as allowed for employer-provided health care.

In combination with other measures enjoying broad and bipartisan support—comprehensive medical malpractice reform, administrative simplification, expanded community health centers—the Roukema amendment starts the process of extending coverage to those who are without.

These provisions are not included in the substitute because they lie outside the jurisdiction of the Committee on Education and Labor.

ENHANCEMENTS AND CLARIFICATIONS TO H.R. 3080—MICHEL-PLUS-PLUS

PREEXISTING CONDITIONS

Michel-plus-plus requires insurance companies to ignore preexisting conditions, if the employee elects coverage when first eligible. Includes all employer health benefit plans, including self-funded plans. Eliminates pregnancy as a preexisting condition and provides that coverage for newborns be available at birth (enhancement of H.R. 3080 provision that allows a six-month exclusion for conditions not diagnosed or treated three months prior to beginning coverage).

PORTABILITY

The improved preexisting conditions provision, H.R. 3080's guaranteed issue provision, and the requirement that employers offer access to health insurance ensures continuous availability of health coverage for those who elect when first eligible (as above).

VOLUNTARY ACCESSIBLE HEALTH PROGRAMS/ INDIVIDUAL MARKET INSURANCE REFORM

Michel-plus-plus clarifies that nothing under ERISA shall prevent a state from providing access to health coverage for those unable to obtain employer-based insurance. Michel-plus-plus further provides that States may adopt open enrollment periods and comprehensive insurance reforms in the individual market to expand coverage (clarification and enhancement of H.R. 3080).

DEFINITION OF MEDICALLY NECESSARY

Adopts definition of "medically necessary" in the same manner as the Federal Employee Health Benefits Program [FEHBP]. In this way, any adjudication will be based on standards of good medical practice in the United States, and NOT an unelected and bureaucratic National Health Board (clarification and enhancement of H.R. 3080).

STRUCTURE FOR SMALL BUSINESS INSURANCE POOLS

Provides structure for voluntary small business purchasing pools based on geographic area, trade or business association, franchise agreement. Requires Pooled Employer Health Programs to cover at least 250 employees or 500 participants; to provide open enrollment without reference to health status for all eligible employees; and to meet solvency and reinsurance requirements for plans not fully insured. Reduces requirements under ERISA to provide for voluntary establishment of pooled employer health programs (clarification and enhancement of H.R. 3080).

PART-TIME EMPLOYEES

Michel-plus-plus requires employers to offer access to health insurance to all employees who work at least 10 hours per week (a reduction from 30 hours per week under H.R. 3080).

COMMUNITY HEALTH NETWORKS

Provides "community health network" to the definition of a multiple employer health plan under ERISA. Community Health Networks are community-based health delivery systems organized by providers or community groups. Provides criteria for health care quality assurance, coordination of care, public accountability, financial solvency (clarification and enhancement of H.R. 3080).

ERISA REMEDIES

Michel-plus-plus clarifies civil remedies section under ERISA to allow prevailing plaintiff's reasonable attorney's and witness fees, court costs and prejudgment interest. Shortens claim response times and provides for altnerative dispute resolution through non-binding mediation (addition to H.R. 3080).

RURAL INITIATIVE

Adds $1.1 billion over 5 years for community-based health plans in rural and frontier areas, and for at-risk hospital and emergency medical services in rural and underserved areas (addition to H.R. 3080).

PATIENT PROTECTION

Amendment adopted in full Education and Labor Committee providing consumer safeguards for participants enrolled in managed health care plans. Requires plans to furnish to enrollees clear and truthful information related to benefits, covered services, required cost sharing, all prior authorization or other review requirements; and any financial arrangements that would limit patient services, including financial incentives not to provide medical or other services. Requires medical utilization review criteria to be developed in cooperation with board certified or similarly qualified health professionals, and input of network physicians and providers into a plan's medical policy, utilization review criteria and procedures, quality and credentialing criteria. Provides that plans wishing to terminate a provider's membership in a network must provide written notice, including explanation of reasons for removal at least 60 days in advance. Requires opportunity for appeal and peer review (addition to H.R. 3080).

SOLVENCY STANDARDS FOR SELF-INSURED SINGLE-EMPLOYER AND MULTIEMPLOYER PLANS

Provides for the Department of Labor to promulgate regulations relating to solvency standards. Requires arrangements operating health plans to inform the state in which

they operate, and requires Multiple Employer Welfare Arrangements providing health care to register and report to the Department of Labor and to each state in which they operate. Clarifies the ability of states to regulate multiple employer welfare arrangements which lack an exemption from the Department of Labor (enhancement and clarification of H.R. 3080).

STUDY ON DELIVERY OF HEALTH CARE TO ILLEGAL IMMIGRANTS

Directs Secretary of HHS to report to Congress within one year on the extent to which illegal immigrants obtain health care services, the costs attributable to these services, and the means for paying for them. Further requires Secretary to make recommendations for financing such costs, increasing intergovernmental cooperation, and for alleviating the health problems that affect this population (addition to H.R. 3080).

Mr. GOODLING. I thank the gentlewoman for walking us through our actions in subcommittee, where we tried our best to bring about a bipartisan effort that all Americans could support.

I would like to speak just very briefly about rhetoric versus what the committee bill actually does.

As you have heard a lot of rhetoric about what was done in our full committee markup, rhetoric that says Americans should have private health insurance. The fact is that the bill tips the balance to a government-run system by means of the so-called single-payer option.

The rhetoric says the bill builds on the current employer-based system; the fact is that for the vast majority of working Americans, the bill would eliminate their current individually purchased or employer-based health insurance plans and instead would require most to obtain coverage through government-based entities.

The rhetoric says security and savings, but what reliance can the American people place on legislation that is at least $120 billion unfunded at the very start of the program?

The rhetoric says choice; but what choice will consumers have when the Government stipulates one set of benefits each family must purchase regardless of whether it contains less than is wanted or costs more than at present?

The rhetoric says let the public choose the same health insurance that Members of Congress have. But the bill denies this option. The gentlewoman from New Jersey gave them that choice: Just take the Federal program. There you have 400-plus choices and you have many, many different options in relationship to cost. The rhetoric says quality, but the global budgets negotiated fee schedules and other Government controls in the bill would place the world's best medical technology and health care at risk of stagnation, of decline or of being rationed. The rhetoric says simplicity, but in nearly 2,000 pages of fine print, the bill is as top-heavy with complexity as the President's plan and mandates regulation under nearly 5 dozen new Federal, State, and other Government offices.

□ 2030

We offered, as the gentlewoman said—I offered in full committee what I called the Michael enhanced, and it was our attempt to move the process toward the goal of a bipartisan effort. Unfortunately, as I indicated earlier, the decision had already been made by the majority that we would have, as our beginning, the very best we could find and then add to that, not worrying about the fact that we may have moved from a $74 billion deficit to a $102 billion deficit to a $120 billion deficit, and all of these will be much, much higher than the projected deficit.

At this time I would like to yield to the gentleman from Illinois [Mr. FAWELL] who worked long and hard in trying to deal with some remedies to the proposal by the majority to offer some suggestions that the minority wanted to put forth.

Mr. FAWELL. Mr. Speaker, Winston Churchill said: "You can always trust the Americans to do the right thing * * * after they've exhausted every bloody alternative."

Probably, only one committee in all of Congress could take a very expensive, underfinanced, big government health plan, and make it more expensive, more underfinanced, and bigger government. What we have in the Ford bill is the grotesque monument to the law of unintended consequences. While some alternatives to the Clinton plan are called "Clinton Lite" because they are leaner, we call the Ford bill "Clinton Slovenly Fat" because it is so much bigger, more intrusive, and more expensive.

The problem areas I will focus on tonight are: First, the Ford bill includes remedies which award malpractice-like damages in cases of denials of health benefits which will add immeasurably to the cost of health care. Second, the Ford bill mandates that all individuals give up their present health care coverage and be directed to buy only the Federal Government's one-size-fits-all health plan, composed of an HMO, PPO, and FFS plan.

As to the remedies issue: The Ford bill, amazingly includes provisions which award malpractice-like damages, that is, compensatory and/or punitive damages upon proof that a regional alliance or corporate alliance health plan was guilty of a wrongful denial of health benefits. By malpractice-like damages, I refer to compensatory damages, that is, those customarily awarded in negligence cases, including mental distress, pain and suffering, and so forth. By punitive damages, I mean damages also awarded in negligence cases over and above compensatory damages. These types of damages are what makes medical malpractice insurance so expensive to health care providers—primarily doctors!

Compensatory and punitive damages are customarily confined to tort—negligence—cases, such as medical malpractice—negligence—cases. Conversely, such damages are usually not awarded in contract cases, that is, cases construing the provisions of a contract, such as, for instance, a health insurance policy. For example, no such damages have ever been awarded under employer-sponsored health plans operating under Federal law. Nor have such damages ever been a part of remedies available to the 9 million Federal employees under the Federal Employees Health Benefit Act.

Therefore, it is surprising to see compensatory and punitive damages included as remedies in any breach of contract case involving the administration's health care package, including every alleged wrongful denial of a health plan benefit. We all know the results of medical malpractice damage awards against health care providers. To now provide another dose of malpractice-like damages whenever there is an allegation that benefits under a regional alliance or corporate alliance health plan were wrongfully denied, is no way to control health care costs!

Such provisions will undoubtedly encourage litigation. Every health claim disagreement would have the potential of a huge jury award of the type which have plagued medical malpractice and product liability. The expense will be passed on up the chain, driving up health costs! In addition, fears of huge damage awards will result in the awarding of benefits not actually covered under the health care plan.

Under the Ford bill, remedies for malpractice-like compensatory damages are allowed in administrative actions and compensatory and/or punitive damages are allowed in court cases against both corporate alliances and health plans operating under regional alliances. There is one notable exception: Preferential treatment is afforded to multiemployer-union plans which are exempted from any court imposed malpractice-like compensatory and/or punitive damages!

Why the lack of uniformity of remedies? I think the answer is because of the strong inference of a bias toward union health plans in the construction trade. In committee, I offered an amendment to eliminate malpractice-like damages against all health plans.

So far, it has been refused by the majority along party lines. I hope that changes. We don't need Malpractice II in health care. One is enough.

Finally, the Ford bill mandates that people give up their existing health care insurance coverage in return for a one-way-for-all federally mandated comprehensive health care plan which includes about everything except Chinese acupuncture.

If however, the mandated plan is as good as its sponsors calm, then it should be able to compete successfully in the marketplace. If it is that good,

we should not have to mandate that anyone enroll in it. If it is that good, it need not be a competition killer in the market of health insurance coverage.

And it is a killer of all existing health care plans with the exception of medicare, postal union employee health plans, and veterans' health care. It kills off all employer-sponsored health care plans, in spite of the fact that 50 percent of employers now, under the Federal law known as ERISA, voluntarily provide health coverage for 70 percent of all employees. And these employer health plans of course compete against each other and supply new and innovative health care plans.

Most Americans don't know that the Clinton and Ford plans will force them to turn in their present health coverage and stand in line with millions of others to accept whatever the Federal Government dictates, along with global budgets, premium price controls, mandated fee-for-service schedules, ad infinitum.

There is a basic right of people—especially the middle class—to be able to choose the type of health care coverage they and their families need. Some may not want to be covered, for instance, for substance abuse, or stress management, or detoxification or abortion—the list goes on and on. No matter what big government knows best—the citizen must accept and pay for the coverage congress deems best.

This is not to say that health care in America does not need repair—that is targeted reform.

Indeed, there is a consensus in Congress for one or more of the following targeted reforms, to-wit:

First, funding medicaid up to or beyond the Federal poverty level.

Second, proscribing insurance companies from refusing health insurance coverage, or renewal, because of preexisting health conditions.

Third, voluntary regional or national health plans, protected by Federal law, competing nationally or, some day, internationally.

Fourth, high health risk pools, between insurers, so that affordable access can be assured for high health risks.

Fifth, market incentives, that is, employer tax deductions tied to a minimum standard health care plan; the use of reasonable coinsurance and deductibles; employee 401K-type medical savings plans with employer catastrophic coverage; individual out-of-pocket health care deductions; 100-percent tax deductions for the self-employed; standard judicial contract remedies rather than malpractice-like negligence remedies for breaches of insurance contracts; systemic changes such as malpractice and antitrust reform, extension of rural health care, computerized administration of health services, and so forth.

Concensus in these areas can be reached to help achieve affordable and portable access to health care without dismembering our entire health care structure in America. Remember, just because the present system is flawed does not mean Congress can't make it worse:

□ 2040

Again, I thank the gentleman for having this special order and allowing me to take a part in it.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for bringing to the attention of the American public what they might get if a plan such as that, that has come from our committee, would ever become the law of the land.

I would like to yield at this time to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, First, I want to take this opportunity to thank our ranking member, Congressman GOODLING, for his leadership during the Committee on Education and Labor's consideration of the Health Care Security Act.

President Clinton has clearly stated the important goals of health care reform in his plan which in concept we all share: Universal coverage for all, simplicity, and above all, security. However what the President's health care reform plan would do, is allow for the Government takeover of our Nation's health care system.

Despite the rhetoric we have heard on competition and consumer choice, the Clinton plan provides for massive Government intervention in the entire $900 billion a year health care industry, which constitutes one-seventh of the country's entire economy.

In my home State of New York, implementation of the Clinton health care plan would be devastating to a state and a city that is slowly trying to fight its way back to economic recovery.

Nearly 280,000 people in New York City work in health care, according to the Bureau of Labor Statistics—in hospitals, doctors' and dentists' offices, clinics, nursing homes, home-health-care services, laboratories and dialysis centers. Health care employment now accounts for about 9 percent of the city work force.

However, if the Clinton plan is implemented, it has been estimated that 71,099 New York workers would lose their jobs, and another 1.8 million would face reduced wages, hours or benefits. And, New York workers would suffer a loss of wages and benefits of $8.15 billion. These are numbers that cannot be ignored.

Another fact that cannot be ignored is that New York has made a remarkable commitment to medical education. New York State's 13 medical schools graduate 1,900 new doctors each year, and its graduate medical education programs have more than 15,000 residents in training—60 percent more than the next largest State, almost 20 percent of all physicians trained in the Nation.

Currently, the Medicare Program reimburses hospitals for direct medical education costs on the basis of 1984 hospital-specific costs inflated by the Consumer Price Index. Direct medical education reform proposals in the Clinton plan would abandon the hospital-specific historical approach and instead use a price based upon a national average of costs across all teaching hospitals.

Teaching hospitals in the New York metropolitan area have above-average direct medical education costs, in part due to the abundance of services provided to indigent communities. If a national average direct medical education pricing policy were enacted for all payers, New York City teaching hospitals could lose between $200 million and $550 million annually.

New York's medical education programs are a national resource and must be viewed in that regard. Most of the current health care reform plans will force New York's medical centers—some of them established before the birth of the Nation—onto the endangered list. Some might ask if these hospitals deserve special consideration in the pending health care bill—consider this brief, and only partial—record of accomplishment:

In 1943, Dr. George Papanicolaou developed the Pap test for early cancer detection at New York Hospital.

In 1961 New York University's Dr. Albert Sabin began the work that lead to the live-virus oral polio vaccine.

In 1971, Dr. Saul Krugman of Bellevue Hospital developed the first vaccine for hepatitis B.

In 1993, Columbia-Presbyterian's Nancy S. Wexler, Ph.D., won a Lasker Award for her role in identifying the Huntington's disease gene.

As one doctor put it, "if you think excellent biomedical education and research are expensive—try ignorance and disease."

Clearly that is the road the Clinton health care plan takes us down.

Under the Education and Labor Committee bill, New York hospitals would lose 25 percent of their residents—about 3,800 of the current 16,000. As a result, hospital costs would soar, for hospitals will lose 25 percent of the payments they now get to train residents.

No one in the Clinton administration has thought through how to deal with that reduction.

Residents treat patients and they teach medical students and junior residents—they are the backbone of the health care system—they are the ones that are there 24 hours a day, 7 days a week. When residents are eliminated,

somebody will have to care for patients—but the hospitals will have to hire two, possibly three replacements, for every resident lost. No one else has thought about how to pay for those additional doctors.

Foremost, reform of the Medicaid program should be central to true health care reform and it must include a change in the Medicaid matching formula to correct the inequities and insure that States like New York will get their fair share. Right now, New York receives only a 50 percent Federal match of funds, while States like Arkansas receive above 70 percent—even though they provide less comprehensive Medicaid coverage.

For more than a quarter of a century, New York has contributed more than its fair share to the Federal Government. But while Washington has taxed New York's wealth, it has not adequately assisted New York's sick and indigent.

While President Clinton's intentions are admirable, his health care plans does not answer our health care problems. He exacerbates it. Implementing an untested and unproven Government-run health care plan would be a mistake.

The United States has the finest quality health care in the world. We have 86 percent of Americans covered by health insurance, and three-quarters of Americans are satisfied with that coverage.

Every day due to the medical education that we can still afford in many cities and rural areas in our country, we come closer and closer to finding cures to incurable diseases that remain today.

Yes, we have to make changes, Mr. Speaker, but clearly the President's plan is not the answer.

I thank the gentleman for giving me some time to talk albeit it a little parochially about the effects of the President's plan and the plan passed out of the Committee on Education and Labor and its effects on one of the largest States in the Union.

Mr. GOODLING. I thank the gentlewoman for the statistical information she gave us and the devastation that could come to medical education if we were to actually pass the plan that came from our committee.

At this time I yield to the gentleman from California [Mr. CUNNINGHAM].

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

Mr. Speaker, on the minority side, we did not support the plan out of the Committee on Education and Labor. There were such things as quack medications that were included, Hawaii had waivers to take itself out of the health care plan and was granted that waiver.

One committee member, the gentlewoman from California [Ms. WOOLSEY], offered a $3.5 billion increase, and when the gentleman from Wisconsin [Mr. GUNDERSON] asked her a question about it, the chairman said, "You know how you're going to vote. There's no need for debate."

No need for debate on a $3.5 billion add in a health care plan?

□ 2050

There was no dealing with the illegal immigration costs on health care across the Nation. Clinton's plan contributed $120 billion toward the deficit. And we also tried to have Congress Members have the same plan that we were going to insist that our constituents had. All of these were on partisan line votes, and beaten.

It has been repeatedly stated that choice and flexibility are the key to the success of any health care plans of over the 18 that are out there today. I offered a medical saving type option that again was defeated on a party-line vote.

Let me give you an idea of what we were talking about in Medisave, because, Mr. Speaker, it is very, very important to understand it.

The Wall Street Journal said the idea of the medical savings account is the most bipartisan proposal in Congress. It is also included in Senator DOLE's health care reform. It is included in the Republican and Democrat version of the House Ways and Means legislation. But in our committee, it could not be passed.

But under the Medisave plan, a worker and his employer might now be paying $4,500 for a year for a family policy. They could buy a high $3,000 deductible policy for about $2,000. That leaves you $2,500 that you still have. That $2,500 in a medical savings account, called an MSA, is the property of the worker. He gets to retain it. He gets to apply it to either the premiums or additional health care costs that that individual would incur. If the family has medical expenses during the year, that $2,500 is used by the person, the employee. If there is catastrophic care, it is handled by the insurance. But it is a dual plan with the insurance company, to where the employee has control of his life and dollars going toward medical care.

The key advantage of a medical savings account is that it puts the consumer in control. That is a rare moment in this body, that usually tries to put the Government in control of every issue of anyone's life.

Since the account belongs to the consumer, it gives them an incentive. And if you were going to ask in one word, in one word, the difference between Bill Clinton and DUKE CUNNINGHAM, it would be the word incentive. Give someone an incentive to save, give someone an incentive, such as an IRA to save, that is tax deductible, and they are going to do it. You take that away, and it takes away that incentive.

The consumer, not the Government, decides where to spend the money. There is incentive to manage this money carefully, the flexibility to save and seek preventive care and make your own decisions. It may not be the answer for everyone, but it sure would be the answer for the majority of people.

The MSA, the medical savings account, is also portable. If you go from one job to the other, your insurance policy and the medical savings account is transportable. It is portable, which most people wanted. Also it covers with preexisting conditions.

Currently providers who receive revenue based-only services provided get financially rewarded by ordering the most expensive tests. If you are dealing with your own accounts and your own dollars, then you will be more careful in how and how wisely you spend that money, thus saving the health care expenses and costs.

Medical MSA's empower the consumer by restoring the patient-physician relationship. Health care must have the MSA.

California has led the Nation in the introduction of managed health care delivery, because the California population is growing twice as fast as the Nation's. Twenty-one percent of California's population is currently uninsured. But we also offered an amendment that would take care of the illegal immigrant problem that is costing the State of California much money. We would have hospitals not reimbursed by constituents, but the hospitals would be reimbursed by the Government. They turned that down. A mandate by OPA '86, and they turned it down. The Government mandates it, they should have to pay for it. Even that was defeated in this committee.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING], for taking this special order and letting the Members know how it affects every American.

Mr. GOODLING. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. HOEKSTRA].

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

Mr. Speaker, what I would like to share with my colleagues are some of the observations that I have made sitting through 7 weeks of hearings, 7 weeks of markup. Some of the interesting things, when we take a complex problem like health care, and where I thought we would be focusing on how best to deliver health care to the American people, and we did spend a lot of time in talking about that, but then what happens, as we move it in the political process and start to politicize health care, we move away from talking about a solution to what works politically or what may work for a Member in a specific district, or, heaven forbid, what do we need to do to get somebody to vote for a plan.

I have a couple of examples that I think the Members would again be very interested in. Before I talk about what we did in the Committee on Education and Labor, I would like to talk about what happened at the tail-end of the other committee that passed out the Clinton bill, which is the Committee on Ways and Means.

It talks about a little story. This is out of the Chicago Tribune. They described this as what happens to get people to support a bill or how we take care of the powerful people in health care.

Now, remember what this means. It means as we talk about health care in the future, whether you get good health care or get a new hospital, or whether you get doctors or you get so many medical students in your hospitals, teaching universities in the future, may depend not on the need or the requirement, but may depend on which party your Representative is in.

This is an example on the Committee on Ways and Means. They tacked in an amendment which benefits teaching hospitals. It does not benefit all teaching hospitals in the country. It happens to benefit three teaching hospitals.

On June 29, an amendment was prepared with the help of Members of Congress from Chicago and New York, approved with little public discussion. It is going to benefit three teaching hospitals, one in Chicago, of the former chairman of that committee, Congressman ROSTENKOWSKI. It is going to benefit another senior Member's district in New York, CHARLIE RANGEL, and it is going to benefit a teaching hospital in Los Angeles.

Three teaching hospitals, not specifically mentioned in the bill, but the requirements are written so stringently that only three teaching hospitals of all the teaching hospitals in the country will reap millions of dollars of reward because their Congress people were on the right committee at the right place at the right time.

Now, let us go and talk about what we did in the Education and Labor Committee, which just astounded me. We have what we call a National Health Care Security Act.

Well, what we did in our committee is made sure it is no longer a national program, it is now a continental U.S. Health Security Act, because we included language that allows the National Health Care Board, now the semi-National Health Care Board, to exempt Hawaii from a national or semi-national system.

So Hawaii can now be exempted. So we went through the process and said well, there is a set of criteria that says if Hawaii meets these criteria, Hawaii can be exempted. So the rationale would be well, if Michigan meets those criteria, we should maybe change the language that says if any state meets these specific criteria, they also can be exempted.

That was a stroke of logic which I find does not work here in Washington. We proposed an amendment like that, and it was defeated.

Then we said, what about the process? States have been experimenting on health care in all 50 States about delivering good health care. There are other States that have developed systems that work as effectively as what Hawaii does. But they have done it in their own way. The States have taken action. State legislatures, local countries, local units of government, have taken actions to solve the health care problems in their area.

□ 2100

So we came up with another proposal that said, perhaps if Hawaii can exempt itself what we ought to do, and this is the amendment that we proposed, and it says very simply, no State shall be considered to be a participating State for the purposes of this act unless a majority of voters in the State by a statewide referendum approve the State becoming a participating State. That is the legalese language. That is how they make us write stuff here in Washington. What it basically says is, if the people of Michigan want to give up the system that they have developed, they can do so, not by what we do here in Washington by mandating on the State "you will be a part of this program." But it says the voters in the State will be the ones that determine, through a referendum, we are going to vote, we are going to give up our system. We are going to participate in the national system through a statewide referendum. We are moving decision-making exactly where it should be.

We are moving it out of Washington. We are giving the people in the country the opportunity in each State to pick which program they want to participate in.

The disappointing thing is, those same people that voted to exempt Hawaii defeated this amendment and said, sorry for the rest of you, what we have decided here in Washington is what you are going to get.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Michigan.

I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I want to thank the gentleman for the leadership that he has provided in setting up this special order tonight and for the leadership he has provided in taking us to this point.

I think that there are two things that I would like to talk about that scare me about the Government-run bureaucracy running something as important as our health care system. As you know, the earthquake that devastated our area last year, the epicenter was in my district. And I have an actual example that I have seen in my district of national health care.

The veterans hospital was damaged and a decision was made here in Washington to take the hospital down, to move the patients from that facility down to another facility in West Los Angeles. The reason given was that that hospital in West Los Angeles was underutilized and it was best for the Government to move those patients to that facility where we could get better utilization and the patients that were using the hospital, the veterans and their families would just have to put up with the inconvenience. It was just another 15 miles, which equates to about an hour driving down there and causes great difficulty.

I have a letter from one of my constituents. I would like to read just a couple of excerpts from this letter, indicating the problem that one of these families has under Federal bureaucratic health care:

DEAR MR. MCKEON: In May of 1994, we wrote to you about John's father who is a World War II veteran who is an amputee and a former POW. At that time we requested answers as to why the Sepulveda VA was not going to be rebuilt. We thought that you should hear the rest of the ordeal this man and his family was put through thanks to the Wadsworth VA.

When dad checked into Wadsworth on Friday, June 10, 1994, no one knew he was coming. It was 3:30 p.m. before he was given a room and he missed lunch, which isn't a good idea for a diabetic, but he was busy waiting, taking tests and following orders. He rode home that afternoon on a bus with three other people and the driver.

Skipping, I will just highlight this:

Dad had a total knee replacement on June 13, 1994. He was taken from his room at 6:30 a.m. No one knew where his family was supposed to wait and no one advised us of his status until after we started knocking on doors to see if he was back from surgery. This was after 1 p.m. His wife of 52-plus years and family were worried for several hours due to not being advised of the delay in surgery.

He awoke after surgery to find that his left arm cannot be raised and two fingers are numb. No one seems to have an answer for how that condition occurred or what to do regarding it.

The doctor was supposed to order his Indocin on the Thursday after surgery because he developed gout and he never received it until Friday evening.

One-and-a-half days before he was supposed to go home he was moved from floor 5 to floor 2.

They go on and tell other problems that he had. He was put in a room with a bathroom and told that they do not use bedpans on that floor. You take a man with one leg and get him to try to reach a bathroom.

Needless to say this was not a pleasant stay. It was a lonely stay also, since his wife could not make the long drive by herself and the rest of the family has to work. Therefore it was weekends and 1 day in the middle of the week because of the horrendous traffic on the freeway. Had he been at Sepulveda his wife and family could have visited him every day and his spirits would have been much better. After 20 days he was really depressed.

They wanted him to stay another week but he pled a good case to go home.

This is one example of a health care run by a Federal bureaucratic system where a decision is made in Washington without regard to the patients somewhere across the country.

One other thing that scares me to death is the effect that this will have on business. Small businesses account for a major part of the American economy. We know that several reports show that there will be a drastic job loss. In California alone, the employer mandate, which is a payroll tax, which is a tax by any name, they might call it a premium, but we know, and the American people are smart enough to know that it is a tax. This mandate shows that there will be huge job losses. In California alone, a report was released just last month by the State of California Governor's Office of Planning and Research which showed the effect of the Clinton plan on California and the Nation.

In California alone, the study concludes that job loss would range between 476,000 and 650,000 jobs. These losses would exceed all of the California jobs lost from the defense cuts and would postpone the California economic recovery by up to 2 years.

We have been in a depression out there now for going on 3 years. To add another 2 years onto this, based on this kind of a health care system, I think is a travesty and should not be imposed upon the American people. They have shown that they are strongly opposed to this. I think it is time that we just back up a little bit, bring some common sense to the debate and the discussion, bring the American people in on the discussion.

We have a vote coming up in November. Let them participate.

Mr. Speaker, I thank the gentleman for this opportunity.

Mr. Speaker, I include for the RECORD the letter to which I referred.

JOHN & JEAN HALVORSON,
North Hills, CA, July 2, 1994.

Re rebuilding of Sepulveda VA Hospital.

Mr. HOWARD "BUCK" MCKEON,
Cannon House Office Building,
Washington, DC.

DEAR MR. MCKEON: In May of 1994, we wrote to you about John's father who is a WWII Vet who is an amputee and a former POW. At that time we requested answers as to why the Sepulveda V.A. was not going to be rebuilt. We thought that you should hear the rest of the ordeal this man and his family was put through thanks to the Wadsworth V.A.

When Dad checked into Wadsworth on Friday, June 10, 1994 no one knew he was coming. It was 3:30 pm before he was given a room and he missed lunch, which isn't a good idea for a diabetic, but he was busy waiting, taking tests and following orders. He rode home that afternoon on a bus with 3 other people and the driver.

When we brought him back to his room on Sunday, June 12, 1994 we noticed his name was on the board in front of the nurses station and the word "SEPULVEDA" in parentheses after it. In fact the word "SEPULVEDA" was after every patient's name from the Sepulveda V.A. None of the other patients had "Las Vegas", "Arizona" or "Bakersfield" after their names.

Dad had a total knee replacement on June 13, 1994. He was taken from his room at 6:30 am. No one knew where his family was supposed to wait and no one advised us of his status until we started knocking on doors to see if he was back from surgery. This was after 1:00 pm. His wife of 52+ years and family were worried for several hours due to not being advised of the delay in surgery.

He awoke after surgery to find that his left arm cannot be raised and 2 fingers are numb. No one seems to have an answer for how that condition occurred or what to do regarding it.

The doctor was supposed to order his Indocin on the Thursday after surgery because he developed gout and he never received it until Friday evening.

He was in Wadsworth 20 days and most of his meals were cold, eggs runny, and food tasted like sawdust. We realize he was on a diabetic diet, but we know from experience that food doesn't have to taste like sawdust nor does it have to be half cooked. He says that his weight hasn't been this low since he was a POW.

1½ days before he was supposed to go home he was moved from Floor 5 to Floor 2. There, he was informed that they didn't use bedpans on that floor. Try going to the bathroom on one leg with a new knee replacement. When they moved him to floor 2 they forgot to transfer his Indocin so he wasn't given that medication for the duration of his stay. They did however start to check his blood sugar 18½ days after he entered the V.A.

Needless to say this was not a pleasant stay. It was a lonely stay also, since his wife could not make the long drive by herself and the rest of the family has to work. Therefore, it was weekends and 1 day in the middle of the week because of the horrendous traffic on the freeway. Had he been at Sepulveda his wife and family could have visited him every day and his spirits would have been much better. After 20 days he was really depressed. They wanted him to stay another week but he pled a good case to go home.

1. Why are Sepulveda V.A. Vets labeled?
2. Why can we afford to run several empty buses between the Sepulveda V.A. and the Wadsworth V.A.?
3. Why can we afford to fly patients in from other states but not be able to give Sepulveda patients good care?
4. Why is the Wadsworth V.A. so incompetently run? Or is it that they really are treating the Sepulveda patient differently?

It really seems as though priorities have been misplaced badly. We all owe the Vets much, much more than we can ever repay. Seems that rebuilding the Sepulveda V.A. is a small token of that repayment, but it would mean a lot to those Veterans.

Sorry, not for you. You did answer.

Sincerely,

JOHN & JEAN HALVORSON.

Mr. GOODLING. Mr. Chairman, I yield to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, when I first came to Congress over 18 months ago I came with high hopes about the prospects of achieving real, bipartisan health care reform. The new President and his wife expressed their intention to reach out and work with both sides of the aisle and I saw a real commitment on the part of my Republican colleagues to craft sensible solutions. Those hopes quickly evaporated when I saw Bill Clinton's big-Government plan coupled with stridently partisan rhetoric. According to Bill Clinton, anyone who didn't support his plan was against health care reform, against the middle class, against the poor, and against the elderly. In the meantime, House Republicans continued to develop workable solutions that resulted in the Goodling substitute.

Unfortunately, the White House has decided to ignore Republicans, ignore moderate Democrats, and to ignore the American people and attempt to ram a massive tax-and-spend plan through. Senator JAY ROCKEFELLER has vowed that "we're going to push through health care reform regardless of the views of the American people." It won't work. The more the American people learn about the Clinton plan, the less they like it. The American people have made it clear that health care reform doesn't mean supporting a Government takeover of one-seventh of the economy. Today, I received a letter from Barbara Brand of Sarasota, FL, a constituent. She summarized exactly what I've been hearing for the past 10 months. It says, "no to Government controlled health care; not to the give-a-way of our freedoms. Is this clear?" Yes, Mrs. Brand, it is clear. The American people have made it clear and the only people who haven't gotten the message are the folks at 1600 Pennsylvania Ave.

I would now like to focus on a particularly troubling aspect of the bill produced by the majority on the Education and Labor Committee. The district I represent contains the largest number of senior citizens in the Nation and I think senior citizens are the big losers under this plan.

The Health Security Act will reduce both the access and the quality of health care for our seniors. First, the legislation allows States to place Medicare patients into mandatory purchasing cooperatives. Medicare patients would then be forced to choose between the three plans offered by the Government. Millions of lower income seniors would be forced to choose the low-cost-sharing option. I offered an amendment to give Medicare patients the option of staying in Medicare, but the Democratic majority voted it down.

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Why? According to a Democratic staff member, "we are under pressure to get this health reform bill out of the way and we're just not willing to get into the whole Medicare thing right now." That's a direct quote. They didn't have time to protect the elderly.

Next, I do not support financing universal coverage on the backs of the elderly. Based on what the Ways and

Means Committee produced we all know that the financing for this legislation relies on $480 billion in Medicare cuts. As former HCFA Administrator Gail Wilensky has said, removing this much money would "be a serious mistake unless the elderly understand that it will affect the level and availability of their health care." I haven't heard many statements from the White House asking seniors to accept a lower standard of care.

But by far the most damaging aspect of the Clinton plan for seniors are the price controls and global budgets of title VI. Rapidly and inflexibility ratcheting back on health care spending will result in the rationing of health care in America—and the group most vulnerable to rationing schemes are the elderly. This legislation mandates zero-real growth in health care spending by the year 1999. No country in the world, even those that explicitly ration care, have controlled health care spending to that extent.

In short, the Ford mark asks the elderly to finance universal coverage. The Ford mark goes beyond the Clinton plan by offering even more benefits—without saying how to pay for them. That makes it even more likely that the draconian Medicare cuts of the original Clinton bill will be needed to finance the plan. The Ways and Means bill offers fewer benefits and contains $480 billion in Medicare cuts!

Reduced choice, forced enrollment in new untested systems, lower quality of care, and reduced access to medical services are not what the seniors in my district have in mind when they talk about health care reform.

In the next few weeks the White House and the Democratic leadership and their allies will attempt to brand anyone who opposes their bill as opposed to health care reform. Nothing could be further from the truth. There is not a Member of Congress who does not recognize the need for change in the system. But we are talking about people's health care. We are talking about one-seventh of the economy. We are talking about people's jobs. I will not support a bad bill, even if it means we have to wait until next year to forge a workable solution.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for his participation, and now yield to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the Committee on Education and Labor, and not just for yielding to me, but for all the work he has done for the children of this country. Working with him for the past year, I have been tremendously impressed by not only health care, education, labor standards, whatever.

Mr. Speaker, the Members have had a long night, and I will try to be brief. The time for this special order is almost over, as it is.

Mr. Speaker, I just want to share a few thoughts at the end of all this about where we are going with health care. We hear the debate about health care, and it is without a doubt in my mind the most complicated domestic issue we have ever undertaken to deal with in the Congress of the United States of America.

Yet, I think in a sense it can be boiled down to relatively simple elements, because 85 percent of the people of America are covered by Medicaid, Medicare, health insurance through an employer or their own health insurance, in some way or another, and about 15 percent, roughly, are not covered.

The people who are covered basically feel, even though they may be underinsured in certain areas, that they are receiving good health care coverage in this country, perhaps better than anyplace in the world. Everyone is concerned about costs. I have not spoken to anyone or talked to anyone or have had anyone address me at a parade or whatever it may be, who has not said, "Why is health care so expensive today?" So we have to worry about that 15 percent who do not have the coverage and we have to worry about the costs of health care.

Mr. Speaker, we tend to think that all the conventional wisdom on how to solve the problems of health care is right here in Washington, DC. I do not think that is accurate. I think it is out in the States, it is out in the capitals of the States. It is certainly out in Hawaii, which has been exempted under the Education and Labor markup, because they feel their system is doing so well that they do not want to be included in it if they can meet certain standards.

The gentleman from Michigan [Mr. HOEKSTRA] mentioned that he had introduced an amendment which was turned down, saying that other States could get out by referendum. I introduced an amendment which was also turned down, saying if the other States met those same conditions, could they get out, and the answer was no, they could not. But why should they not be able to get out?

What we are missing in the United States of America today is the fact that it costs this country, in all of those State capitals, all manner of problems dealing with health care being solved on a day in and day out basis. We basically have to expand universal access to health care. We have to contain costs, and we can do this by not passing a major piece of legislation, turning it over to the Federal Government in Washington, but giving more flexibility to the States, particularly in the Medicaid programs, which the States helped pay for anyhow, about 50 percent of them, and giving them the flexibility to carry out what they need to get done.

When I was Governor of the State of Delaware, we passed a piece of legislation that allowed us to work within the Nemours Foundation through the Medicaid program in order to provide universal health care for all the children in the State of Delaware. I cannot imagine a more beneficial program to offer in a State than that was, and yet we spent 18 months moving a mountain of paper work through Medicaid, and we are spending $7 million in addition to that, but it took us 18 months in order to get this done.

State after State has had this problem and yet 10 States are talking about universal health care, some States are talking about universal health care, without any other greater expenditures except to give them more flexibility under Medicaid.

I know in my State, after having examined very carefully a whole series of services which we provide there, try to provide there, that of that 15 percent or 95,000 people in my State, when we look at the Nemours Foundation for Children, when we look at the clinics we have in the city of Wilmington and in our rural areas, when we look at the services provided by our medical society, when we look at what our hospitals do, when we look at a variety of other services for the poor, when we look at insurance reform, all of a sudden we find that perhaps it is not 15 percent; that yes, there is 15 percent without insurance, but it is a much lesser number that we are dealing with who may not have access to health care in the United States of America.

The States have universally, each and every one of the 50 States, have come forward and they have taken steps which have greatly addressed and alleviated this problem, and yet we are trying to reinvent the wheel because somehow or another we have to do it in Washington.

Frankly, Mr. Speaker, it does not work particularly well from Washington, DC., and we have seen that with numerous programs. Medicaid and Medicare are an example of that, as are some other programs which we have seen come out of Washington, DC.

I would suggest, Mr. Speaker, that whatever we do in health care, regardless of which plan actually comes up in the House or in the other body, that we take the opportunity to make sure that the States are given that flexibility, the States are given the opportunity to solve the problems.

In fact, Mr. Speaker, I would suggest that we give that to them first and then see what they can do, give them extra flexibility, come back in a couple of years and see what we can do to resolve whatever problems are left. What we will have, we will get the universal health care a lot faster than we are going to if the Federal Government

does it, we are going to do it at less expense, we are going to do it in the way services are being delivered in those States now, and you will have a dramatically improved system without going through the large bureaucracy and expense of the Federal system.

I will leave it at that, Mr. Speaker. I feel strongly we need to pursue it in that way, and hopefully we can address that here in the weeks to come.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for his participation. Particularly having been a Governor, he truly understands what problems the different States face.

Again, I hope the American public understands that we on the minority were there with substitutes, we were there in a spirit of compromise, we were there trying to build a bipartisan coalition. We wanted to attack the portability issue, the preexisting condition issue, the malpractice issue, paper work simplification, cost containment.

All of these things we could have done, Mr. Speaker, but we did not have that opportunity. I hope we will in the near future.

Mr. BOEHNER. Mr. Speaker, we in this body must ask ourselves a question on health care reform—who will really pay for an employer mandate? The proponents of the mandate claim that it will be the employer who pays. Studies and statistics show that the employees will bear the brunt of a mandate.

As a small businessman, I know how difficult it is to run a small business and meet a payroll. I know that if businesses can afford to provide health insurance to their employees, they will do so. What Congress must understand is that health insurance is a valuable benefit. Employers want to offer it in order to retain high-quality employees. However, the fact is—most simply cannot afford to provide the insurance to each and every employee.

If Congress forces employers to pay for the insurance, they will have to find the money from within their own operations in order to comply with the mandate. If they cannot find the money, they will have to either lay-off employees, raise prices, or close their doors altogether. Various studies have put the estimated job loss from an employer mandate at between 800,000 and 3.8 million individuals.

If an employee can hold onto his job, he will most likely receive health care at the expense of wages and benefits. CONSAD predicts that 23 million workers will have their wages and benefits reduced as a result of the mandate. The National Bureau of Economic Research estimates that 85 percent of mandated benefits would be paid by workers through reduced wages. The Congressional Budget Office [CBO] has concluded that "employers facing an increase in their premiums would probably shift most of the added costs to their workers through reduced cash wages."

The employer mandate will impact the poor and unskilled workers the hardest. As the Employment Policies Institute recently reported, "since a percentage increase in the cost of unskilled labor reduces demand for that labor more than a comparable increase reduces the demand for skilled labor, job losses will be concentrated in these unskilled positions."

Of course, businesses could raise their prices, however, raising prices in response to a government mandate is the same as imposing a hidden tax on consumers. We must also remember that retailers must account for the price increases passed on by suppliers, manufacturers, and wholesalers—all of which will be affected by the mandate. There are those businesses that simply cannot raise their prices without pricing themselves out of a market, or having people decide to forgo their product or service.

I am fully aware of the increasing pressures facing small businesses. Government already makes it difficult enough to succeed considering the multitude of taxes, regulations, and mandates. In the past few years alone, there have been mandates from the Clean Air Act, Americans with Disabilities Act, Civil Rights Act, and Family and Medical Leave Act. Congress shouldn't make it worse with a health care mandate and tax.

On a final note, the proponents of the employer mandate are trying to sell their plan as a free lunch. They are in effect saying to the American people, "don't worry, your employer will pay 80 percent of your health care." However, it will not be the employer who pays, but rather the employee—through lower wages, reduced benefits, and the possibility of permanent job loss. Congress should be honest with the American people and reject the employer mandate.

Mr. GUNDERSON. Mr. Speaker, after 7 weeks of deliberations, the House Education and Labor Committee completed consideration of their version of President Clinton's health reform initiative. Our committee had a great opportunity to design a bipartisan package that could improve the affordability and accessibility to our health care delivery system. Unfortunately, we were not able to vote out a bipartisan package, although several bipartisan amendments were included.

Any legislation of this magnitude contains both positive and negative elements. The sections of the bill pertaining to rural health care illustrate the positive result that comes from bipartisanship. Mr. WILLIAMS, the chairman of the Subcommittee on Labor-Management Relations, and I worked together to guarantee that the rural health care delivery system will be greatly improved. This will be accomplished through the creation of Rural Emergency Access Care Hospitals [REACHs] which will enable rural communities access to 24-hour emergency medical care, additional assistance to Medicare-Dependent Hospitals (hospitals that have over a 50-percent Medicare patient load), and the development of rural hospital and outpatient facility assistance grants to expand health care services to underserved communities.

Despite some of the Education and Labor Committee's provisions that improve health care, there are many which will have a negative impact on the health care system. These include elements regarding self-insured businesses and the training of health professionals.

The bill that passed the Education and Labor Committee contains an improved provision over President Clinton's original proposal for self-insured businesses. The Clinton plan states that if a business has 5,000 or more employees, they may self-insure. The Education and Labor Committee lowered the number to 1,000. Although the change to 1,000 is a step in the right direction, this number must be lowered even further for two reasons: First, over 67 percent of the U.S. workforce receives benefits under self-insured plans and second, between 50 to 60 percent of the businesses that self-insure are under 500. I believe that a business should be allowed to self-insure if it meets the following test: First, offers at a minimum, the same benefits package included in the health reform proposal that passes the Congress and second, includes a risk assessment component. The self-insured issue is one of the most important to small-and medium-sized businesses. In western Wisconsin, alone, there are at least 200 businesses that self-insure and have an average number of 50 employees. Most of these businesses have successfully been self-insured for years. Let us all work toward enabling those businesses to continue their self-insured status.

The Education and Labor Committee bill establishes a National Institute for Health Care Workforce Development. The purpose of this institute is to develop and implement high performance, high quality health care delivery systems by working with the entire community. My concern with the creation of this Institute is that it duplicates the responsibilities of existing entities overseeing health care workforce issues. One example of duplication is the Office of the American Workplace located in the Department of Labor and an annual budget of $30 million. The specific goal of this office is to "build partnerships with business, labor, and Government to promote high-performance work practices and effective labor-management relations" which appears to be similar to the goal of the new National Institute for Health Care Workforce Development. Although I am sensitive to the needs of health care personnel who may have to make career transitions due to health care reform, I do not see the need for the Federal Government to say that health care workers should be given special treatment over any other group of workers. I urge my colleagues to delete this section when the health reform bill comes before this body in the near future.

Mr. BALLENGER. Mr. Speaker, the House Education and Labor Committee approved a health care plan that mirrors the proposal put forth by President Clinton. It includes burdensome Government mandates, a costly standard benefit package, global budgets, price controls, and inefficient Government bureaucracies. During 19 days of deliberation, the committee managed to add at least $120.3 billion to the Federal deficit—roughly $6 billion a day. The original Clinton proposal was 1,342 pages long, and with the input from the Education and Labor Committee, another 658 pages was added to an already complex bill. The House Education and Labor expansion of the Clinton plan takes bad policy and makes it worse. Needless to say, I am opposed to the proposal.

Today, I would like to focus on several of the amendments that I offered during the committee debate that were rejected by the majority.

One amendment I offered addressed a serious labor law concern raised by the Ford-Clinton health care proposal, that is, the relationship of guaranteed comprehensive health care benefits for every worker and the continuing obligation of employers and employees to bargain collectively over such benefits. As we know, negotiating over health care can be one of the most contentious subjects in the collective bargaining process, and it frequently leads to labor and management strife.

As you know, under the National Labor Relations Act [NLRA], issues that may be negotiated by labor and management are generally separated into two classes—mandatory subjects of bargaining and permissive subject of bargaining. The respective rights and obligations of unions and employers in bargaining with each other often depend on whether an issue is considered to be permissive or mandatory. Of course, some subjects are simply illegal to bargain over, such as proposals to implement a policy contrary to existing law.

Mandatory subjects of bargaining include wages, benefits, working hours, or working conditions. Health care is a mandatory subject of bargaining. If management and labor bargain over a mandatory subject, like health care benefits, either party may insist on its position until an impasse is reached and then labor may strike or management may order a lockout. Thus, failure to reach consensus on a mandatory subject of bargaining can prevent a collective bargaining agreement from being reached. In addition, during the life of an agreement already in place, an employer may not order any changes in mandatory subjects previously agreed to without first bargaining with the union.

Permissive subjects of bargaining include any other item that the union and the employer may bargain over such as internal union affairs. In this case, either party may try to initiate bargaining, and, if the other party is willing, they may address the subject in the agreement. However, if the other party does not wish to bargain, the issue is taken off the table. A strike may not be ordered by a union and a lockout may not be ordered by the company. The parties simply go on to other matters.

My amendment, if it had been adopted, would have virtually eliminated labor-management tensions over health care issues by taking increases in health care benefit levels off of the collective bargaining table unless both of the parties—the employer and the union—want to negotiate over them. My amendment would be limited to situations where labor wanted to press for increases over what is in the law or a collective bargaining agreement. If the employer wanted to seek cutbacks below the agreement, that would still be a mandatory subject and the union could strike.

Now, under the Education and Labor version of health care reform the Federal Government is saying to employers and their employees: This is your health care benefit package. We have already decided what is the best package for you and do not worry, because it is a comprehensive package. Indeed, it has even been expanded.

By requiring every employer to provide a comprehensive package of health care benefits, the Clinton-Ford bill imposes substantial costs on companies—both large and small. Let us be honest—comprehensive health care is expensive. Under the Clinton-Ford plan, benefits mandated by the Government would include hospital care, emergency services, preventive care, mental health and substance abuse services, family planning, hospice care, home health and extended care services, ambulance services, outpatient laboratory and diagnostic services, prescription drugs, vision and hearing care, periodic medical checkups, and preventive dental services for children. The Ford plan and the many amendments adopted during the markup in the Education and Labor Committee expand upon the Clinton plan, adding several billion in new mandated benefits.

This is a comprehensive package of federally mandated benefits, some would even call it a Cadillac plan. Employers will be obligated by law to provide every one of these benefits. In addtion, employers with union employees must continue to provide any health benefit collectively bargained prior to passage of the Health Security Act. It is ridiculous that employers would be obligated by law to negotiate over additional health care benefits, or suffer the consequences of strikes.

We have heard a great deal from organized labor in recent years about tensions generated at the bargaining table about health care issues. In fact, a representative of the Services Employees International Union [SEIU] testified before the House Education and Labor Committee recently that "Health care is the No. 1 issue at the bargaining table and the No. 1 cause of strikes." I would tend to agree that health care costs generally have been a subject of workplace tensions, as employers and their employees have struggled to cope with rising costs.

If one of the intended effects of this bill is to reduce those tensions by ensuring a package of comprehensive benefits to every worker, then my amendment would have helped ensure reduced tensions in the future by resolving that, once and for all, there will be no more labor-management battles over health care.

I believe it is time for organized labor in America to make a choice. Unions can either try to achieve comprehensive benefits for employees through collective bargaining or they can try to get these benefits from the Congress. The system, and our ability as a nation to compete effectively, cannot afford both. The Ballenger amendment should be included in health care reform legislation to ensure that businesses do not have to risk a strike over having to provide even more.

I would also like to comment on two other amendments that were offered and were rejected by the full committee on rollcall votes. The committee bill includes a provision that requires a health care employer who replaces another health care employer through merger, consolidation, acquisition, or contract, to provide employees who would otherwise be displaced, a right to continued employment unless their positions no longer exist—the provision sunsets after 5 years. My amendment would have eliminated this requirement because under current labor law, an employer who acquires a business is under no general obligation to retain current employees. The provision in the Ford bill creates a statutory entitlement to continued employment of no defined duration, makes no allowance for displacement of employees for cause, and gives all displaced employees preferential rehire rights for 6 months. The continued employment provision creates yet another cause of action that may be advanced by employees in Federal or State court subjecting employers to liability for backpay, double backpay, and attorneys' fees. Finally, although technically limited to health care employers, the reach of the provision in the bill is very broad because the definition includes any employer that provides "necessary related services, including administrative, food service, janitorial, or maintenance services, to an entity that provides health care items or services." My amendment to strike this provision should have been adopted because it prevents the creation of yet another employment right to be litigated in court.

I also offered an amendment to strike a section of the Ford bill that would require a health care employer to recognize the exclusive bargaining agent and to assume the collective bargaining agreement of the predecessor employer if a majority of its employees were previously covered by the agreement and if there has been no substantial change in operations. This provision would sunset after 5 years of enactment. The amendment would have also stricken a provision—again sunsetting after 5 years—which assumes joint employer status whenever employees of a contractor to a health care employer work on the premises and are functionally integrated with the operations of that employer.

The provision in the Ford bill concerning the collective bargaining obligation of health care employers would make significant changes in labor law, without hearings or discussion of the magnitude of those changes. These provisions signal the kinds of amendments to current law that might be sought by organized labor in a push for comprehensive labor law reform and should be considered at that time—not during a debate on reform of our health care system. Under current law, while a successor employer may be obligated to recognize the exclusive bargaining agent of the previous employer, it is not required to assume the previous collective bargaining agreement. Requiring successor health care employers to be bound by a collective bargaining agreement to which it is not a party creates a disincentive for any restructuring of the health care industry that may lead to better and more efficient care.

Also, the Ford bill would create a new test for determining joint employer status under the National Labor Relations Act. Under current law, the test is whether an employer has sufficient control over the essential terms and conditions of the employment of any group of workers. The Ford bill assesses whether the tasks performed by a group of employees are functionally integrated with the operations of the employer. Again, the Ford bill establishes a new legal standard without discussion of its significance. I am concerned that these changes would unnecessarily complicate the health care marketplace and would be particularly detrimental to the restructuring of the health care industry.

Mr. PETRI. Mr. Speaker, the markup process in the Education and Labor Committee unfortunately was not an effort to reach real consensus on a health care reform bill.

Rather, it was an exercise in ramming through a partisan bill. And that's a shame, because I don't believe that kind of a process will lead to a good health care reform bill in the long run.

It's a double shame, in fact, because all of the elements are already there for the making of a bipartisan compromise, a compromise that can achieve our foremost objectives. So instead of continuing this partisan exercise, let's begin the final round of the health care debate by looking at those issues on which we all agree.

First, I think it's safe to say that we all want insurance market reform that provides guaranteed issue, portability, at least modified community rating, and the elimination of preexisting condition exclusions. We all want some kind of medical malpractice liability reform, although we may disagree on its details.

Clearly, we need administrative simplification provisions to reduce overhead, and we need to provide consumers with the comparative value information they need to make smart medical decisions.

I'd suggest we require mandatory price disclosure by providers, publication of the average prices for health care services in the regional market, information on common patterns of practice, and indicators of the quality of health care offered by plans and providers.

With insurance market reform a given, many of us agree we should provide a graduated subsidy for Medicaid enrollees and the low-income uninsured so that they, too, can enroll in competitive health plans. Finally, we know there will have to be some risk adjustment between plans, and we ought to at least allow voluntary purchasing alliances.

We should start there, as several bipartisan bills already have—with the elements of reform on which we have the most hope of consensus. Then we can turn next to the issues which divide us: the mandated benefits package, for example. I'm sure we can agree that a benefits package should provide at least catastrophic coverage, but we disagree about whether any other benefits should be mandatory.

I'd argue that universal catastrophic coverage can accomplish most of the objectives we've set out to achieve: We can protect American families from financial disaster and we can eliminate our cost-shifting problems.

Cost shifting should not be much of a problem if poor people have more comprehensive coverage and middle-income people, in relatively few instances, only have to come up with a few thousand dollars out of pocket to cover medical emergencies.

Without a comprehensive, mandated benefits package, of course, we'd have to rely more heavily on risk adjustment between plans in order to prevent comprehensive plans from being driven out of the market because they attracted mainly higher risk people. That's another contentious aspect of the benefits issue.

But, perhaps the most fundamental issue of disagreement is how best to accomplish universal coverage for all Americans. The first question here is what we mean by universal coverage. I think we can agree that we mean by that at least universal catastrophic coverage. And although most people think we cannot get universal coverage without a broad-based tax increase or mandates, that's not the case.

There is a way to get universal catastrophic coverage without either a net tax increase or a mandate—and that's through tax reform. By that I mean rationalizing the $100 billion of subsidies for health care that we already have in the Tax Code.

As it stands, the main health subsidy in the Tax Code is the exclusion from individual income of employer-paid health premiums or benefits.

This subsidy is extraordinarily regressive, because its value to any individual depends on both his marginal tax rate and the cost of his benefits, both of which are higher for wealthy people. In fact, it's estimated that the value of this subsidy is six times as great for people in the top 20 percent of our Nation's income distribution as it is for those in the bottom 20 percent.

Moreover, the more your employer spends on premiums and benefits, the more subsidy you get, which contributes to third-party payment and inflation.

This is a rotten way to design a Federal health care subsidy. Why provide a subsidy only to those who already have employer-paid benefits? Why provide a far bigger subsidy to wealthy people? And why make it open ended?

It would be much fairer to turn this $100 billion pot of money into a fixed voucher for the purchase of competitive health plans. Those with employer-paid coverage, which the employer could still deduct as a business expense, would use their vouchers to cover their share of premiums and their cost sharing and would receive a cash rebate for any excess.

By my calculation, the average 1995 Federal voucher amount would be $1,764 for a couple with children, $1,219 for a childless couple, $1,133 for a single parent, and $612 for a single person. Reforming State tax subsidies the same way would typically add 15 to 30 percent to these amounts. Vouchers this big should allow people otherwise uninsured to purchase at least catastrophic coverage.

And they'll be highly motivated to do at least that if failure to do it will cost them the value of their vouchers. Finally, with vouchers this big, virtually all 15 percent bracket taxpayers—that is, all four person families below $55,000 in income—would be much better off than with the present exclusion, and many 28 percent bracket families would be as well off.

Thus, although highly paid union leaders would be hurt initially, the vast majority of their members would be better off with an egalitarian voucher than with the present regressive exclusion. They may be right to oppose taxing generous benefits when they get nothing in return, but they should support taxing all benefits in return for a voucher of greater value.

Therefore, I believe this kind of tax reform can be the basis of a sound compromise on the most difficult issue before us. It can provide the key that unlocks a solid health care reform bill this year, and for that reason, I've already made it the centerpiece of my own multicare proposal, H.R. 4469.

I urge my colleagues to join in a dialog aimed at real consensus, rather than retreating behind partisan battle lines, as we did so often during the Education and Labor Committee markup.

Mr. ARMEY. Mr. Speaker, I want to thank my distinguished colleague from Pennsylvania for his leadership on the committee. For the past several months, we in the party of freedom, the Republican party, have been fighting to prevent the Government, and therefore the party of government, from nationalizing the world's best health system. The American people rejected the idea of a government-run health system. But alas, on our committee, what the American people want is an inconvenience. The Democrats seem determined, in the words of Senator ROCKEFELLER, to pass this unpopular bill "regardless of the wishes of the American people."

America's health system does have problems that must be fixed. But it doesn't need a government takeover. It doesn't need a national health board. It doesn't need price controls. It doesn't need the Government defining everyone's insurance package. And it doesn't need criminal penalties for so-called "health care crimes." America does not need this bill.

Nearly a year ago, I compiled this flowchart to depict the workings of the President's plan. People ask me if I meant it as a joke, but, on the contrary, I meant it to be completely accurate, based strictly on the language of the Clinton plan itself. Not even Ira Magaziner has been able to find an error or omission, or at least that's what I deduce from the silence with which he has greeted my repeated requests for comment. Now what differentiates the original version of the bill, depicted here, from the one reported by the Education & Labor Committee is the number of lines and boxes. Our committee felt the Clinton plan was too simple.

Here we have a portrait of what happens when power meets an Ivy League degree. Apparently some people in this day and age actually believe that 250 million people have less wisdom and less common sense than Ira Magaziner's seven-member National Health Board.

Perhaps the most misbegotten of all the misguided features of this mind-boggling plan is its price controls. As an economist, I take a professional interest in this, but you don't have to have a Ph.D. to understand why price controls are a bad idea. As you can see from this second chart, forty centuries of human history show that price controls do not work. Price controls cause suffering.

Hammurabi tried price controls and got a permanent depression. The Roman Emperor Diocletian tried price controls and got riots, hoarding, and mass executions, and, after 4 years, had to abdicate. The ancient Greeks tried price controls on grain and got grain shortages. The Romans tried it on wheat, and got wheat shortages. President Nixon tried petroleum price controls in the 1970's and gave us the energy crisis. Now President Clinton wants to give us price control on health insurance premiums. Why do I have a bad feeling about this?

With this long, melancholy history in mind, I offered an amendment in our committee to remove price controls from the Clinton plan. The amendment was defeated on a straight party line vote. Now you may ask, given the history sketched out on this chart, why would the Democrats vote for price controls? I certainly tried to persuade them of the likely result. I pointed out that no nation in modern times has ever achieved the President's goal of bringing medical inflation to zero. Let me say that again. No nation has ever achieved zero medical inflation. Yet this bill would try to mandate it, by force of law.

I also told my committee colleagues about the study by the independent economics firm DRI-McGraw Hill, which predicts that if the President's price controls are implemented, health-care services would be reduced by about 5 percent over the first 3 years. Sound harmless? What this means is that if price controls begin in 1998, by the year 2000, every American household will suffer a reduction of available health services of about $500. Or put another way, health insurance price controls will mean a $500 tax hike for every family in this country. And it may turn out to be a lot more than $500, because the American Academy of Actuaries estimates the premiums for the Government-defined insurance package will cost at least 20 percent more than the White House claims.

But more important than the dollar figures is the very real pain that will be felt by sick people who will be denied medical care. Price controls invariably produce scarcity, and scarcity produces rationing. When you make it illegal to sell a product at its natural market price, producers respond by reducing the quantity and quality of the product until supply and demand meet at the new, lower, Government-imposed price. This is a law of economics, which no parchment law can repeal.

What will happen if we impose President Clinton's price controls? At first, the pain may not be terribly noticeable. But after a few years, as the controls begin to bite, we will start to see the telltale signs. Lines will form. Surgeries will be delayed. People will go without necessary care. The Government will stop covering certain procedures.

All of this happens right now in Canada. Despite all the praises lavished upon it by left-wing liberals, the Canadian system is in crisis. The Canadian Government is canceling health coverage for foreign nationals, even if those foreigners pay Canadian taxes. It is imposing 3-month waiting periods before new residents can apply for health care coverage. It is limiting coverage for Canadians abroad. It is rationing care and imposing premiums and copayments for Canadians at home. The province of Quebec now refuses to pay for hip replacements. At this very moment, 250,000 Canadians—the equivalent of 2.5 million Americans—are on a government waiting list for needed medical care. Canadian patients have to wait, on average, 5 weeks just to see a specialist. A sample group of 177,000 Canadian patients had to wait up to 14 weeks for surgery. Coronary bypass patients wait 5 and a half months on average for surgery. Some die while waiting. Others pay to travel to the United States for immediate service. Indeed, one-third of Canadian doctors have sent patients outside the country for treatment during the past 5 years. And a Canadian firm is reportedly offering a private insurance policy that will fly you to the United States if you've been on the Government waiting list more than a certain number of weeks, depending on the illness. Mr. Chairman, it seems the best thing about the Canadian health system is the American health system.

All of these statistics simply confirm what economists have always known: Fiat rationing is unavoidable under a price-controlled, government-financed system.

Some of my more left-leaning colleagues claim that a government system of universal coverage is more moral than the free market in health care. Let me tell you about the moral superiority of government medicine. This past Christmas, the Canadian province of Ontario sent doctors and nurses home for several weeks, for no other purpose than to save money. The financial crunch had gotten so bad, the authorities at the Toronto Hospital for Sick Children told parents not to bring their children to the emergency room unless the child had a fever and was experiencing, and I quote, "lethargy, convulsion, or nonresponsiveness." My friends, is this what health security has to mean—turning sick children away because they're not sick enough to be having convulsions?

On January 13, President Clinton received a letter, which I would like to quote. I have edited it for brevity, but here is the meat of what the authors said:

"Price controls produce shortages, black markets, and reduced quality. In countries that have imposed these types of regulation, patients face delays of months and years for surgery, government bureaucrats decided treatment options instead of doctors or patients, and innovations in medical techniques are dramatically reduced.

"In the 1970's, government tried to regulate the price of a simple homogeneous product, gasoline. The result was that people were forced to waste hours waiting in lines to purchase gasoline. Long waits for surgery will have more serious consequences. Price controls may appear to reduce medical spending, but such gains are illusory. We will still end up with lower-quality medical care, reduced medical innovation, and expensive new bureaucracies to monitor compliance. These controls will hurt people, and they will damage the economy. We urge you to remove price controls, in any form, from your health care plan."

Mr. Speaker, the letter is signed by 562 Ph.D. economists, including several Nobel Prize winners.

Reading this letter, I was reminded of the letter President Hoover received in 1930, signed by 1,028 economists, begging him not to raise taxes on imports. As every school child knows President Hoover ignored their advice, and the result was a catastrophic deepening of the Great Depression just as the country was beginning to recover from the crash of 1929.

I am suggesting that we should always heed the advice of economists, but I do think we should think twice before disregarding the plain lessons of history. Those who cannot remember the past are condemned to repeat it. But we need not repeat it. We can learn from history.

I have tried to lay out what I hope is a persuasive case against price controls, but no argument of mine could compare with the eloquence of our predecessors of the Continental Congress. Listen to what our Founding Fathers wrote on June 4th, 1778:

"Whereas * * * it hath been found by experience that limitations upon the prices of commodities are not only ineffectual for the purposes proposed, but likewise productive of very evil consequences to the great detriment of the public service and grievous oppression of individuals * * * [Therefore, be it] resolved, that it be recommended to the several states to repeal or suspend all laws or resolutions within the said states * * * limiting, regulating, or restraining the price of any article, manufacture, or commodity."

Thankfully, the 13 States heeded Congress' call and lifted their wartime price controls. Scarce provisions became abundant. And by the fall of 1778, our armies were able to procure needed winter supplies that only a year before had been unavailable to General Washington at Valley Forge. I sometimes wonder how Washington's armies, and our fledgling Nation, would have fared had the reinous price controls never been lifted.

I urge my colleagues on the other side of the aisle to choose the wiser course and take the higher road and strike from the President's bill these disastrous price controls.

THE 50TH ANNIVERSARY OF THE LIBERATION OF GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. UNDERWOOD. Mr. Speaker, I am taking this opportunity for a 1-hour special order to pay honor and respect to the veterans of the Pacific Theater during World War II and especially those who participated in the Battles of Guam, Saipan, and the "Marianas Turkey Shoot," one of the greatest naval victories during that conflict.

I also want to take the opportunity to tell the Guam story; a story not fully understood and appreciated, but a story which demands to be told.

This session of Congress which is broadcast live by C-SPAN across America, will be rebroadcast on a delayed basis on Guam next week on July 20, on the eve of the 50th anniversary of the liberation of Guam which will be commemorated on July 21. Therefore, I wish to send my greetings to the people of Guam, to the hundreds of veterans who have returned to our island for the golden salute commemoration, and to the veterans of World War II—especially the Pacific veterans—watching this broadcast all across America on this most auspicious occasion. And this occasion is honoring and remembering the landing of American forces to liberate Guam from Japanese occupiers. Japanese troops had earlier bombed

and invaded Guam on December 8 and 10, 1941, as part of Japan's attacks on United States Forces, the most famous having taken place at Pearl Harbor.

This commemoration will honor the American veterans, remember the sacrifices of the people of Guam and will serve as a tribute to the necessity for peace; for it is only in the remembrance of the horrors of war do we remain vigilant in our quest for peace.

My purpose tonight is to give a historical perspective to the events we are commemorating on Guam and to enhance the understanding among all Americans of the wartime experience of the people of Guam and the postwar legacy that has framed our relationship with the United States. It is a story that is a microcosm of the heroism of soldiers everywhere and of the sufferings of civilians in occupied areas during World War II. But Guam is also a unique story, an experience all to itself, not in terms of human suffering—there is far too much of that to go around—but of dignity in the midst of political and wartime machinations of large powers over small peoples and of loyalty to America, a demonstration of loyalty that has not been asked of any civilian community under the flag during any time this century.

Tonight, Mr. Speaker, I will outline the following:

Some of the details of the battles leading up to the Marianas campaign; the importance of the Marianas campaign for the war; some heroic figures involved in the battle; the lack of attention given to the Pacific battles in the 50th anniversary commemoration activities for World War II; the special nature of the Guam battle and the experiences of the people of Guam; and some unfinished business for the people of Guam relating to the war.

Guam, which has been an American territory since the end of the Spanish-American War in 1898, was invaded in the early morning hours of December 10, 1941. Thus began a 32-month epic struggle of the indigenous people of Guam, the Chamoru people, to maintain their dignity and to survive during an occupation by a brutal oppressor.

In the years leading up to the war in the Pacific, American military planners decided that it was not feasible to defend Guam against possible invasion forces by Japanese Forces in the surrounding islands of the Japanese mandate in Micronesia, most notably Saipan about 100 miles to the north.

This was probably a sound decision militarily; but to the Chamoru people, it meant that they were going to be written off at the onset of hostilities between Japan and the United States, hostilities which nearly everyone in the Pacific knew was coming.

When the Japanese landed, they found 153 Marines, 271 Navy personnel, and 134 workers associated with the Pan American station and some 20,000 Chamorus who were United States nationals. All American military dependents had been evacuated with the last ship having left on October 17, 1941, pursuant to an order of Naval Governor, Captain McMillan.

The other vulnerable territory, Alaska's Aleutian islands were similarly threatened by their proximity to Japanese Forces. However, in that instance the Army evacuated all Aleutian inhabitants in anticipation of Japanese invasion, thus sparing the Aleutian islanders from an occupation. The Chamorus alone among American civilian communities was left to withstand the onslaught of an enemy occupation.

To demonstrate how Chamorus were treated distinctively, a handful of Chamoru civilians who worked at the Pan American station in Wake Island were not evacuated when American civilians were. The result was that they, along with a handful of Marines, fought, died and were placed in prison camps.

With Guam and its people's fate preordained, it fell to the Guam insular guard and the Guam militia, comprised of civilian reserve forces along with the handful of Marines and sailors to defend the island. The Japanese invasion force, numbering over 5,000 easily overwhelmed the defending insular guard and Guam militia. Resistance against a vastly larger and better equipped invasion force was futile, and the Naval Governor McMillan surrendered the island to the Japanese.

The signal that the Japanese had prevailed to aircraft overhead was for the Japanese commander to shine a flashlight on an American flag on the ground. The American flag, used as a symbol of defeat by the invading Army, assumed immense importance to the American nationals on Guam throughout the occupation.

Throughout the ordeal of occupation, the Chamoru people maintained their loyalty to America and their faith that the American Forces would soon return to liberate them. The resistance against the occupation manifested itself in many forms, but none so powerful and costly as the effort to help the American sevicemen on Guam who had escaped capture when the island surrendered.

Seven U.S. sailors evaded capture, and one by one, each in turn was hunted down and killed by the occupiers. One fortunate sailor evaded capture throughout the 32 months of occupation with the assistance of the people at the cost of numerous beatings and even beheadings. The story of this one sailor, George Tweed, was made into a movie entitled "No Man Is An Island."

INVASION OF GUAM THE LIBERATION: JULY 21, 1944

Fifty years ago, in mid-June, Rear Admiral Ainsworth began his preinvasion bombardment of the coast of Guam only to be called back only 2 hours after the invasion began due to the ferocity of the Battle of Saipan. The additional time between the scheduled and actual invasion allowed the Japanese 5 additional weeks in which to reinforce their beachheads.

During those intervening weeks following the original naval attack, an onslaught of cruelty was endured by the Chamorus on Guam from their occupiers. This was the most brutal time of the occupation. The atrocities suffered by the people of Guam included forced labor, forced marches and civilian massacres. The increased brutality and intensity of these atrocities marked the beginning of the end of the 2½ year enemy occupation.

The invasion—dubbed Operation Forager—was rescheduled for July 21 and was preceded by a preinvasion bombardment lasting 13 days. While this bombardment leveled most fortified structures on Guam, it also acted as a stimulus for further acts against the Chamoru people. As the bombardment continued, the Chamorus became more restless, and the Japanese realized their ensuing fate, inflicting further brutality and mass slaughter against my people. This preinvasion bombardment had been preceded by numerous air raids beginning in February 1944, 5 months earlier.

After the bombardment, underwater demolition teams spent 4 days sweeping the shoreline making the Marine invasion possible. Unlike the attack on Tinian, which provided ideal terrain and conditions, U.S. Marines landed on the narrow beaches of Asan and Agat to crawl their way up what is now know as Nimitz Hill. The men of the 3d Marine Division were thrust, wave after wave, onto Asan beach—already littered with the Marines who had come before them. Once on the shore, United States troops were in the heart of Japan's defense fortifications and troops. This well thoughtout plan led to the seemingly insurmountable task of climbing the cliffs which rose just beyond the beach against fortified enemy weapon sites which dropped artillery and small weapons fire on them like rain.

Simultaneously, the flatter southern beaches of Guam were being braved by the 1st Marine Brigade. However, this less formidable topography was quickly interrupted by the only Japanese counter attack of the day.

One of the heroes was a young Marine named Howell Heflin, most important 6 hours of my life.

The island was secured on August 10, 1944. Twenty thousand men died during the 20-day battle, but the casualties were not equivalent, 18,500—the entire garrison of Japanese troops were killed compared to only 1,900 United States soldiers.

The mayor's resolution follows:

RESOLUTION NO. 94-6

Relative to naming Route 15 (Yigo) as the U.S. Army 77th Infantry Division Drive in

honor of the soldiers who participated in the Liberation of Guam during World War II in the Pacific.

Whereas, on July 21, 1944, Army, Navy and Marine Units of the U.S. armed forces landed on Guam to liberate the island and its people from over 30 months of Japanese occupation during World War II in the Pacific, and

Whereas, the U.S. Army 77th Infantry Division commanded by Major General Andrew D. Druce, played a significant role in defeating the Japanese forces and restoring peace and freedom to the island of Guam, and

Whereas, after landing in Agat along with the 1st Marine Provisional Brigade, the 77th Infantry Division proceeded to secure the southern part of Guam where it rescued thousands of Chamorus who were in the Manengon and other concentration camps, and

Whereas, the 77th Infantry Division continued its fight to Yona, Chalan Pago, Mangilao and Barrigada, and

Whereas, in the drive through the central and northern parts of Guam, the 77th Infantry Division was assigned the right flank as the area of operation where the troops engaged with the Japanese forces in a number of skirmishes, and

Whereas, the 77th Infantry Division proceeded up to the village of Yigo where the Japanese forces were regrouping to make their last battle stand, and

Whereas, when it reached the village of Yigo the 77th Infantry Division came upon a large concentration of Japanese forces and engaged them in a battle that involved tanks, artillery strikes and an infantry drive charge up on Mount Santa Rosa and Milalak hill where the Peace Memorial Park is now located, and

Whereas, the battle in Yigo turned out to be the last major encounter with the Japanese forces who waged an all out fight in a desperate attempt to turn back U.S. advances, and

Whereas, the Guam combat patrol were very instrumental in the search and locating of the Japanese forces and the Guam combat patrol also participated and engaged heavily in a number of skirmishes and the last battle of Yigo, and

Whereas, Route 15 is located in the Army sector of the 77th Infantry Division's avenue of approach to the north in the final days of the war; now, therefore, be it

Resolved, That in recognition of the 77th Infantry Division's role in the liberation of Guam, it is appropriate that Route 15 be named "U.S. Army 77th Infantry Division Drive" in conjunction with the 50th anniversary Golden Salute observances; and be it further

Resolved, That the Yigo Municipal Planning Council endorses the action on behalf of the people of Yigo as a grateful tribute to the sacrifices to the U.S. armed forces in the liberation of Guam.

THE IMPORTANCE OF THE BATTLE FOR THE WAR

The taking of the Marianas Islands was very important to winning the war against Japan. The defeat of the forces on Saipan and Guam led to the fall of the Tojo government and the recognition by many in Japan that there was no doubt left about the outcome of the conflict with the United States. "Hell is upon us," stated Adm. Osami Nagano, Supreme Naval Advisor to the Japanese Emperor; and, indeed it was as the bombers took off from air fields on Guam, Saipan, and Tinian--Harmon, Andersen, North, Northwest, Isley, Kobler, and other names familiar to the Army Air Corps, including a Member of the House, BEN GILMAN from New York.

The importance of the Marianas as islands from which to further prosecute not only an airwar against Japan, but as the jumping off points for further landings in the Philippines, Okinawa, and Iwo Jima became crucial to final victory. In effect, Apra Harbor on Guam became the forward naval base as Pearl Harbor was effectively moved 3,500 miles to the West.

And from Guam, Admiral Nimitz set up his headquarters for the balance of the war. In the island-hopping strategy of the Pacific, the Marianas were not islands to be leapfrogged. They formed an integral part of Japan's defensive structure.

Over 54,000 Japanese soldiers lost their lives in the battles for Saipan and Guam. American losses were equally staggering—over 5,700 lost their lives and over 21,900 were wounded. During the Marianas Turkey Shoot, the naval air battle, enemy losses exceeded 400 aircraft to minimal American losses.

One of those aircraft losses belonged to a young Navy pilot who was shot down in the skies over the Marianas—George Bush.

The ferocity of the Marianas campaign was an indication of the blood that was to be shed in later campaigns. On Saipan, the Americans encountered a phenomenon that had never been encountered before—the sight of hundreds of Japanese soldiers and civilians committing suicide by jumping off cliffs rather than surrendering. At Suicide Cliff and Banzai Cliff on Saipan, American soldiers and marines could only watch helplessly as civilian noncombatants chose death over surrendering to an enemy they believed would commit atrocities against them. While sporadic kamakazi raids had been encountered in some naval air battles, nothing could compare to the mass suicides that stunned the American forces.

All these factors weighed into the decision to avoid an invasion of Japan, and the use of atomic bombs on Hiroshima and Nagasaki. And again, the Marianas had a pivotal role to play, providing the airfield in Tinian where the bombers loaded with the world's first atomic bombs were launched. The Marianas Campaign was indicative of the ferocity of the Pacific war and the courage of the Americans who fought in many far flung islands which now bear the honor as campaign streamers on our military's service colors. Let me share the honor of those who fought on Guam with a recounting of the most important Pacific battles leading to Guam's liberation.

GUADALCANAL

The first American offensive during World War II was a definitive battle in the Solomon Islands and began to turn the tide of the war in the Pacific in favor of the Allied forces. This was the Battle of Guadalcanal, an island little known even to the 19,000 members of the 1st Marine Division preparing to land on its shores on August 7, 1942. This battle was decisive as Guadalcanal became the Allied doorway to the central and southwestern Pacific—then held by the Japanese forces. Guadalcanal also prevented the airfield under construction from becoming a threat to the Allied-held Pacific and subsequently making major U.S. shipping routes an easy target.

PAPUA

The Japanese faced a dilemma during the Papua and Guadalcanal campaigns. They were made to decide whether to stand firm on their Papua defense or to transfer vital supplies to strengthen the Guadalcanal counteroffensives. They opted to send warships, planes, and troops to Guadalcanal and ended up losing both battles.

SOLOMON ISLANDS

The Navy contradicted the strategic value of General MacArthur's obsession to reclaim the Philippines. Naval strategists thought that a drive across the Pacific, making full use of their new and fast carriers, would put more pressure on Japan. The dispute was resolved when the Joint Chiefs of Staff agreed to use both options in order to prevent the Japanese from knowing where and when the next blow would fall. MacArthur advanced northwest from New Guinea while Admiral Nimitz and his navy moved west toward the Central Pacific. The series of naval battles that followed this gave numerous Americans their baptisms of fire. Among these gallant men was a young lieutenant named John Fitzgerald Kennedy.

TARAWA

One of the bloodiest battles of World War II was fought for an area less than half the size of New York's Central Park. Tarawa was an atoll of 47 small islands. The main objective was Betio, the largest of the islands. Compared to the atoll's defenders, American casualties were less. However, it had a greater impact upon a country that had not yet begun to realize the cost of war.

SAIPAN

There was no doubt that U.S. forces would hit the Marianas. The islands' central location, the significant Japanese presence within its boundaries and the area's potential as future sites for United States bases made its acquisition, at the time, inevitable. October 1, 1944, was the date set for the invasion of the Marianas. Decisive victories in the Pacific, however, enabled the operations to advance several months ahead of schedule.

In the middle of June 1944, a formidable armada of 7 battleships, 21 cruisers, scores of destroyers, 15 fast carriers

bearing 891 combat planes, and 127,571 fighting men had been assembled. They had a clear mission. They were to take the Mariana Islands of Saipan, Tinian, and Guam—the next step toward the Navy's drive toward the Central Pacific. Admiral Nimitz decided to take Saipan before liberating Guam. This island was 100 miles closer to Japan. The task of bombing the Japanese homeland would be less complicated if initiated here. In addition, the loss of Japanese air support from Saipan would make the liberation of Guam less costly.

The assault was placed upon the hands of both the 2d and 4th Marine divisions. The Army's 27th Infantry division was also placed on reserve for these operations. Landings began, made after 2 days of naval bombardment. Swayed by negative propaganda and fearful of the invading Americans, hundreds of Japanese civilians committed suicide by jumping seaside cliffs. After 25 days of fighting, the invasion force declared the island as having been secured on July 9.

THE BATTLE OF SAIPAN

The battle for Saipan was more ferocious than the battle for Guam and is etched in the minds of many as the classic amphibious struggle of the Pacific war; a determined invasion force meeting a suicidal, entrenched defensive force.

Saipan was part of the Japanese mandate; Japanese civilians outnumbered natives 5–1; the invasion was the first contact between the people of Saipan and America; this contact, founded in battle, led to the eventual formation of the Commonwealth of the Northern Marianas, in which Saipan is the principal island; and this contact represented the best in the advancement of the principles of democracy and liberty to other parts of the world.

HEROISM

When faced with an enormous challenge, men of courage find in their inner selves enormous strength. In the battles for Guam, Saipan, and Tinian, and in all the fierce fighting throughout the Pacific war, the victories were won not by massive offensive forces but by extraordinary heroism.

If the measure of a battle is the numbers of Medals of Honor awarded, surely then the battle for Guam ranks among the top battles of World War II. Two medals were awarded for valor on Guam, one to Capt. Louis H. Wilson, Jr., who later served as the Commandant of the Marine Corps, and one to Pfc. Frank P. Witek.

As commanding officer of Company, F, 2d Battalion, 9th Marine Regiment, Captain Wilson distinguished himself in a bloody fight to repel Japanese counteroffensives on the Fonte Plateau. As in many similar situations throughout the first days of the invasion, a breach of the extremely vulnerable American lines would have caused certain disaster for the whole invasion force.

Private Frank Witek provided the cover for the withdrawal of his wounded comrades during a firefight and then singlehandedly attacked the enemy machine gun position

Also noteworthy for their heroism were the efforts of underwater demolition teams that went in ahead of the American forces to destroy much of the fortifications on the invasion beaches.

In all these instances, and in countless more unheralded acts of courage, the individual soldier, marine, sailor, and airman made the difference, and ensured by their individual actions, that freedom would be won for the people of Guam. And again, on behalf of the people of Guam, I say thank you.

LACK OF ATTENTION

On Saturday, June 25, veterans of the war in the Pacific, people from Guam and the Northern Marianas, and some Federal officials gathered at Arlington National Cemetery to pay tribute to those who fought and died on Guam, Saipan, Tinian, and other battles in the Pacific.

This commemoration, which was jointly sponsored by my office and Northern Marianas Resident Representative Juan Babauta's office, and which took place at the site of the Tomb of the Unknown Soldier, was the only national commemoration held this year to recognize battles in the Pacific theater during World War II.

I am extremely grateful for the participation of Interior Secretary Bruce Babbitt, Navy Secretary Dalton, Chairman of the Joint Chiefs of Staff General Shalikashvili. Their support, stirring words, and encouragement reflect the administration's growing awareness of these historical events.

But I must take note again of the fact that this event went largely unnoticed by the media and by the Nation's leadership, other than for those officials I just named. There has been no effort to equate the magnitude of Normandy with the battles that took place 50 years ago in Guam and Saipan. While Normandy pulled the Nation's leadership across the Atlantic, the commemoration of the Pacific was not a strong enough draw to get many to cross the Potomac.

D-day has come to mean Normandy in the minds of many. But I want this body, and America, to know that there was more. I recently received a call from a veteran in Atlanta, Mr. Aherst, who called to thank us for hosting the commemoration at Arlington for the Pacific war, and to say that for the men who fought in the Marianas and all the way across the Pacific, every island was a D-day. Guadalcanal, Peleilu, Tarawa, Saipan, Guam, Iwo Jima. All these were D- days which required the courage and commitment that the American soldier, marine, airman, and sailor always gave.

While few in number, we did gather at Arlington, we did remember the sacrifices of those who fought in the Pacific, and we did honor those who died as we laid a wreath at the Tomb of the Unknown Soldier on behalf of a grateful people.

THE SPECIAL NATURE OF GUAM AS A U.S. TERRITORY BEING REOCCUPIED

There is a special dimension to the battle for Guam which was not present in any other Pacific battle, indeed any battle during the Second World War. Guam was a U.S. territory inhabited by people who were U.S. nationals at the time of the outbreak of World War II. It became the only inhabited U.S. territory invaded and occupied by an enemy power during World War II and, in fact, was the first time that a foreign power invaded U.S. soil since the War of 1812.

This special relationship is demonstrated in a painting made from a picture of two young Chamorro boys; battle-hardened American servicemen broke down at the sight of the people of Guam who came down from the hills, and sobbed at the sight of children with handmade American flags, imperfect in their design yet perfectly clear in their representation. This was these boys' presentation of that same flag which had earlier laid on the ground on Guam and which the Japanese commander waved the flashlight over as a sign of victory.

The people of Guam had endured much during the occupation of their island; there was forced labor particularly in the last few months as the Japanese hurriedly built defense fortifications and airstrips on the labor of men and boys as young as 13 and 14.

There was the confiscation of food to feed the thousands of Japanese soldiers brought to Guam to fight off the invasion. This led to some form of malnutrition affecting all of the population of Guam, especially the children. In a postwar study of the children of Guam, those who were born after the war were on the average 2 inches taller than those who were children during the occupation. Those who had grown to adolescence prior to the war were also taller than the children of the occupation.

And there was the forced marches and eventual internment in camps near places called Maimai, Malojloj, and Manengon. Manengon was where most of the people went. And in the forced marches, many were shot, bayoneted, executed, beaten for moving too fast or too slow as whole families, young and old, made their way to camps. And in those camps, the people stayed for a few weeks with no food waiting for their deliverance and hoping that the Japanese would not carry out threats to kill them all.

And in this entire panorama of experience there were naturally heroic stories and dramatic tales. But most experienced the war as a time in which

their families were put at risk. My parents lost three children during the war, and two were buried in areas which my mother can remember, but which we cannot really find today. My elder brothers and sisters became ill; one was so malnourished, the stomach walls became almost transparent; the others simply died. For most Chamorros, the war challenged them in these ways.

But for an unfortunate minority, the brutality of the occupiers became a reality. I'd like to share two stories with you told to me by a couple of very heroic people, Beatrice Flores Emsley who survived an attempted beheading at the age of 13 and Jose Mata Torres who as a 16-year-old witnessed the successful efforts of determined villagers to overtake the Japanese soldiers who had massacred their people.

In the Southern end of Guam, there is a beautiful village called Merizo.

THE MERIZO MASSACRE

The villagers of Merizo had an equally frightening experience, but one with a heroic ending. Many brave men, women, and children played a part in this story, what follows is a synopsis of those events.

On July 15, 1944, the 800 residents of Merizo were rounded up by the Japanese and taken to the Geus River Valley. When they arrived that evening, the Japanese commander stood before the assembled villagers and read aloud a list of thirty names. This group of twenty-five men and five women represented the leadership of the village: schoolteachers, the village commissioner, mothers and fathers who had sons in the U.S. military, a woman who had refused to bow to the Japanese, her two daughters, and other rebellious Chamorros who might give trouble to the Japanese. As darkness began to settle over the valley and the summer rains began to fall, these thirty Chamorros were marched off. The Japanese, intoxicated on sake, teased and tormented their captives constantly until, at Tinta, they reached a cave which the Merizo people had previously been forced to dig as a Japanese ammunition dump.

Fear and hatred ran through the Chamorros as they stood before the taunting Japanese in the ever-increasing rain. Even though the night was now pitch dark, the flashes of naval gunfire from the American ships just offshore occasionally lit the faces of the Chamorros. As they glanced at one another, they came to the realization that the cave was their intended grave. They dared not attempt a rebellion, however, for fear of reprisals against their families back in the valley. The thirty Chamorros were ordered into the cave and told to go to sleep because, their captors told them, "American airplanes are coming to bomb you tonight."

After a few moments of silence, the Japanese began to fire into the cave. Half a dozen Chamorros fell while the rest tried to find cover. Then the Japanese began to lob hand grenades at the Chamorros. Blood flew through the air, splattering on the walls of the cave and on the other Chamorros. Manuel T. Charfauros had attempted to dive for cover outside the cave, but a grenade exploded nearby, ripping the flesh from his leg. Unable to escape now, he lay face down in the dirt pretending to be dead.

Charfauros could hear the groaning of one of his comrades and the rasping sound of air escaping from another's chest. The wounded men heard footsteps approaching. The slashing saber of an officer killed two of them. Charfauros waited his turn, praying that he would only be wounded. Eight Japanese soldiers watched as another, who particularly hated Charfauros, flipped the Chamorro's cap off with the tip of his bayonet, then raised his rifle and lunged, driving the bayonet through Charfauros's shoulder. The Japanese officer then turned and casually tossed six grenades, one after another in the cave.

Felipe Santiago Cruz, inside the cave, had watched his father fall in the first volley of shots. When an exploding Japanese grenade wounded Charfauros, recognizing the Japanese plot for another mass murder, told the boy to return to the camp and tell the men about he Merizo massacre.

At about the same time, the men who had gone to Tingringhanum to gather supplies met one of the survivors of the massacre, Jose S. Reyes, who told them the story of the death of their fellow villagers. Dropping the equipment they were carrying, these brave men return to the Atate camp to try to save the others. Reyes was the only one among them who had a rifle, which he had hidden at his ranch home. As they approached Atate, Reyes devised a plot to overcome the Japanese guards. Each day, the Japanese would form up and stack their weapons together. At that moment, Reyes said, the unarmed men would dash forward and grab the Japanese weapons.

Arriving at Atate, Jose Reyes, Antonio Tyquinco, Juan Borja, Pat Taijeron, Juan Naputi, and Jose Nanguata hid in the jungle, awaiting the most opportune moment. But with the jungle, awaiting the most opportune moment. But with only one rifle, one dagger, and some sharpened sticks among them to face seventeen guards, bravery began to give way to fear. Reyes realized that any hesitation at this moment could mean death for all of them and reprisals against their families. He angrily urged his men forward. "What are you waiting for? Do I have to shoot one of you first to get you to make your move?"

At that, the men rushed for the Japanese weapons. The guards reacted quickly as Reyes began to shoot. Borja attempted to take on a Japanese guard, dagger against saber, while Tyquinco fought with his bare hands. The other men seized the Japanese rifles and, as Reyes quickly showed them how to activate the weapons, began to shoot the Japanese, eventually killing all but one guard, who escaped. The freed Chamorros quickly dispersed to jungle hideouts and ranches, while Reyes and his men took all of the Japanese weapons and headed to a place called Finile, which was known as one of the best hideouts on the island.

After the Merizo villagers had revolted, the families encamped at Atate escaped one by one to their jungle ranches to hide out for the duration of the battle. Manuel Charfauros still lay on the floor of his hut. During a night of delirium, Charfauros sensed a man entering his shack. A searching hand crossed Charfauros's wounded leg and he cried out in pain. A muffled light showed a knife held by a Chamorro. "I was ready to kill you had you been a Jap," said the intruder.

The men with him explained that they had come to find an American flag which they had hidden away shortly after the Japanese had landed two and a half years before. The Chamorros cut coconuts and poured the juice into the empty water jar for Charfauros, then took the flag and left. Three days later, Charfauros' son and three other men rescued him from the shack, carrying him on a stretcher. On July 31, Manuel Charfauros was taken by a small boat from the sandy beaches of Merizo to an American hospital ship that was anchored off the reef.

For Charfauros, it had been a fifteen-day nightmare. For the people of Merizo, the incident was one of heroism and valor. In the face of extermination the Chamorros has fought and saved their families and their honor.

STATEMENT OF BEATRICE FLORES EMSLEY

So as we were sitting there, someone interpreted and came in and started investigating us, whether we're waiting for the American, whether we love the American. Do you understand the American ain't gonna find nothing but just flies?

So we agreed with them. They say we're liars, and they start slapping us around. By almost daylight, a bunch of the soldiers all dressed up and well equipped like they're going to war, and they call us all out and line up.

To each one of us, we had two guns with a rifle and something like a bayonet in front, and they march us down just a little ways. And that place where my grave is at is now got McDonald's.

They push us into this hill, and on top of the hill there's a bunch of soldiers. There was an officer with a long saber. He was standing right by the hole.

The first thing they did is they separate the seven men. And when my uncle pull me, they pull him away and they march them in the other side of the jungle. All us four girls hear is like somebody chopping down the forest, and moaning for God, for mother, and I'm dying, and all that.

Since then, Mr. Chairman, I didn't have any feeling. I'm standing there like I'm just out in a cloud. So then after they finish and everything is quiet, they come back and went by us and they all have a bloody uniform. Their rifle and everything are all blood.

Then finally they start calling Diana Guerrero, the oldest woman, who walked up to this officer, and the only think I seen, and it start to get blurr, was he cut this front and start sawing off her breast.

Then the sister next to her came running up to try to help. They do just everything they can with what they got. And the third one was Toni, because I was the youngest one and the last. They march her up, and the only thing they did is slice down her stomach and everything come out.

When it comes to me, when they took me out, I was walking in air. As soon as they let go of me, I fall down to the ground. Then one Japanese soldier came toward to me and asked me about his half-cast Japanese girlfriend, whether she had a baby.

I said, I don't know because when the Americans start bombing back the island, everybody is out to the jungle, about two, three family in one big tree, praying and praying and praying.

So finally when they are finished with me, he pushed my head down and he hit me in the back of my neck. And all I did is, I feel a splash down on my body, and I was gone.

The next thing, I know, I was trying to struggle because I was buried in that hole. I was struggling for air because I was losing breathing.

Then I found this hand was shaking loose, and I start to reach and scratch my face. When that face was open and I start breathing, I look up on that hill and there was this young man standing, calling, who is alive, to come with him.

Then he said, there comes the Japanese. All I did is I closed my eyes. They come, and I hear them say Bonsai three times, and took off because it's getting daylight.

During daylight, the Japanese is not out. They're all hiding. Only at night.

So then I start digging myself. I look at that certain particular person I saw, and he ain't there. I was just there in that hole.

Then I start digging myself and I hear somebody moaning next to me. It was that girl that has been cut up. She wanted some water. She's thirsty.

So what I did is I crawl over to her and I just felt something wet on that ground, and we just start drinking it.

I passed out until the sun was hitting it and it was so hot and I wake up and I look around, and I said, "Toni," and she was already stiff.

I started to crawl up the hill to get away from that area. When I got up to the hill, I fell down because I'm so weak. When I fell back down there, I wait for awhile until I get enough strength to climb up.

I climb up and I start crawling over to where I hear them Chamorro men crying and hollering for God and help.

I happened to look, and the only thing that I seen on my uncle is that leg that got wounded. The reason why, Mr. Chairman, I know this is his is because the half of that pants that he was wearing they're so filthy.

So then I just look and I continue. I don't know where I'm going. I don't know what happened to me. I don't know nothing. I just keep going.

THE FINAL IRONY—WAR RESTITUTION

The story of the people of Guam is powerful and deserves recognition and I am determined to ensure that the appropriate attention is given to them. There is an unfinished story here and a resulting irony which demands attention.

War reparations; Compensation, reparations, restitution has been given to all who experienced the war except for Guam.

All islands; including the Aleutian Islands have been given some compensation.

In a twist of fate that has worked against the Chamorro people, the Chamorus were granted U.S. citizenship in 1950 as part of the Organic Act.

This was done in recognition of loyalty.

In 1952, the United States signed a peace treaty with Japan ending World War II. In that treaty, United States citizens were foreclosed the opportunity to seek redress through reparations claims against Japan.

The result was that everyone in the Pacific has been allowed to seek and receive reparations for forced labor as well as injury and death from Japan, including Japanese mandate peoples.

The U.S. Government inherited this obligation and for this purpose I have introduced a Guam War Restitution Act today to bring justice for the people of Guam; to finish the story; to give justice to Jose Torres and Beatrice Emsley.

TAI JAPANESE CAMP—WAR MEMORIES

(As told by Judge Joaquin V.E. Manibusan)

Before the bombardment, about July 3-4, there were several of us who have been under the siege and brutal treatment by treatment of the Japanese during WWII. Opposite Father Duenas Memorial School in Tai was a farm which belonged to a Chamorro family I believe was the Torre-Tenorio (Bonik) family. I remember there were three nurses from the Guam Memorial Hospital who were stationed at the camp whose names are: Mariquita Perez Howard, Concepcion Torre Tenorio (Connie Slotnick) and Simplicia Salas. This farm was taken over by the Japanese command and I, along with the rest of those farming there, were forced to labor and harvest for the Japanese soldiers. We were also beaten up and struck almost every time if we did not obey their command. I recall how the Japanese commander would take a dog and hang it upside down with his legs tied up to a limb of a tree and how he would demonstrate to us what he believed to be an art and skill of slaying the dog's head. Of course, he was showing off the power of his sharp blade on the sword.

There were several occasions where he would tie my hands and others and he would take his sword and run the sword on the back of my neck. The interpreter told me that I was supposed to have my neck slashed twice; however, I escaped death again. Another fearful and agonizing moment was when a blade of the sword actually nicked my forehead as a threat to be obedient to the Japanese command. The scar is still on my forehead and although in these past few years that I have not associated this scar with the painful scars of the war, I am again reminded why that scar is there. Again, while others may have had their heads severed, I again escaped death.

There is that one day in my life that cannot be compared with any other day of my life. It was that day 51 years ago where Tun Enrique White and I were teamed up to dig one hole of three holes that others were teamed up to dig. On the opposite side which, I believe, belongs to the Bonja or Aguon family. It was the hole that later Juan Perez was buried in after he was beheaded. Looking at this picture, it is the hole on your extreme right and you can see Juan Perez kneeling beside the hole. In the middle of the picture is Jesus Salas shown kneeling beside the hole dug for him. Both Perez and Salas were members of the insular forces and were from Piti. Another hole to the immediate left was Dug, Migel Salas who either was already dead because he had been tortured severely from Hagatna because instead of going to get water he was found doing something else, or was to be killed at the site of the hole. I do not quite remember the Merfalen death. What I remember was that a ceremony always occurs before a beheading. I remember that the tallest Japanese was the man in charge of slaying both Perez and Salas. You can see from the photo a Japanese soldier leaning to wipe off the blood from the slaying and cleaning the sword. The sword was always cleaned before any beheading is to be done. Tun Enrique White now has passed away and I am the only one living to recall this agonizing and traumatic experience. One other command from the Japanese that was part of their ritual was to have all the prisoners of their camp surround the holes to be witnesses of what would happen to them if anyone dare disobey their command.

Although I forced myself to mentally block this memory from my mind, the scars on my leg and on my back are constant reminders every waking moment of my day. And now as I remember, the pain grows stronger and the memories vivid and I find myself reliving the fear and torture in tears.

A few days after the beheading incident during the heavy bombardment, Tun Ben Blas, Tun Victioriano Camacho and I went into the middle of the camp and hid in between a bunch of bananas as the American flyers were bombing into the camp. After the bombardment stopped for awhile, we went to inspect the rest and this is where we found Msgr. Ben Martinez and Salas were badly injured by shrapnel.

Martinez and Salas where hit at the Thorretenorio property and they were handed to me at the other camp. Because their wounds are getting swollen and are beginning to have an odor. I convinced the Japanese ("Taicho") leader that it was in their (Japanese) best interests to send both Martinez and Salas to their families in Mannenghon so that they will not be blamed if anything should happen to them. This was my way of safeguarding the lines of Martinez and Salas. It was then, I who carried Msgr. of Martinez all the way to Mannenghon to deliver him to the Martinez family.

As the Chamorros honor the members of their insular forces who died in battle and the rest of the Chamorros who were beheaded and tortured to death, I want to part with a picture that my late father, Judge Jose Cmacho Manibusan, gave me while he was a member of the War Crime Commisison—which accounts for these painful memories at Tai. I wish to tell my stories to my children and to their children's children, and so on. It is time to talk about my experience during the war, and continue to talk so that maybe by talking and sharing my experience I can finally let go of these painful memories and find peace after 51 years of not telling my story and now begin to heal.

I do say without any doubt in my heart and in my mind that the Almighty God was always with me and spared my life. As one grateful individual, I will always hold these memories close to my heart and remember my comrades and those who have died during Guam's own war holocaust.

I cannot add to that story; justice and recognition must come and it must come from this body. To this end, I have introduced H.R. 4741, the Guam War Restitution Act. I urge my colleagues to cosponsor and support this legislation which may not be of immediate concern to the nation, but which brings justice to those who have been denied all these years and which will do honor to this country.

□ 2200

Si yu's ma' ase' todos hamyo.

Thank you very much, Mr. Speaker, I know the day is long and I thank the staff very much for their forebearance.

THE FIRE ON STORM KING MOUNTAIN

The SPEAKER pro tempore (Mr. HOLDEN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Colorado [Mr. MCINNIS] is recognized for 30 minutes.

Mr. MCINNIS. Mr. Speaker, July 6, 1994. The fire on Storm King Mountain. Let me tell you a little about the mountains of Colorado, specifically Storm King Mountain. Storm King Mountain is a massive mountain about

8,900 feet in elevation. It sits on the west side of Glenwood Springs, CO. It is a beautiful mountain, a big, bold mountain, a mountain which has provided over the generations water for the community, a mountain which for generations has provided recreation and has provided livestock opportunities, earning opportunities for the people, hiking opportunities. It is truly a beautiful mountain. But on July 6, 1994, just last week, 14 very brave individuals lost their lives in an attempt to control an out-of-control fire on the face of Storm King Mountain.

As I proceed this evening to tell you about the fire, to tell you about the volunteers, to tell you about the firefighters and the community and the very heavy price that was paid, let me remind all of you in here that Storm King Mountain must be forgiven for she could not control what happened on her face that day and that as time heals the mountain, we also hope time helps heal this country for the tremendous loss that we suffered of these young and vibrant firefighters who paid the supreme sacrifice with their lives.

Let me start with the history of the fire. It is somewhat in question as to when that bolt of lightening hit the mountain, but we do believe that about on July 2, lightning did strike Storm King Mountain. At least in Colorado when lightning strikes the mountains, it usually takes from the smoldering to the actual flame clear up to 20 hours or 24 hours. But on July 2, a bolt of lightning struck the mountain and that was to begin one of the deadliest fires in the history of the United States in regards to forest fires.

The terrain of Storm King Mountain is steep terrain. In fact, where these particular firefighters lost their lives, the terrain was probably at about 70 degrees. It is not dense vegetation. It has juniper trees, pinyon trees, and sheep grass. It is rugged terrain. It also has a lot of oak brush.

□ 2210

The fire, when it originally started, really was confined to about 2 or 3 acres. At that time in Colorado we had a number of fires going. We had a horrible fire in Paonia, CO, that at this point in time and already burned structures. We had a fire raging in Durango, CO. We had a fire going in Fort Collins, CO.

In fact, on a daily basis, when fire has passed through Colorado, this summer in particular, when it is very dry, we are averaging about 30 fires a day. This fire was being monitored, and it was about 2 or 3 acres.

By Tuesday of that week, it had spread to about 30 acres and we were able to, because some of the other fires were under control, the Bureau of Land Management and the Forest Service were able to move some resources to Glenwood Springs. They had about 15 firefighters on Tuesday.

By Wednesday these firefighters had additional reinforcements, which included slurry bombs, helicopters, and 52 fighters that came onto the scene to better control the fire.

At that time, again, the fire was about 30 acres. Control of the fire was felt to be imminent. Amongst those 52 fighters, we had the best of the best, and we had a group in there called the Hot Shots from Prineville, OR.

Well, that day we had a cold front that came through the mountain region, and that cold front delivered winds between 50 and 75 miles an hour. In my opinion, those winds, swirling up that particular canyon, were very unpredictable. It is my belief that this fire, once we complete our investigations, will show that many unforgiving circumstances came together at the same time to create this tragedy, to create this inferno on Storm King Mountain.

What happened, and let me refer to our diagram here, this is about the point of origin of where the first lightning took place. The fire expanded to about 30 acres, which would be about the area where my finger is right now. The winds came through, and, as I said, these winds were not predictable, especially at the velocity they were. In fact, I had a friend riding a horse about 6 miles away from the scene, and said that the dust was so fierce that he could hardly see the head of the horse as he was riding, and the wind velocity.

What happened was that the wind came into this canyon. An easy way to picture it is on your right hand you have the incline of the slope. On the left hand you have firefighters who are cutting down the slope a fireline. The fire is going down in this type of direction, and these firefighters are trying to cut this line. What happened is the wind came into the canyon, caught behind this fire, swirled the fire, and the fire was on the firefighters.

It was a devastating wind. The forest, as they say in firefighting terms, literally blew up. This fire went from a 30-acre fire to a 2,000-acre fire within a period of hours. It looked like a blow torch sitting on the mountain. Some of these firefighters never even knew what hit them.

Some of the firefighters were fortunate and were able to outrace the flames. But even some of those firefighters suffered very serious injuries.

In a matter of seconds, what appeared to be a minor fire under control by some of the most sophisticated, best-trained, hardest working firefighters in the world, turned into a chaotic tragedy of unbelievable consequences.

So as this fire expanded, there was an immediate threat, one, to the lives of the firefighters, and, two, this is Glenwood Springs over in this area. This community is surrounded by mountains that are vegetated very much, like Storm King Mountain. The entire community of Glenwood Springs, CO, was under imminent threat of total destruction. But these firefighters wanted to make sure that that did not happen.

Let us talk for just a few minutes about who these firefighters are. We know they are hard workers. They are young, for the most part. To climb these kind of rugged mountains in Colorado, Montana, Oregon, or anywhere in the West, you have got to be rugged. Frankly, you have got to be a pretty tough cookie. You have got to be well-trained. Because a timber fire is different from a grass fire, and a grass fire is different from a fire with oak brush, and an oak brush fire is different than a structural fire. They need to know those differences. They need to know how to use their tools. They need to know how to survive and fight fires under severe weather conditions.

But what I can tell you, because I was on the scene, I went up where the accident occurred, where the fatalities were incurred, and it is my conclusion after seeing that, and I used to be a police officer, a fireman, I am not going up without knowledge, it is my conclusion that those firefighters who lost their lives and those firefighters who were on the scene gave it their very best. They had a job to do, and I think that they did a good job. It is just that those unforgiving circumstances caught up with them.

Now, there is also always a point in time where people like to point fingers, where people like to say, did they do their job right? Did they do this? Did they do that? There will be plenty of time for investigations.

But right now, I am very comfortable in what I have just said, and that is that these rugged, tough, young, and, by the way, well-educated young firefighters, did the best job they knew how and the best job any of us could have asked them to do.

We had lots of participation in helping with this fire. Once the fire blew up, of course, it became the highest priority in the United States in regards to firefighting. Before the fire was over, we had 499 firepeople on the scene. We had tens of ambulances. We had hundreds of other volunteers from throughout the valley. We had thousands, literally thousands of volunteers, who came to Glenwood Springs to offer what they could to put out the fire on Storm King Mountain.

What about the victims? What about these firefighters who were, as I described earlier, young, vivacious, energetic, bright? Well, I am going to read to you tonight about these 14 people. I am going to start with Tami Bickett.

Tami Bickett, 25, didn't let anything interfere with her job as a squad leader for the Prineville Hot Shots.

Two years ago, she was injured fighting a fire. But Bickett, willful and determined, persuaded her doctor to let her go back to work.

"They put her in a supply office until she got better," said friend Laura Pyle. "She wanted to be back out on the line."

Bickett, who was engaged to marry Bob Lightly, was a strong, competitive athlete who loved the excitement of fighting fires, Pyle said.

"She didn't like to lose."

Bickett, of Powell Butte, Ore., joined the U.S. Forest Service in 1988.

"All Tami could ever talk about was wanting to be a firefighter," said another friend, Teresa Gentry.

She is survived by her parents, Gerald and Jan Bickett of Lebanon, Ore., a brother and sister, and her fiance.

"I'm going to do my own tribute to her in Oregon, where she grew up," Lightly said.

Next is Kathi Beck.

Kathi Beck, 24, lived on the edge.

"We were dubious at times," said her father, Ernest Walsleben. "But her love for adventure overpowered our concerns."

Beck, a member of the Prineville Hot Shots, did not fear the elements, her family said. She liked sky diving. She climbed mountains as close as Mount Hood and as far away as Thailand. She ran every day and went rock climbing as often as she could.

She loved children, and wanted to pass on her passion for the outdoors.

"Kathi was a free spirit. She was a beautiful person, and so kind," said her mother, Susan Walsleben of Boring, Ore. "I always thought she would be written up in history books because she was so unique."

Susan Walsleben thinks her daughter was inspired by her grandfather, who was a firefighter.

"Kathi always wanted to be a firefighter," she said.

Beck was a psychology major at the University of Oregon in Eugene, notching straight A's and trying to earn money to go to graduate school.

She is survived by her parents and two sisters.

□ 2220

Robert Browning.

Robert Browning, 27, was a southerner fighting the West's worst fires.

Browing had moved to Grand Junction in the past month to join the Western Slope Helitack BLM Smoke Jumpers, firefighters who rappel from helicopters.

A resident of Jackson, S.C., he had been working as a firefighter at the Savannah River Site in George since 1982.

"His friends and his workmates speak of him as a No. 1 young man," his stepfather, Donald Lee Radford, told the *Augusta (GA.) Chronicle*.

"He was a dedicated Forest Service person. He loved his career. He loved serving people. He was just a good kid."

Browing is also survived by his-mother, Ruth, and two stepsisters.

Scott Blecha.

Scott Blecha, 27, an ex-Marine who had decided to give up firefighting in favor of engineering, was always the one who made everyone laugh.

He was an excellent athlete who worked as a life-guard and taught water aerobics, said his girlfriend, Kelly Armantrout. He enjoyed scuba diving. And he was ambitious.

He was student body vice president his senior year at Clatskanie High School in Oregon. He played offensive tackle on the football team and played clarinet in the band.

"He was a real go-getter," Armantrout said.

Blecha had lived in Clatskanie most of his life. He had just decided to go to graduate school after fighting fires this summer with the Prineville Hot Shots, said his father, Kirk Blecha.

"He said he wanted one more season."

Blecha died doing what he wanted to do, his father said.

"He was a man who made those kinds of decisions," Kirk Blecha said. "I love him a lot, but I want you to know he was a man doing what he liked to do. We're going to miss him immensely"

Levi Brinkley.

The triplets were born Oct. 21, 1971, in Burns, Ore. Levi and Seth and Joseph.

"Most people remember when they were born, these three wild little boys," said neighbor Carol McDonald.

When Levi Brinkley, 22, got word this spring that he'd made the elite Prineville Hot Shot crew, he quit his construction job in Boise, Idaho, and headed to Oregon.

He'd worked as a U.S. Forest Service firefighter in the Ochoco National Forest for two or three years, but he didn't plan to be a firefighter forever.

Blecha was earning money to complete his degree at Boise State University, where his two brothers live. He wanted to be a psychologist.

Brinkley was an avid skier, and one of his goals was to ski in Colorado.

"He and his brothers went to Utah last year," said his father, Ken Brinkley of Burns. "He said the next trip was in Colorado."

Doug Dunbar.

Doug Dunbar was only 22, but he'd been a firefighter for five years.

He knew a good fire crew, and the Prineville Hot Shots was the best, he told his father, Randy Dunbar.

Dunbar had called his father from Kingsley Air Field in Klamath Falls to say he was headed to Colorado to help put out a fire.

"I always wanted to keep track of him," said Randy Dunbar, who had assumed the next communication would be in person.

This was to be Dunbar's last season on the fire lines. He had one quarter left at Southern Oregon State College in Ashland to earn a degree in business administration.

"Doug was the kind of human being that society ought to have," Randy Dunbar said. "He was a good worker. He was a good, kind-hearted kid, and any parent would be awfully proud to have a son like Doug."

Richard Tyler.

Rich Tyler, 33, foreman of an elite four-person crew with the Western Slope Helitack, narrowly escaped death in 1985, when a helicopter crashed at the west end of the Gunnison Gorge.

The helicopter pilot, Jim Daugherty of Grand Junction, and three firefighters were killed. Tyler was a member of that crew, but he had rotated out of the helicopter to the "chase truck" that day, said Rob Ferguson of the Grand Junction Fire Department.

"He escaped that one, only to have this one get him," Ferguson said. "It got him anyway. It just took a little longer."

Tyler once said his job—rappelling from helicopters to fight fires—was "no big deal."

He studied forestry at the University of Minnesota and worked on fire engine crews in the summer. He moved to Mesa County in 1985 to join the Helitack group because he thought it looked like fun.

Tyler was dedicated to firefighting, said Paul Hefner, director of the Western Slope Fire Coordination Center.

"I remember he was on a fire about a year ago. We had to drag him in when his son was born," said Hefner.

Tyler worked seasonally, from mid-May until September.

The time off served as "a cleansing period," he told the Grand Junction Daily Sentinel in March. "I get to spend time with my son, Andrew, and my wife."

Robert Johnson.

Rob Johnson, 26, and his 24-year-old brother, Tony, were on the same ridge on Storm King Mountain Wednesday as the fire roared at them. Tony Johnson barely outran the flames that claimed his brother.

Rob Johnson was a rare combination—a firefighter and an accountant. He spent his winters in Vail as a CPA, his summers in Prineville fighting fires with the Hot Shots.

A 1986 graduate of Roseburg High School, he graduated from Oregon State University in 1990.

His mother, Marie, is an elementary school teacher. His father, Gene, is a fire marshall with the Roseburg Fire Department.

Jon Kelso.

Jon Kelso, 27, loved the outdoors. A lifelong resident of Prineville, he was a crew chief for the Prineville Hot Shots.

Kelso had graduated from Oregon State University with a degree in wildlife biology. He was seeking an engineering degree from the Oregon Institute of Technology in Klamath Falls.

"It certainly has been quite a shock," said David Armstrong, owner of Armstrong Surveying and Engineering, where Kelso's brother, Greg, works as a surveyor.

"I know (Jon Kelso) enjoyed outdoor activities with his father and brother," Armstrong said.

Kelso's mother, Anita, is a Prineville real estate agent. His father, Marvin, is a sixth-grade teacher.

Don Mackey.

Montana smoke jumper Don Mackey, 34, died doing what he did best: fighting fires.

"There was none better," said his father, Robert Mackey, 62, of Corvallis, Mont. "He was one of those first and last guys (in a fire)."

Mackey, who had fought fires for 19 years, became a year-round smoke jumper in January. His last fire was deadly, but Mackey—the father of three—was a hero, said his ex-wife, Rene Mackey, 37.

"He was at the ridge where it had already burned, and he took one bunch of firefighters up and told them where to go," she said.

"He came back to get the rest of those firefighters and that's when he was taken over. He could have taken off and run, but he knew the situation and went back to save their lives."

Mackey's best friend, Kevin Erickson of Missoula, Mont., was on Storm King Mountain. He survived.

An avid hunter and fisherman, Mackey took his kids—13-year-old Cara, 4-year-old Bob and Leslianne, who turned 6 the day after Mackey died—horseback riding and taught them to shoot. This year, for the first time, he obtained a moose hunting license.

Don Mackey knew the risks. But he never thought he would die fighting a fire, Rene Mackey said.

"He always thought he would grow old."

□ 2230

James Thrash.

James Thrash was the best of the best.

The oldest and most experienced firefighter to die on Storm Creek Mountain, Thrash, 44, had been a smoke jumper for 15 years. He was based in McCall, Idaho.

"I find it very hard to believe that something caught him off guard," said John Humphries, training and operations foreman in McCall.

"People looked to him for advice and leadership on fires."

He called Thrash an "avid outdoorsman, very skillful and knowledgeable about taking care of himself outdoors."

Thrash operated a guide business. He owned pack horses and led hunting and camping expeditions into the Payette National Forest.

He leaves his wife, Holly, and a son and a daughter, both grade-schoolers.

Roger Roth.

Roger Roth, 30, couldn't get enough of fighting fires.

He was a smoke jumper based in McCall, Idaho, during the western fire season.

During the winter, he headed to Florida to fight wildfires there.

Roth, who wasn't married, had been a smokejumper for three years.

Bonnie Holtby.

Bonnie Holtby, 21, was the youngest victim of the Canyon Creek Fire.

Holtby was a high school distance runner who was long on desire but wasn't the fastest athlete on the team.

"She wasn't gifted with a great deal of speed," said Jim Erickson, who coaches the Redmond High School track teams. "But she worked hard for everything she got. She had that really strong character and integrity."

Holtby also ran for the cross-country team in the fall and played basketball as a 5-foot-8 forward in the winter. In the spring, she ran 3,000-meter races and threw the shot put for the track team.

"Some kids gain a lot of success just by sheer talent," Erickson said. "Bonnie didn't have that talent, but she was a dedicated, hard worker. She was special that way."

Holtby had followed her father, uncle and grandfather into firefighting, seeking the same thrill she got from athletics, said her mother, Jeannie Holtby of Redmond.

She is survived by her mother and father; brother, Ben; and a sister, Stacy.

Terri Hagen.

Terri Ann Hagen, 28, another Prineville Hot Shot, spent her holidays and summers working at Central Oregon District Hospital in Redmond, drawing and collecting blood in the laboratory.

A 1984 high school graduate, she was just shy of completing her degree in entomology, the study of insects, at Oregon State University.

"She was always bringing these strange and exotic insects into the lab," said Steven O'Connell, manager of the hospital lab. "My kids still have some at home."

He described Hagen as a woman who liked to live life to the fullest. He said she was excited about joining the Hot Shots this year.

She leaves her husband, Cliff Hagen.

These names and the people that I have just discussed with you will forever have their names etched in the side of Storm King Mountain.

What about the rescue and the recovery efforts? There are an awful lot of people to thank for the efforts and for saving Glenwood Springs from what appeared to be imminent destruction by fire.

I arrived at the scene and went up to the scene of the fatalities, and I can tell you that upon getting out of that helicopter, it looked like you were peeking inside the door of hell.

We had many people who spent a lot of time. We had the Glenwood Springs Fire Department, their fire chief, Jim Mason, and his wife, Renee, both longstanding and welcome members of the community.

We had Levi Buris, and Levi was the undersheriff of Garfield County, and I think he went 3 or 4 days without sleeping. He wanted to bring those men and women home. He did not want any more destruction.

We had the Holub brothers, Rick and Jeff, who were part of the search and rescue crew, who have spent 16 years on search and rescue in that area.

We had Steve Ocho, the same thing, dedicated his life to search and rescue, and would not come off those mountains until they knew they were able to bring these men and women home.

There was Tray Holt, who assisted as the assistant coroner in Garfield County, a very compassionate and kind man.

There were the helicopter crews, lots of helicopter crews, and as you know if you have read the news recently, in the last weekend we lost a helicopter just over the mountain with two rescuers, the helicopter pilot and a nurse.

In New Mexico just 2 days ago we had a helicopter go down that killed three firemen. Helicopter crews take a high risk, but they are very good at what they do, and they know how to do it.

We had lots of volunteer firemen, men and women from across the valley. I will bet we had 25 departments, maybe even 50 departments, that sent tanks and crews and backup and food and supplies to Glenwood Springs to fight the Storm King fire.

Our Governor, Governor Romer, arrived on the scene and did, in my opinion, a tremendous job in assisting the families and the victims and the survivors.

Our own mayor, Glenwood Springs mayor, Bob Zanelli, who said that "These 14 lost firefighters are ours. They are a part of us, and they will remain a part of us throughout our history."

There was the chairman of the Garfield County Commissioners, Marion Smith; the Bureau of Land Management; the Forest Service; all of the different agencies that came together to take on this monster.

Finally we slayed the monster, but not before the monster slayed 14 of our own.

I had an opportunity, Mr. Speaker, truly a privilege, to go to Prineville, OR, for the memorial service. Prineville is a beautiful community, a wonderful golf course, a small town, very, very similar to Glenwood Springs, CO; good people, small town America to small town America.

Prineville sent their youth to our community so that the youth of our community could have a tomorrow. There were lots of people in these communities, both in Prineville and down in Glenwood Springs, that supported the efforts of trying to conquer the monster.

We had donations of everything from chocolate chip cookies to private jets. We had pizza come down from Aspen, from Andre's, the local pizza place, who sent in lots of pizza.

Norm and Rose Gould, the Goulds provided expresso. Can you imagine, our headquarters was at the middle school in Glenwood Springs and our firefighters for 4 or 5 days, 24 hours a day, either Norm or Rose were there serving them expresso coffee, cappuchino, on order.

There were meals that the restaurants sent in by the hundreds, motel and hotels that voluntarily gave away their rooms; the Wal-Marts, the other clothing stores, Anderson's sent pants and smocks, all of these retail clothing stores that would donate clothes, donate boots, whatever we could do to accumulate our efforts in the battle against that fire.

At the hospital we had a tremendous amount of volunteers, and of course we had very qualified medical personnel. John Johnson and Trish out there, who run the hospital, did an excellent job. We had excellent response by the emergency squads.

We had a woman who carried around a sign at the headquarters, and the sign said "God bless our firefighters." We had prayers from every faith.

In memory of the 14 firefighters, the city of Glenwood Springs has on one of its mountains a cross. That cross is lit usually every holiday, and it has been lit three times, for three different tragedies: this tragedy; when the gas company blew up in about 1986; and the coal company in about 1981 had an explosion, and that cross was lit for all three occasions. In memory of these 14 firefighters, that cross will remain lit for 14 days.

We had lots of help, lots of good help to take on this fire.

□ 2240

What about the investigation? A lot of us asked the same question. How did it happen? Why did it happen? Why did we have to pay such a heavy price of 14 young, bright, capable men and women? Was it because they had made a mistake?

In my opinion, no. I told you earlier I think they did a good job. I think they worked hard. They were tough cookies. they were not a bunch of rookies on the side of a vicious mountain in Colorado. They were pros.

We are going to have investigations, but I urge people across the country to

hold off and let the investigations run their due course. What we want to learn from those investigations is not who to point fingers at, what we want to learn from those investigations is how do we avoid this kind of tragedy in the future and what kind of technology improvements can we have. What type of different strategies can we use so that hopefully in our history this never repeats itself.

What about the future? The future I think holds a lot for Oregon and for Colorado, thanks to the valiant efforts of these firefighters, not only the ones who lost their lives, but also the firefighter who survived, those Hotshot crews, and that is the name of them, out of Primeville who will be back fighting fires very soon. Many of the crews that were on that fire and pulled off that fire after we got it out are now on other fires throughout the West. It is a job that is endless. It is a job that will have a high price to pay at some point in the future.

We need to give these people the best support we can. Being a firefighter is an admirable job, but it needs support. They need support from their community.

Let me conclude with just two things. First, let me read an article about the final journey of the 14 who lost their lives on Storm King Mountain. It is entitled "Bodies of 9 Firefighter Make Journey to Oregon."

[From the Denver Post, July 13, 1994]

BODIES OF 9 FIREFIGHTERS MAKE JOURNEY TO OREGON

(By Mark Eddy and Ellen Miller)

GLENWOOD SPRINGS.—Under a cross illuminated in their honor, nine Oregon firefighters who were killed trying to smother a blaze that threatened this town journeyed home yesterday.

The caskets, draped in Colorado state flags, were loaded into nine hearses adorned with purple bows and driven to Grand Junction, where they were put on a U.S. Forest Service DC-3 smoke-jumping plane and flown home to Oregon.

The nine "hotshots". were among 14 firefighters killed a week ago when the fire on Storm King Mountain west of Glenwood Springs suddenly flared out of control. The fire, which burned more than 2,000 acres, was finally brought under control by more than 500 firefighters Monday night.

The cross, on a ridge above town, was illuminated Friday and will stay lit for 14 days in honor of the 14 firefighters.

District Ranger Dick Godwin of the U.S. Bureau of Land Management led the solemn procession. He said there were people at the Canyon Creek exit near the fire site and others down the road at Newcastle standing by to pay their respects.

Six firefighters—four men and two women—were pallbearers, transferring each of the caskets from hearses to the plane. All six wore the standard firefighter flame-resistant uniform of yellow shirts and green pants.

The only sounds were the roars of slurry bombers taking off from Walker Field for morning strikes on the many fires burning on the Western slope.

As the DC-3 lifted off from the runway at about 9 a.m., several firefighters removed their helmets and waved.

"It makes you think a lot about safety, and about how serious a job this is," said Chad Ford, a firefighter from Minturn. "It really, really makes you think."

The plane made four stops in Oregon. Six of the dead were returned to Redmond in central Oregon, where the elite team of hotshot firefighters was based. Eleven firefighters who survived the blaze and about 50 friends and relatives were on hand for a somber ceremony punctuated only by sobs and the playing of taps.

"This is the worst part of the deal, right here," said Bryan Scholz, one of the survivors. "It's going to be good having them back home, but not being able to shake their hands is a raw deal."

The six brought to Redmond were Kathi Beck of Eugene; Tami Bickett of Powell Butte; Rob Johnson of Redmond; and Terri Hagen, Bonnie Holtby and Jon Kelso of Prineville.

Earlier, at the eastern Oregon town of Burns, a crowd of about 350 fell silent as the plane approached. A minister read the Lord's Prayer.

The plane later stopped in Eugene, where 40 ribbon-wearing spectators awaited the return of the body of Doug Dunbar of McKenzie Bridge.

The hearse was led by motorcycle police and followed by several squad cars. Fire engines were stationed along the route to the funeral home.

The plane's final stop was in Troutdale, east of Portland, with the body of Scott Blecha of Clatskanie.

The bodies of the other firefighters killed in the blaze were returned home last week.

Today I had the privilege and honor to write to Gov. Barbara Roberts, Governor of the State of Oregon, Senator MARK HATFIELD, U.S. Senator of the State of Oregon and Senator PACKWOOD, U.S. Senator from the State of Oregon and the Honorable ROBERT SMITH, U.S. House of Representatives in whose district Prineville and these other communities are located. I wrote as follows:

To the People of Oregon:

On July 6th, 1994, several of Oregon's finest citizens gave their lives in the line of duty to protect the community of Glenwood Springs, Colorado from devastation as a result of a horrible, unpredictable fire. The pain and loss felt by the fine state of Oregon and by the family and friends of the firefighters is shared by the people of Colorado.

Such bravery, as shown by these firefighters and those firefighters who survived, is the standard by which the term "hero" should be defined.

With deep gratitude, the people of Colorado and I would like to thank the state of Oregon. We will reserve in our memory and thoughts a special place, so that future generations will recognize the price paid.

A beautiful and moving memorial will be placed in the Glenwood area within the near future.

Finally, Mr. Speaker, years ago I lost a very, very close friend of mine, and I can remember his grandfather, an old cowboy. His grandfather came down to me, and I was in grief, and he put his hand on my shoulder and he said to me, "Scott, E.J. has just ridden ahead on the trail to set up camp and put on the coffee." These 14 heroes have just ridden ahead on the trail.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today before 11 a.m., on account of medical reasons.

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. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. GILMAN.

Mrs. VUCANOVICH.

Mr. ZELIFF.

Mr. WELDON.

Mr. QUINN.

Mr. SMITH of Texas.

Mr. SOLOMON in four instances.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. HAMILTON in three instances.

Mrs. THURMAN in two instances.

Mr. HASTINGS.

Mr. MANN.

Mr. CLYBURN in four instances.

Mr. MARKEY.

Mr. LANTOS.

Mr. BROWN of California.

Mr. HINCHEY.

Mr. CARR of Michigan.

Mr. BROWN of California.

Mrs. MALONEY.

Mrs. SCHROEDER.

Mr. STUDDS.

Mr. SPRATT.

Mr. RICHARDSON.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. LEACH.

Mr. PAXON.

Mr. POMEROY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1703. An act to expand the boundaries of the Piscataway National Park, and for other purposes; to the Committee on Natural Resources.

SENATE ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 273. An act to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Thursday, July 14, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3508. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for the Dominican Republic, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3509. A letter from the Director, Office of Management and Budget, transmitting a report by OMB for pay-as-you-go calculations for Public Law No. 103-275 (H.R. 4568), pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of their intent to disburse funds for purposes of Nonproliferation and Disarmament Fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on Foreign Affairs and Appropriations.

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. CLAY: Committee on Post Office and Civil Service. H.R. 3499. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; with an amendment (Rept. 103-598, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2721. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees, and for other purposes; with an amendment (Rept. 103-599 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself, Mrs. UNSOELD, and Mr. WYDEN):

H.R. 4734. A bill to require consultations, assessments, and monitoring of the effects of major trade actions on the environment generally, including fish, wildlife, endangered species, and other natural resources; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mr. RUSH:

H.R. 4735. A bill to amend section 14 of the United States Housing Act of 1937 to authorize public housing agencies to use comprehensive modernization grant amounts to leverage amounts to replace and modernize public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSE (by request):

H.R. 4736. A bill to establish in the Treasury of the United States the Library of Congress Revolving Fund, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. WYDEN (for himself, Mr. STUDDS, and Mrs. UNSOELD):

H.R. 4737. A bill to modify the negotiating objectives of the United States for future trade agreements, and for other purposes; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. BLUTE, Mr. GOSS, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. GREENWOOD, and Mr. ROBERTS):

H.R. 4738. A bill to reduce the official mail allowance of Members of the House and to prohibit certain other mailing practices, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mrs. BYRNE:

H.R. 4739. A bill to extend certain requirements and standards under the Occupational Safety and Health Act of 1970 to the legislative branch; jointly, to the Committees on Education and Labor and House Administration.

By Mr. DEUTSCH:

H.R. 4740. A bill to require the Administrator of General Services to convey to the city of Key West, FL, each of 2 parcels of land of the Naval Air Station Key West in Key West, FL, at such time as the parcel is reported to the Administrator as excess to the needs of the Department of the Navy; to the Committee on Government Operations.

By Mr. UNDERWOOD:

H.R. 4741. A bill to amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; jointly, to the Committees on Natural Resources and the Judiciary.

By Mr. HERGER:

H.R. 4742. A bill to declare a state of emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. KINGSTON:

H.R. 4743. A bill to provide that carriage of an item of equipment to be used under a Federal contract for cleaning up radioactive waste from the production of nuclear weapons is not coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Ms. LAMBERT (for herself, Mr. THORNTON, Mr. EMERSON, Mr. STENHOLM, Mr. McCLOSKEY, Mr. MYERS of Indiana, Mr. HILLIARD, and Mr. BAKER of Louisiana):

H.R. 4744. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes; to the Committee on Agriculture.

By Mr. MARKEY (for himself and Mr. SYNAR):

H.R. 4745. A bill to provide a framework for Securities and Exchange Commission supervision and regulation of derivatives activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of California (by request):

H.R. 4746. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Natural Resources.

By Mr. MORAN:

H.R. 4747. A bill to amend the Internal Revenue Code of 1986 to allow claims for credits and refunds in certain cases where the statute of limitations is open for the assessment of a deficiency; to the Committee on Ways and Means.

H.R. 4748. A bill to amend the Internal Revenue Code of 1986 to allow the Internal Revenue Service to prescribe and update a standard mileage rate for the charitable use of a passenger automobile; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself and Mr. DIAZ-BALART):

H.R. 4749. A bill to provide for adjustment of status of certain Nicaraguans; to the Committee on the Judiciary.

By Mr. SHARP:

H.R. 4750. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4751. A bill to reauthorize appropriations for the weatherization program under section 422 of the Energy Conservation and Production Act; to the Committee on Energy and Commerce.

H.R. 4752. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TORRICELLI:

H.R. 4753. A bill to provide for the safety of journeymen boxers, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4754. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

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

H.R. 140: Mr. LUCAS and Mr. ANDREWS of New Jersey.
H.R. 171: Mr. WELDON.
H.R. 214: Mr. KYL.
H.R. 216: Ms. MARGOLIES-MEZVINSKY.
H.R. 291: Mr. BACCHUS of Florida, Mr. MANTON, Mr. FOGLIETTA, and Mr. GEKAS.
H.R. 302: Mr. ENGEL and Mr. STRICKLAND.
H.R. 326: Mr. POMBO, Mr. HALL of Texas, Mrs. COLLINS of Illinois, Mr. MCHUGH, Mr. PETE GEREN of Texas, Ms. MOLINARI, and Mr. ORTIZ.
H.R. 559: Ms. FURSE.
H.R. 743: Ms. MARGOLIES-MEZVINSKY.
H.R. 832: Mr. MCHUGH.
H.R. 911: Mr. LIVINGSTON.
H.R. 1009: Mrs. BYRNE.
H.R. 1110: Mr. WELDON.
H.R. 1295: Mr. KILDEE.
H.R. 1417: Mr. FROST, Mr. OWENS, and Mr. ANDREWS of Maine.
H.R. 1563: Mr. BLUTE.
H.R. 1737: Mr. WILSON.
H.R. 1887: Ms. MARGOLIES-MEZVINSKY.
H.R. 2043: Mr. FORD of Tennessee.
H.R. 2132: Mr. KASICH.
H.R. 2292: Mr. SWETT, Mr. STEARNS, and Mr. FRANK of Massachusetts.
H.R. 2512: Mr. ROYCE.
H.R. 2898: Mr. SABO.
H.R. 2930: Mr. ENGEL.
H.R. 2959: Mr. TALENT.
H.R. 3271: Mr. POMBO.
H.R. 3309: Mr. DARDEN, Mrs. SCHROEDER, and Mr. FILNER.
H.R. 3407: Mr. BAKER of California and Mr. ABERCROMBIE.
H.R. 3490: Mr. HINCHEY.
H.R. 3560: Mr. POMBO.
H.R. 3594: Mr. KINGSTON.
H.R. 3705: Mr. PETRI, Mr. GALLEGLY, Mr. JEFFERSON, and Mr. BARCIA of Michigan.
H.R. 3722: Mr. LEVY, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3771: Mr. ENGEL.
H.R. 3827: Mr. ENGEL.
H.R. 3943: Mr. BACHUS of Alabama.
H.R. 3951: Mr. MINGE, Mr. BACHUS of Alabama, Mr. BATEMAN, and Mr. BROWDER.
H.R. 3990: Mr. ANDREWS of Maine, Mr. KLECZKA, Mr. LEVY, and Ms. SHEPHERD.
H.R. 3994: Mr. HUFFINGTON.
H.R. 4042: Mr. GUTIERREZ.
H.R. 4056: Mr. CONDIT, Mr. SANTORUM, Mr. PAYNE of Virginia, and Mr. CALVERT.
H.R. 4057: Mr. MACHTLEY, Mr. GALLEGLY, Mr. CALVERT, Mr. WELDON, Mr. BLUTE, Mrs. FOWLER, Mr. ZELIFF, Mr. BARRETT of Nebraska, and Mr. EMERSON.
H.R. 4077: Mr. HAYES.
H.R. 4135: Mr. REGULA, Mr. LEVIN, Mr. CAMP, Mr. STUPAK, and Mr. HOEKSTRA.
H.R. 4189: Mr. BEILENSON, Ms. PRYCE of Ohio, and Mr. ROHRABACHER.
H.R. 4230: Mr. PASTOR.
H.R. 4260: Mr. WASHINGTON, Mr. LEWIS of California, Mr. GEKAS, Mr. HUGHES, Ms. WOOLSEY, and Ms. MOLINARI.
H.R. 4263: Ms. BROWN of Florida.
H.R. 4271: Mr. CHAPMAN.
H.R. 4298: Mr. MAZZOLI.
H.R. 4316: Mr. EVANS.
H.R. 4365: Mr. BACHUS of Alabama and Mr. LIVINGSTON.
H.R. 4402: Mr. FILNER.
H.R. 4404: Mr. GRANDY, Mr. HALL of Ohio, Mr. STARK, Ms. PRYCE of Ohio, and Mr. OLVER.
H.R. 4411: Ms. KAPTUR, Mr. BERMAN, and Mr. MARTINEZ.
H.R. 4421: Mr. HERGER.
H.R. 4467: Ms. KAPTUR.
H.R. 4495: Mr. LAFALCE, Mr. EVANS, and Mr. SYNAR.
H.R. 4514: Mr. CUNNINGHAM and Mr. STUDDS.
H.R. 4517: Mr. STUPAK, Mr. FRANK of Massachusetts, and Mr. COLEMAN.
H.R. 4612: Mr. ROHRABACHER.
H.R. 4636: Mr. SWIFT, Mr. FINGERHUT, Mr. FISH, Mrs. JOHNSON of Connecticut, Mr. RICHARDSON, Mrs. BYRNE, Mr. WHEAT, Mrs. KENNELLY, and Mr. FALEOMAVAEGA.
H.R. 4643: Mr. CALLAHAN.
H.J. Res. 44: Mr. ZIMMER.
H.J. Res. 90: Ms. BROWN of Florida, Mr. CLYBURN, and Ms. MCKINNEY.
H.J. Res. 113: Mr. HASTERT.
H.J. Res. 311: Mr. ANDREWS of Maine, Mr. GIBBONS, Mr. GINGRICH, Mr. GRANDY, Mr. ROBERTS, Mr. ROWLAND, and Mr. TORRES.
H. Con. Res. 6: Mr. MCCURDY and Mr. MCKEON.
H. Con. Res. 122: Mr. ZIMMER.
H. Con. Res. 148: Mr. REGULA and Mr. GEKAS.
H. Con. Res. 243: Mrs. FOWLER, Mr. DURBIN, and Mr. YOUNG of Florida.
H. Con. Res. 250: Mr. ABERCROMBIE, Mr. BROWN of California, Mr. DELLUMS, Mr. EVANS, Mr. FILNER, Ms. FURSE, Mr. GUTIERREZ, Ms. Eddie BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Ms. SLAUGHTER, and Mr. WAXMAN.
H. Res. 473: Ms. SLAUGHTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3222: Mr. GOSS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions, and papers were laid on the Clerk's desk and referred as follows:

102. By the SPEAKER: Petition of the Commissioner of Public Lands, Olympia, WA, relative to public lands; to the Committee on Natural Resources.

103. Also, petition of the Commissioner of Public Lands, Olympia, WA, relative to conservation, preservation and restoration of America's biodiversity; to the Committee on Merchant Marine and Fisheries.

104. Also, petition of the Commissioner of Public Lands, Olympia, WA, relative to transboundary natural resources along the Mexican border; jointly, to the Committee on Natural Resources and Foreign Affairs.

105. Also, petition of the Commissioner of Public Lands, Olympia, WA, relative to pollutants on State land; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

AMENDMENTS

Under Clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. BERMAN:

(PURSUANT TO THE RULE, PAGE AND LINE NUMBERS ARE TO H.R. 4663)

—Page 236, insert the following after line 6:

(i) REGULATION OF EXPORT OF CERTAIN COMMERCIAL COMMUNICATIONS SATELLITES AND ASSOCIATED EQUIPMENT.—

(1) REGULATION SOLELY UNDER THIS TITLE.—Notwithstanding any other provision of law, the export of commercial communications satellites, including any integral components of such satellites, which are designed for civil applications, when exported as part of a satellite system for purposes of launch, shall be regulated under this title, except that this paragraph shall not apply to cryptographic components of such satellites, ground stations, and test equipment, that are controlled under the Arms Export Control Act. The Secretary shall consult with the Secretary of Defense and the Secretary of State to determine the satellites and components to which this paragraph applies. The Secretary, inconsultation with the Secretary of State and the Secretary of Defense, shall prohibit the unauthorized transfer of missile equipment, data, or technology that are components of any such satellite which is authorized for export.

(2) PRESIDENTIAL DETERMINATIONS.—An item described in paragraph (1) that is regulated under this title may be subject to control under the Arms Export Control Act if the President—

(A) determines that extraordinary circumstances exist affecting the national security of the United States, which require that the item be controlled under the Arms Export Control Act;

(B) proposes to COCOM that the item be added to the International Munitions List; and

(C) not later than 10 days after making the determination under subparagraph (A), submits a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, describing in detail the reasons for the determination, in appropriate classified form, as necessary.

(3) AMENDMENT TO ARMS EXPORT CONTROL ACT.—Section 38(a) of the Arms Export Control Act (22 U.S.C. 2778(a)) is amended—

(A) in paragraph (3), by striking "In exercising the authorities" and inserting "Except as provided in paragraph (4), in exercising the authorities"; and

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

"(4) The export of commercial communications satellites, when exported as part of a satellite system for purposes of launch, may be regulated only by the Secretary of Commerce under the Export Act of 1994, pursuant to section 117(i)(1) of that Act.".

(4) APPLICABILITY.—The amendments made by this subsection shall apply only with respect to the export of satellites on or after the date of the enactment of this Act.

By Mr. CUNNINGHAM;

—Page 208, add the following after line 23:

(s) SPECIAL ROLE OF SECRETARY OF DEFENSE.—Notwithstanding any other provision of this title, the Secretary of Defense shall have the authority under this title to prohibit any export of commodities or technology to North Korea, Iran, Iraq, Syria, Libya, or Cuba.

By Mr. GEJDENSON:

—Add at the end of the bill the following new title:

TITLE III—ENVIRONMENTAL EXPORT PROMOTION

SEC. 301. SHORT TITLE.

This title may be cited as the "Environmental Export Promotion Act of 1994"

SEC. 302. PROMOTION OF UNITED STATES ENVIRONMENTAL EXPORTS.

(a) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT AND PURPOSE.—The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the 'Committee'). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services.

"(2) MEMBERSHIP.—The members of the Committee shall be drawn from representatives of—

"(A) environmental businesses, including small businesses;

"(B) trade associations in the environmental sector;

"(C) private sector organizations involved in the promotion of environmental exports;

"(D) States (as defined in section 2301(i)(5)) and associations representing the States; and

"(E) other appropriate interested members of the public.

"The Secretary shall appoint as members of the Committee at least 1 individual under each of subparagraphs (A) through (E).

"(d) EXPORT PLANS FOR PRIORITY COUNTRIES.—

"(1) PRIORITY COUNTRY IDENTIFICATION.—The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries the Working Group shall select as priority countries 5 with the greatest potential for the application of United States Government export promotion resources related to environmental exports.

"(2) EXPORT PLANS.—The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each such plan shall—

"(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

"(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

"(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.".

(b) ADDITIONAL MECHANISMS TO PROMOTE ENVIRONMENTAL EXPORTS.—Section 2313 of the Export Enhancement Act of 1988 is further amended by adding at the end the following:

"(f) ENVIRONMENTAL TECHNOLOGIES SPECIALISTS IN THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

"(1) ASSIGNMENT OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service in each of the 5 priority countries selected under subsection (d)(1), and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department, an employee of any relevant United States Government department or agency assigned on a temporary or limited term basis to the Commerce Department, or a representative of the private sector assigned to the Department of Commerce.

"(2) DUTIES OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—Each specialist assigned under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including, but not limited to—

"(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

"(B) providing assessments of assistance by foreign governments that is provided to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialists is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

"(D) providing assistance in identifying potential customers and market opportunities in the country to which the specialist is assigned;

"(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

"(F) providing information on environmental standards and regulations in the country to which the specialist is assigned; and

"(G) providing information on all United States Government programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned.

"(g) ENVIRONMENTAL TRAINING IN ONE-STOP SHOPS.—In addition to the training provided under subsection (f)(2)(C), the Secretary shall establish a mechanism to train—

"(1) Commercial Service Officers assigned to the one-stop shops provided for in section 2301(b)(8), and

"(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses,

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States Government departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

"(h) INTERNATIONAL REGIONAL ENVIRONMENTAL INITIATIVES.—

"(1) ESTABLISHMENT OF INITIATIVES.—The TPCC shall establish one or more international regional environmental initiatives the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using in the region technical expertise and financial resources of United States departments and agencies that provide foreign assistance and by expanding United States exports of environmental technologies, goods, and services to the region.

"(2) ACTIVITIES.—In carrying out each international regional environmental initiative, the TPCC shall—

"(A) support, through the provision of foreign assistance, the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms;

"(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in the geographic region;

"(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and private sector;

"(D) increase assistance provided by the Federal Government to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

"(E) increase high-level advocacy by United States Government officials (including the United States ambassadors to the countries in that geographic region) for United States environmental businesses seeking market opportunities in the geographic region.

"(i) ENVIRONMENTAL TECHNOLOGIES PROJECT ADVOCACY CALENDAR AND INFORMATION DISSEMINATION PROGRAM.—The Working Group shall maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall be made available to the public. Such calendar shall—

"(1) identify the 50 to 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

"(2) include trade promotion events, such as trade missions and trade fairs, in the environmental sector.

The Working group shall also provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

"(j) REGIONAL CENTERS.—The Secretary, through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, is authorized to provide matching funds for the establishment in the United States of regional environmental business and technology cooperation centers that will draw upon the expertise of the private sector and

institutions of higher education and existing Federal programs to provide export promotion assistance related to environmental technologies, goods, and services.

"(k) DEFINITION.—For purposes of this section, the term 'environmental business' means a business that produces environmental technologies, goods, services.".

By Mr. GILMAN:

—Page 208, insert the following after line 7 and redesignate succeeding subsections accordingly:

(q) END USE MONITORING.—

(1) REPORTS ON LICENSE CHECKS.—The Secretary shall include, in each annual report submitted under section 115, a list of all postshipment verification checks, prelicense checks, and similar procedures conducted to monitor end uses, in the case of licenses approved for exports to any country of commodities or technology that could provide significantly enhanced military capabilities to that country, especially the capability to develop, produce, stockpile, use, or deliver advanced conventional weapons and weapons of mass destruction. Such report shall include the license number, the value of the commodities or technology to which the license relates, the country of destination, and the date on which the check or procedure was performed.

(2) MONITORING STANDARDS.—The President shall develop monitoring standards in order to improve accountability with respect to the export of commodities and technology for which licenses are required under sections 105 and 106. Such standards shall be designed to provide reasonable assurance that the authorized end user is complying with the requirements imposed by the United States Government with respect to the use or reexport of those commodities or technology.

(3) MONITORING RESPONSIBILITIES.—Pursuant to the standards developed under paragraph (2), the Secretary, in consultation with appropriation departments and agencies, shall monitor the end uses of the exports described in paragraph (2) to recipient countries.

(4) MONITORING ARRANGEMENTS.—(A) The President, as appropriate, shall pursue negotiations leading to arrangement or agreement with recipient countries of commodities and technology identified under paragraph (1) to permit representatives of the United States Government, including the attachés assigned under subsection (r), to review the end uses of such commodities and technology and provide such representatives with information necessary to monitor end uses of items controlled for export by the United States.

(B) The President shall take into account the compliance of the recipient country in carrying out any such arrangement or agreement before supporting the membership of such country in a multilateral export control regime, including COCOM.

(5) MONITORING REPORT.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter as part of the annual report submitted under section 115, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report outlining the actions taken to implement paragraphs (2), (3), and (4).

By Mr. HUNTER:

—Page 208, add the following after line 23:

(s) AUTHORITY OF THE SECRETARY OF DEFENSE TO HALT EXPORTS.—Notwithstanding any other provision of this title, in any case in which the Secretary of Defense determines that it is necessary to halt a particular export of a commodity or technology in order to protect the national security interest of the United States, the Secretary of Defense shall so notify the President. The President may, within 10 days thereafter, decide not to prohibit the export, in which case he shall so notify the Secretary of Defense within that 10-day period. If the President does not make such a decision within that 10-day period, or if the President fails to so notify the Secretary of Defense of such a decision, the export shall be prohibited under this title.

By Mr. KASICH:

—Page 82, insert the following after line 2:

(1) TREATMENT OF CERTAIN SENSITIVE ITEMS.—

(1) FINDINGS.—The Congress makes the following findings:

(A) The United States continues to play a leadership role in controlling the export of sensitive dual use items and munitions items to dangerous countries.

(B) The importance of maintaining this leadership and securing the adherence of friendly nations to export restrictions similar to those of the United States was demonstrated by the large number of dual use and munitions items Iraq was able to secure from Western exporters prior to Desert Storm.

(C) Besides Iraq, the United States has voiced its concern about Libya, North Korea, Syria, Cuba, and Iran acquiring dual use and munitions items from Western sources, republics of the former Soviet Union, and the Peoples' Republic of China.

(D) Since Desert Storm, the United States has learned that a substantial number of sensitive items Iraq received from Western nations were not sent directly, but were reexported from third-party destinations.

(E) The threat of third-party reexports of sensitive exports could be aggravated by proposals to send dual use items to friendly nations "license-free" or under "substitute" licensing schemes that would be less restrictive than individual validated licensing, which requires prior United States consent for any reexport.

(F) Eliminating or reducing individual validated licensing requirements on sensitive dual use and munitions exports to friendly countries increases the risk that such items will be reexported to rogue countries, including Iran, Iraq, Syria, Libya, Cuba, and North Korea.

(2) POLICY STATEMENT.—It shall be the policy of the United States to maintain its international leadership in restricting the export of sensitive dual use items and of munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea by—

(A) maintaining existing unilateral controls whenever necessary to keep sensitive United States dual use items and munitions from being exported to these countries;

(B) encouraging all other countries producing such items to restrict the export of these items in a similar manner;

(C) working with the republics of the former Soviet Union and of the members of COCOM to create a successor COCOM that would prohibit the export of the most sensitive dual use items and munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea; and

(D) not reducing existing levels of controls on the export of sensitive dual use items and munitions through the creation of license-free zones and substitute licensing schemes.

(3) LICENSING REQUIREMENT.—

(A) LIST OF SENSITIVE ITEMS.—Notwithstanding any other provision of this title, the President, in consultation with the Secretary and the Secretaries of State, Defense, and Energy and the Director of the Arms Control and Disarmament Agency, shall compile a list of the most sensitive dual use and munitions items the export of which to the countries set forth in subparagraph (C) the President believes the United States should restrict. This list shall indicate whether the item is being controlled unilaterally or with other countries and shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(B) INDIVIDUAL VALIDATED LICENSE REQUIREMENT.—The President shall instruct the Secretary to require an individual validated license for the export to any destination of any item on the list compiled under subparagraph (A).

(C) LIST OF COUNTRIES.—The countries referred to in subparagraph (A) are Iran, Iraq, Syria, Libya, Cuba, and North Korea.

—Page 62, line 24, strike "(F)" and insert "(E)".

—Page 67, line 6, strike "(E)" and insert "(D)".

—Page 173, line 23, strike "109(h)(1)" and insert "109(i)(1)".

—Page 211, line 4, strike "109(g)" and insert "109(h)".

By Mr. MARKEY:

—Page 297, add the following after line 6:

PART E—RESTRICTIONS ON NUCLEAR EXPORTS

SEC. 261. RESTRICTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no application for a license under the Export Administration Act of 1970 for the export to the People's Republic of China of any commodities or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in any nuclear explosive device, in any nuclear production or utilization facility, or for research on or the development of any nuclear explosive device shall be approved.

(2) no license may be issued under the Atomic Energy Act of 1945—

(A) for the export to the People's Republic of China of any production or utilization facility or any source material or special nuclear material, or

(B) for the export to the People's Republic of China of any component part, item, or substance which has been determined, under section 109b. of the Atomic Energy Act of 1954, to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes,

(3) no authorization may be approved under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material, and

(4) no retransfer may be approved to or from the People's Republic of China of any commodities, technology, facility, material, component part, item, or substance referred to in paragraph (1), (2), or (3),

until the conditions set forth in subsection (b) are met.

(b) CONDITIONS.—The conditions referred to in subsection (a) are that—

(1) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear-weapon

state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices; and

(2) the President has made the certifications and submitted the report required by Public Law 99-183.

SEC. 362 DEFINITIONS.

For purposes of this part—

(1) the terms "commodity" and "technology" have the meanings given those terms in section 116;

(2) the terms "non-nuclear-weapons state" and "nuclear explosive device" have the meanings given those terms in section 231; and

(3) the terms "production facility", "utilization facility", "source material" and "special nuclear facility" have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.

By: Mr. MARKEY:

—Page 297, add the following after line 6:

TITLE III—RESTRICTIONS ON NUCLEAR EXPORTS

SEC. 301. RESTRICTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China of any commodities or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in any nuclear explosive device, in any nuclear production or utilization facility, or for research on or the development of any nuclear explosive device shall be approved,

(2) no license may be issued under the Atomic Energy Act of 1954—

(A) for the export to the People's Republic of China of any production or utilization facility or any source material or special nuclear material, or

(B) for the export to the People's Republic of China of any component part, item, or substance which has been determined, under section 109b. of the Atomic Energy Act of 1954, to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes,

(3) no authorization may be approved under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material, and

(4) no retransfer may be approved to or from the People's Republic of China of any commodities, technology, facility, material, component part, item, or substance referred to in paragraph (1), (2), or (3), until the conditions set forth in subsection (b) are met.

(b) CONDITIONS.—The conditions referred to in subsection (a) are that—

(1) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices; and

(2) the President has made the certifications and submitted the report required by Public Law 99-183.

SEC. 302. DEFINITIONS.

For purposes of this title—

(1) the terms "commodity" and "technology" have the meanings given those terms in section 116;

(2) the terms "non-nuclear-weapon state" and "nuclear explosive device" have the meanings give those terms in section 231; and

(3) the terms "production facility", "utilization facility", "source material" and "special nuclear facility" have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.

By Mr. SOLOMON:

—Page 237, add the following after line 25:

(j) EXPORT OF SATELLITES TO CHINA.—A license may not be issued under this title or section 38 of the Arms Export Control Act for the export of any satellite intended for launch from a launch vehicle owned by the People's Republic of China.

By Mr. TORRICELLI:

—Page 208, after line 23, add the following:

(j) SATELLITES LAUNCHED ON VEHICLES OF THE PEOPLE'S REPUBLIC OF CHINA OR RUSSIA.—

(1) VALIDATED LICENSE REQUIREMENT.—A validated license shall be required under this title for the export of satellites, components, or satellite-related technology, that originated in the United States and that is intended for launch on vehicles owned or operated by the People's Republic of China or Russia.

(2) CRITERIA.—A validated license shall be granted under paragraph (1) only if—

(A) an agreement addressing the issue of fair trade in commercial satellite launch services exists between—

(i) the United States and the People's Republic of China, in the case of an application for a validated license to the People's Republic of China; or

(ii) the United States and Russia, in the case of an application for a validated license to Russia;

(B) the Secretary notifies the United States Trade Representative whenever an application for such a validated license in pending; and

(C) not later than 15 days after such notification, the Trade Representative determines with respect to the satellite, components thereof, or satellite-related technology which is the subject of the validated license application and notifies the Secretary in writing—

(i) that the People's Republic of China or Russia (as the case may be) is in full compliance with the terms of the agreement between that country and the United States referred to in subparagraph (A); or

(ii) that there is no reason to conclude that compliance with the terms of the agreement referred to in subparagraph (A) between that country and the United States has not been achieved.

H.R. 4663

By Mr. DEFAZIO:

—Add the following at the end of section 107:

(1) COMMODITIES USED AS RAW MATERIALS FOR MANUFACTURING PURPOSES.—

(1) MONITORING.—The Secretary shall monitor—

(A) exports of, and contracts of export, commodities typically used as raw materials for manufacturing purposes, and

(B) domestic supplies of such commodities, for the purpose of determining whether a critical shortage of such commodities exists in any State or region.

(2) EXPORT RESTRICTIONS.—If the Secretary finds that a critical shortage of any such commoditiy exists in any State or region, then the Secretary shall impose restrictions on the export of such commodities sufficient to ensure that there is an adequate supply of such commodities to meet domestic manufacturing needs in that State or region. The Secretary may remove such restrictions upon reporting to Congress, under paragraph (3)(A), that such restrictions are no longer required under this subsection.

(3) REPORTING TO CONGRESS.—(A) The Secretary shall submit to Congress, not later than 30 days after the end of each calendar quarter, a report on the results of the monitoring conducted under paragraph (1), the Secretary's determination of whether a critical shortage of any commodities typically used as raw materials for manufacturing purposes for domestic manufacturing purposes exists in any State or region, and any export restrictions imposed or to be imposed as a result of such determination.

(B) Each report under subparagraph (A) shall—

(i) specify the quantity of exports, by port, or commodities typically used as raw materials for manufacturing purposes during the period covered by the report;

(ii) estimate, as of the date of the report, the domestic supplies, by State, of such commodities;

(iii) determine whether such supplies of such commodities were sufficient to meet the needs of domestic manufacturers;

(iv) include a formal finding as to whether a critical shortage of such commodities for domestic manufacturing purposes exists in any State or region; and

(v) if such a shortage or shortages exist, specify the export restrictions imposed or to be imposed to satisfy domestic needs.

(4) PRESIDENTIAL AUTHORITY.—The President is authorized, after suitable notice and a public comment period of not less than 90 days, to suspend any export restrictions imposed under paragraph (2) if a ruling is issued under the formal dispute resolution procedures of the General Agreement on Tariffs and Trade finding that such restrictions violate Article XI prohibitions on export restrictions and are not allowable under the exceptions to Article XI.

—Add the following at the end of section 107:

(1) The President shall prohibit the export of a commodity to any nation where—

(1) such commodity is typically used as a raw material for manufacturing purposes;

(2) that nation's demand for such commodity is contributing to domestic supply shortages of such commodity for domestic manufacturing purposes; and

(3) the National Trade Estimate Report on Foreign Trade Barriers, prepared by the U.S. Trade Representative, finds that such nation maintains tariff or non-tariff barriers that impede the import of items manufactured in the U.S. using such commodity.