Mrs. Chenoweth for, with Mr. Dingell against.

Messrs. HOLDEN, DEUTSCH, FORD, and SKELTON changed their vote from ''aye'' to ''no.''

Messrs. GALLEGLY, RADANOVICH, BUYER, LAZIO of New York, WICKER, EMERSON, and GORDON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 310, not voting 9, as follows:

[Roll No. 579]

AYES—115

Allard
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Barton
Bass
Bereuter
Bilirakis
Bliley
Boehner
Brown (OH)
Brownback
Bunning
Chabot
Christensen
Chrysler
Coble
Condit
Cox
Crane
Crapo
Cubin
Cunningham
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Ensign
Ewing
Fawell
Fields (TX)
Foley
Forbes
Frisa
Gallegly
Goss
Gutknecht
Hancock
Hansen
Hastert
Hayworth
Hefley
Hobson
Hoekstra
Hoke
Hostettler
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Kolbe
LaHood
Largent
Linder
Manzullo
McCollum
McInnis
McIntosh
McKeon
Miller (FL)
Moorhead
Moran
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Paxon
Petri
Porter
Pryce
Radanovich
Ramstad
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Smith (MI)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tiahrt
Waldholtz
Walker
Watt (NC)
Weldon (PA)
White
Wolf
Young (FL)
Zeliff
Zimmer

NOES—310

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chambliss
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Serrano
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Bateman
Canady
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds
Roukema

□ 1902

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Chairman, on rollcall No. 579, I was not recorded. I believe that I registered a ''no'' vote but it was not recorded.

Had I been present, I would have voted ''no.''

I ask unanimous consent that my statement appear in the RECORD immediately following that rollcall vote.

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

Mr. Chairman, if I may have the Members' attention on the schedule, I think we have some information that would be helpful to everyone.

Mr. Chairman, we think we have time agreements on all the rest of the amendments that will take significant time, and we think that will take around two hours. We think we should roll all votes on this bill until all debate has ended so that there will only be one other series of votes at the conclusion of debate.

Therefore, Mr. Chairman, if this is agreeable, there will not be any votes, we estimate, for around two hours.

Members who have amendments should be prepared to offer them because there will not be any intervening votes to kill time.

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

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

Mr. PACKARD. Mr. Chairman, we intend to have on the legislative branch appropriations bill a unanimous-consent to appoint conferees after the last vote on the bill. We do not anticipate a vote to be called for on either side. If that is the case, then there would not be a vote, but that is the intent, to ask unanimous consent to appoint conferees, and we intend to go into conference tomorrow, tomorrow evening. We are assuming no one will call for a vote on that.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, on today, Wednesday, July 26, during consideration of H.R. 2076, the Commerce, Justice, State appropriations bill for fiscal year 1996, I missed rollcall vote No. 577. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there further amendments to title II?

AMENDMENT OFFERED BY MR. MOLLOHAN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN:

On page 43, line 2, strike '': *Provided*, That'' and all that follows through ''grants'' on line 10.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on

this amendment and all amendments thereto close in 30 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 15 minutes, and is the gentleman from Kentucky [Mr. ROGERS] seeking recognition in opposition?

Mr. ROGERS. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise to offer an amendment to strike language in the bill which prohibits funds under the NIST Industrial Services account from being used for the Advanced Technology Program.

Mr. Chairman, this program has been in existence for 4 or 5 years. It was initiated under President Reagan's administration. One of the prime sponsors was a former distinguished Member of this body, Mr. Ritter, who served on the Republican side of the aisle from Pennsylvania. It was an expression of his strong interest and, as well, the Reagan administration's interest, in this country being strategic about approaching technology development and understanding its importance in making the United States competitive vis-a-vis our world competition.

The rule today did not permit me to offer the amendment I would like to offer, Mr. Chairman, which was to restore funding to the ATP program. In this bill funding is eliminated in 1996 for any new ATP grants. There is carryover money allowed in the bill to fund grants made in 1994 grants and before. However, Mr. Chairman, the funding is not adequate. My amendment today would strike the language in the bill which is contained on page 43 which states that none of the funds made available under this heading in this or any other act may be used for programs of carrying out additional program competitions under the Advanced Technology Program. This amendment does not restore any funding. It simply eliminates that prohibition.

Let me say a few words about the ATP program, which I think is extremely valuable. Some would say, Mr. Chairman, that the Advanced Technology Program is corporate welfare. I would suggest that nothing is further from the truth.

Let me make it clear that ATP is not an entitlement program. It is a competitive program. In fact, industry funds more than half of the total R&D costs for ATP projects, and most of the awards of this program go to small and medium-sized businesses. Many of these businesses are in partnerships with universities, with foundations, with research organizations, as well as with larger corporate partners. That is hardly corporate welfare. Additionally, ATP does not pick winners and losers. This program does not even address technology when it is at the commercial state. It is pre-competitive.

Mr. Chairman, I urge support for our amendment to remove this limiting language.

Mr. ROGERS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment, and I will yield myself further time in a few minutes, but I wanted the Chairman of the Committee on Science to be able to speak because he has other work he has to go to.

This amendment deals with the Commerce Department's Advanced Technology Program, which is not currently authorized. I do not expect it will be reauthorized, and it is not funded in this bill. The amendment deletes the insurance language in the bill, language which insures that recipients of ATP grants in prior years would have some continuation funding to either complete their projects or to carry them through while they find alternative funding.

So I urge a no vote on this amendment. We did not fund the program in this bill. We allowed unused money, carryover money, from last year to be used to pay for projects from 1994 and previous years, but not 1995, nor certainly any new ATP grants. We think it is the fair approach to shutting down a program that needs to be shut down without undue harm to previous recipients.

Mr. Chairman, I yield two minutes to the very distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science who has a very deep interest in this program.

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

First of all, let us do away with the myth that somehow this is a Reagan program that ought to be supported because it was Ronald Reagan. The Reagan administration never requested money for this program.

Now it is true that the Bush administration did request some money for this program, but that was in dialog with the Democrats who were looking for some other kinds of concessions, and the Bush people ultimately bought in. I have since talked to some of the people who were Commerce Secretaries under President Bush who told me that they were very reluctant about this program and believe that it is now time to do away with it, and that is exactly where we are headed here.

The Commerce appropriation bill provides no money for the Advanced Technology Program. This program was terminated as a part of the assumptions of the budget resolution. The ATP program authorization expired in fiscal year 1993. The Committee on Science, which I chair, has reported the National Institute of Standards and Technology authorization, and the ATP program is not included.

So, the only reason to strike the good-government taxpayer-protection provisions regarding ATP in H.R. 2776 is to establish a loophole for spending hundreds of millions of dollars of new money on new grants. If we spend the last dollars on new grants, nothing will be left for completing the ongoing projects that have already gotten some money. With this language $318 million is now available for the orderly completion of the program. If, in fact, what we do is adopt the Mollohan amendment, what we are not going to be able to do is complete these programs in an orderly way, and we are going to have a mess out there.

I understand that there are some in the opposition party that do not want to reduce the size of government at all. They are against any and all program terminations. Let us stand up and do what we said we were going to do in November—with this amendment—so that we can have an ordinary termination of a program that has outlived its usefulness.

□ 1915

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to engage the distinguished chairman, the gentleman from Pennsylvania, in a colloquy. Did I understand the gentleman to suggest that there was not support for this program in the Bush administration?

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

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

Mr. WALKER. Mr. Chairman, no, what I said was that they did in fact come up with money for it, but since that time, I have talked to Cabinet Secretaries who served in the Bush administration who indicated to me this is a program we can get rid of.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I would like to read from Mr. Bromley, President Bush's Science Adviser:

> In the Bush administration we made a start towards more effective use of our technology strengths as, for example, in the successful Advanced Technology Program in the National Institute of Standards and Technology, and I am pleased to see that the program is expanded. There is much that remains to be done, however, and the Clinton administration has emphasized its intent to make technology one of its major thrusts.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is not refuting anything I said. I said Commerce Secretary.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, Secretary of Commerce Barbara Franklin, under the Bush administration, says,

> ATP is an excellent example of the kind of practical partnership between industry and government that can lay the foundations today for commercial successes in world markets tomorrow.

Mr. ROGERS. Mr. Chairman I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I would say to the gentleman that Barbara Franklin and I are very good friends. We grew up in the same town. I just had an opportunity to talk to her on the telephone the other day, and she assured me if we could in fact get rid of the ATP program, we would be doing a service to the country.

So she is one of the people that I feel strongly would say now that the direction in which this bill goes is exactly the right direction to go.

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

Mr. WALKER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, Barbara Franklin also says, ''Now entering its third year, the Advanced Technology Program has demonstrated its ability to attract top-flight proposals from virtually every field of technology, and from innovation companies both large and small.'' She goes on.

Mr. WALKER. Mr. Chairman, reclaiming my time, I am sure there are plenty of quotes of people at the time they were administering the program.

Mr. MOLLOHAN. That is Barbara Franklin.

Mr. WALKER. I said I talked to her within the last few days.

Mr. MOLLOHAN. You are so persuasive, even in the interpretation of this language.

Mr. WALKER. I have talked to former Secretary Franklin within the last few days, and she is in favor of getting rid of the ATP program.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as I said earlier, I am in opposition to this amendment. Essentially what this amendment would do would be to strike the language in the bill that prohibits the carry-over funds, $187 million that have not been spent, from being spent for new ATP grants or to pay for the continuation of 1995 ATP grants. The bill language only allows those carry-over funds to be spent for grants made in 1994 and previous years.

We think that money is necessary to be able to close out in a reasonable fashion older grants, the mature grants, the ones who have a life-span of 3 to 5 years. This money that is carry-over funds could be used under the bill language to finish out those older grants, but not to make new ones in 1995 or 1996.

Now, the amendment that the gentleman from West Virginia [Mr. MOLLOHAN] has filed, would allow those carry-over funds to be used to finance the continuation of the ATP grant program, to issue new grants in 1996, to issue continuation grants for 1995 programs, and so on. It is the old business as usual. We think, Mr. Chairman, that the ATP program is a corporate welfare program.

No. 2, it is a Washington-based picker of winners and losers in the private sector. We think the private sector is the one to make choices of winners and losers, and therefore we urge the defeat of this amendment and to keep the prohibition in the bill to stop the ATP program in its tracks.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a distinguished member of our subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding and congratulate him on this proposal, which I support.

Mr. Chairman, we are going to hear a lot of mythology during this debate. One of the myths was just offered up, and that is we are somehow picking winners and losers. In fact, this is an enlightened effort to create a partnership in which a modest amount of capital from the Federal side is used to leverage a great deal of capital from the private sector into doing the kind of applied technology that the marketplace simply is not going to support otherwise.

Look at the analogy to the National Science Foundation. We know that private enterprise in this country is not going to support the kind of basic research that does not have immediate payoffs. We realize that that is in our enlightened national self-interest to support such research through a collective effort, through taxes.

The same thing applies here. There are some key technologies that are not quite market-ready, but we have reasonable grounds to know that they are going to pay off big time for us in the long haul. The ATP program is to give an increment of public capital to leverage a great deal of private capital to bring some of these promising technologies to market viability.

Mr. Chairman, we are up against a very competitive world situation in which most of the rest of the industrialized world has things like this going on. Let us not tie our hands behind our backs.

Mr. ROGERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in behalf of the amendment offered for the ATP program, which is administered through NIST.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise very strongly to support the Advanced Technology Program, because I know locally that it is not about big business; it is about small technological firms that help give jobs to Americans.

Over 177 R&D projects have been created since the program's inception involving the efforts of some 400 organizations, from government laboratories to academic institutions, and I really want to emphasis academic institutions. It allows the research that would not be supported by the private sector to be supported and to provide the kind of technology, that a local firm in my community has been able to develop a biocatalytic desulfurization technology which aids petroleum companies in conforming to environmental regulations. What better use of our tax dollars than to improve the quality of life, to create jobs, and, of course, to help an industry that is so much in need of enhanced technology to improve its productivity.

This small company is an excellent example of why we need the ATP program, to aid small R&D organizations with Federal moneys in order to develop promising technologies that private sector corporations and venture capital groups would be hesitant to fund. We cannot leave the development of these important new technologies to tax credits or regulatory reform and ignore the need for Federal programs like ATP.

Let us continue, Mr. Chairman, to fund programs like this. Let us support ATP. I rise in support of this amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts [Mr. OLVER].

(Mr. OLVER asked and was given permission to revise and extend his remarks.)

Mr. OLVER. Mr. Chairman, I rise in support of the Mollohan amendment. Mr. Chairman, I am puzzled why the Republicans want to eliminate the Advanced Technology Program, which was established by President Bush. Every major industrialized country in the world has private sector, government cooperative programs designed to increase their country's competitiveness in this global economy. Incredibly, to me at least, this bill terminates our own program. That is like unilateral disarmament in the midst of a war, and competition in today's global economy is clearly the economic equivalent of war.

Yesterday, my distinguished Committee on Science chairman, the gentleman from Pennsylvania [Mr. WALKER], asserted that tax cuts, regulatory relief, and product liability reform are more beneficial than ATP. Well, what better gift to governments and businesses around the world than to see the United States disarm its private sector-government partnerships that could support competitiveness?

Mr. Chairman, I urge a yes vote for the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Chairman, I rise in strong support of the Mollohan amendment. I realize the difficult task facing Chairman ROGERS and Ranking Member MOLLOHAN in making cuts to the Department of Commerce.

Mr. MOLLOHAN was prevented from offering an amendment which would have ensured funding for commitments made in fiscal year 1995 and prior years. A goal which I might add is supported by the Technology subcommittee of the Science Committee which reported out a bill with bipartisan support authorizing the ATP all the Republicans on our subcommittee voting aye. Mr. MOLLOHAN's amendment would give NIST the flexibility to try and meet these commitments.

I understand that the current budget climate is not the time to expand the ATP program. However, we should do our best to ensure that those commitments made by the Government to the private sector are kept. We should not terminate this program mid-stream, after companies have begun projects, developed strategic business plans, and invested their own money based on a Federal commitment to a program that goes back to the Reagan administration.

However, I believe the Advanced Technology Program should not be eliminated outright. At a time when American corporations are scaling back R&D spending to focus on short-term profits, and small high-tech entrepreneurs are finding it increasingly difficult to find needed venture capital, the Advanced Technology Program is a small, but important Government program to fill this gap and to help ensure the future vitality of our economy.

We can argue the philosophy of whether or not the Government should engage in partnership with industry. But, I think we can all agree that we should do our best to ensure that the Government meets existing commitments.

Keep in mind that the private sector puts up their money to fund this precompetitive research.

Mr. Chairman, I urge my colleagues to support the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, this amendment concerns the Advanced Technology Program, but it would be more rightly called the initiative from the gentleman from West Virginia for jobs for Americans, because that is what it is all about. It focuses on science and technology, but it is about whether we want jobs in this country or we want to continue to see the good, high-wage jobs going somewhere else.

We understand that in Austin, TX. You see, in our community, concepts like public-private partnership, consortium, teamwork, alliance, the idea that the government and the private sector can work together, those are not alien concepts. They are what has given us the kind of economic development problems that every other county in the country would like to have. Unemployment that has stayed consistently below 4 percent, because we are developing good, high-wage jobs in a public-private partnership, and technology has been essential to that. It is essential today as we recognize the kind of fierce international competition we have.

Other countries, our competitors like Germany and Japan, are spending 3 percent of their gross national product on research and development. We are spending about 2 percent. And with this kind of approach, that investment is going to plummet.

I believe tonight that the opposition to the Mollohan amendment has reached a new standard in myopia, with reference to this whole question of how we can work together to improve research in this country and keep jobs here.

Moreover, unless we adopt this amendment, this appropriations bill is going to break the word of the U.S. Government to those who have submitted requests and who are not going to be funded unless the Mollohan amendment is adopted.

□ 1930

Let me just give one example of the kind of company we are talking about, a small company called SciComp, Inc., in Austin. It is a small startup company that is developing numerical software. As a result of the ATP they will be able to continue to do that and provide more good jobs in America. If we adopt the Mollohan amendment, that kind of thing can be going on all over the country.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished ranking member of the Committee on Science.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I support the Mollohan amendment to strike the ban contained in this legislation.

I regret that my good friend, the distinguished chairman of the Committee on Science, had to leave for another appointment because I wanted to follow up on the discussion that he was conducting about how this really was not something that Reagan wanted, even though he signed the bill that created this program. It really was not something that Bush wanted, even though his science advisor and the chairman of his Council of Economic Advisors helped to develop the program to where it is at the present time.

The gentleman from Pennsylvania [Mr. WALKER] has been a consistent opponent of this program since the 1980's. He did not buy the philosophy which the Bush administration bought and which most Democrats bought, that the U.S. Government ought to be user friendly for business, because that is what this program is intended to do. It is intended to make government and business partners in reversing the decline in our competitiveness and in improving the efficiency of industry, in developing new innovations which will create jobs, as our distinguished colleague from Texas just indicated earlier, and which will restore this country to the superiority that it has had in industrial practices and in international business.

The gentleman from Pennsylvania [Mr. WALKER] has always felt that this is too heavy an intervention, that you just cut their taxes and reduce the amount of regulation, and they will automatically achieve the kind of efficiencies that they should have. They do not automatically achieve it. We have seen that through years of experience. This program makes the government a partner with business that needs the help, that needs the small amount of capital infusion which is shared.

I urge that Members support the Mollohan amendment and keep this an open situation.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. MINETA].

The CHAIRMAN. The gentleman from California [Mr. MINETA] is recognized for 2 minutes.

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, I rise in strong support of the Mollohan amendment.

The Advanced Technology Program is a common-sense program that funds precompetitive research and technology. Federal investment is necessary so that industry and universities can eventually reach a point where it makes sense to proceed on their own with certain long-range technologies.

This foresight promises to pay tremendous dividends in the form of new economic opportunities and next generation technologies that bring a higher quality of life into our homes.

The ATP is based on the basic principle that public policy should be determined by a vision that extends further than the next election. It is a program based on the knowledge that some important research will not get done without public involvement because the research is too costly or too long term to fit into next quarter's bottom line.

I support this amendment because it would give NIST the flexibility it needs to complete its funding of existing Advanced Technology Program contracts.

Companies, consortia, and universities around the Nation have expended millions of dollars and focused vast resources in keeping to their half of the Advanced Technology Program agreement. Now they are counting on the Government to do its part.

Mr. Chairman, let me be clear. We are not talking about whether or not future ATP grants should be made. We are not discussing how much money should be spent in future years. The rules does not allow those debates.

Rather, this amendment simply gives NIST the minimum amount of flexibility necessary to finish its assigned job—a job by the way, that Congress ordered it to perform just last year.

Mr. Chairman, it is bad enough that through this legislation the majority is attempting to eliminate the ATP, one of the most effective long-term research and technology policies currently employed by the Federal Government.

What is inconceivable, and what this amendment would strike, is language that would virtually prohibit NIST from fulfilling its existing legal obligations.

I urge my colleagues to act responsibly and to support the Mollohan amendment.

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

Mr. Chairman, if you want to vote to end corporate welfare, vote ''no'' on the Mollohan amendment.

Mrs. MORELLA. Mr. Chairman, I rise in support of the gentleman from West Virginia's amendment.

The Advanced Technology Program is administered by the National Institute of Standards and Technology, headquartered in my congressional district. I have been, and continue to be, a supporter of the ATP.

I believe the ATP is a program with merit in fostering emerging, precompetitive technologies. I have been informed by industry of its effectiveness in promoting their new technologies.

Although I strongly support the Appropriations Committee's recommendation to utilize $180 million in unobligated funds for the continuation of ATP awards, I am supporting the gentleman's amendment because it would allow NIST greater flexibility in the spending of its unobligated balance of funds. NIST has requested this flexibility and I believe it will be useful to administering the program as Congress continues to debate the health and future of the ATP.

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Mollohan amendment to restore funding for the Advanced Technology Program.

I come from a State that has been hardhit by defense downsizing. Rebuilding our economy is a slow process, but today, we have a growing high-technology sector, which means more jobs and stronger businesses.

If we cancel the ATP program, that growth will stop dead in its tracks. To Connecticut, that means higher unemployment and a weaker economy.

Some people say ATP helps only big corporations. But tell that to the small high-technology businesses in my district, who employ 5 or 10 people, and who depend upon ATP for their very existence. Cut ATP, and you cut jobs. Cut ATP, and you kill promising technologies that strengthen our economy.

In Connecticut and in States across the country, ATP creates jobs, increases exports, and gives taxpayers a huge return on their investment. That's not picking winners and losers—that's making winners out of all of us.

I urge my colleagues to support small business, support technology R&D, and support new jobs. Support the ATP program.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 41, insert the following after line 6:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants, and administrative expenses, $2,000,000, to remain available as provided in section 394 (h) of the Communications Act of 1934.

Page 40, line 4 strike ''$135,000,000'' and insert ''$133,000,000''.

Mr. ENGEL (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 New York?

There was no objection.

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] will be recognized for 5 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 5 minutes in opposition to the amendment.

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

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

Mr. Chairman, this amendment represents a minor shift of funds from the periodic censuses and programs into the National Endowment for Children's Educational Television. This amendment is important not just for what it does but for what it represents. Throughout this appropriations process, I have witnessed many programs which I support lose funding partially or in many cases completely. I feel that I cannot stand idly by as another successful program falls victim to the budget axe.

The National Endowment for Children's Educational Programs last year was funded at $2.5 million. Under the proposal, it is zeroed out. Mr. Chairman, funding in the previous fiscal year for the National Endowment for Children's Educational Television was funded at $2.5 million in this year's proposed appropriation, wiped out, funded at zero.

I am proposing to fund it at $2 million which would represent a 20-percent cut over the funding last year because I understand that many programs are taking cuts because of budgetary constraints. But I do not think that the National Endowment for children's Educational Television, which has been so successful, ought to be zeroed out.

Next week we are going to begin debate on Labor HHS appropriations, and we are going to cut back a lot of funds for education. Right now we have before us the Endowment for Children's Educational Television, which in my opinion is a very worthwhile program, which will fall victim to shortsighted cuts.

Now, the National Endowment for Children's Educational Television is the only Federal setaside dedicated exclusively to the funding of educational programming for children. I am the father of three children. Many of us have children and grandchildren. We realize how important it is to have children's educational television. The endowment is a worthwhile investment in our children's education. Projects which have been funded by the endowment include Storytime and Ghostwriter, reading and literacy programs which are aired daily on PBS.

Public broadcasting programs focus not only on reading, literacy and math but on productive social behavior, cultural tolerance, ethics and values. Unfortunately, the funding resources, the Endowment for Children's Educational Television, from corporate foundation and governmental institutions remains low. While most of this money is raised through corporations and foundations, Federal funds remain a small but crucial portion of their budget. This is a public/private partnership that works. Why would we want to kill it?

Ending it will only hurt the children who rely on educational programming.

Again, as the father of three small children, I appreciate the value of this programming, and I am sure most parents do. At a time when we are all concerned about the amount of violence our children are seeing on television, on commercial television, I find it hard to believe that we would forgo the opportunity to provide wholesome programming for the youth of the country. By the time a child in the United States reaches the age of 18, he or she

will have spent nearly 13,000 hours in school. By contrast, that child will have spent roughly 15,000 to 20,000 hours watching television.

The National Endowment for Children's Educational Television does its own small part to ensure that these children have the option of quality programming. Two million dollars is certainly money well spent for this very worthwhile programming. Public polls have shown that people across the country do support public broadcasting, particularly when we are talking about children's educational television. So, my colleagues, I cannot think of anything worse to zero out, worse than to cut this very, very worthwhile program.

I am proposing that we reinstate $2 million which by budgetary standards is a very, very small amount of money to aid our children's future. Again, under my amendment, the National Endowment for Children's Educational Television would still take a 20-percent cut but would not be zeroed out.

I urge my colleagues to support this. It is very, very important. Please save public broadcasting and let us send a message that funding for children's educational television should not be eliminated.

□ 1945

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky [Mr. ROGERS] insist on his point of order?

Mr. ROGERS. Mr. Chairman, I do. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI, which states, in its pertinent part ''No appropriation shall be reported in any general appropriations bill, or be in order as an amendment thereto for any expenditure not previously authorized by law.''

Mr. Chairman, the authorization for this program has not been signed into law. The amendment therefore violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New York [Mr. ENGEL] wish to be heard on the point of order?

Mr. ENGEL. I certainly do, Mr. Chairman. Mr. Chairman, I would respectfully disagree. I would say that this has been authorized in every single budget, and I see no reason why it should not be authorized in this budget. I would respectfully disagree.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? Based on the information the Chair has, the Chair is willing to rule at this point in time.

Pursuant to Public Law 102–538, section 132, there is no authorization for the program beyond fiscal 1994 that has been called to the Chair's attention. The point of order has to be sustained at this time.

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 40, line 24, strike ''$19,000,000'' and insert ''$21,000,000''.

Page 40, line 4, strike ''$135,000,000'' and insert ''$133,000,000''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes, and that time be equally divided.

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

Mr. ENGEL. Reserving the right to object, Mr. Chairman, would this be on all subsequent amendments to the bill?

The CHAIRMAN. To this amendment and to all amendments thereto.

Mr. ROGERS. That is correct, Mr. Chairman.

The CHAIRMAN. To this amendment and all amendments thereto.

Mr. ENGEL. Five minutes on each side?

The CHAIRMAN. Five minutes total. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] will be recognized for 2½ minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 2½ minutes.

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

Mr. ENGEL. Mr. Chairman, I yield myself such item as I may consume.

Mr. Chairman, since my previous amendment was not allowed to be put forward to a vote, this amendment represents, again, a modest shift of funds from periodic censuses and programs to the program for public broadcasting facilities, planning, and construction. Public broadcasting facilities, planning, a construction have been cut severely in this budget. Again, if Members support public broadcasting, then this is an amendment that ought to be supported.

By voting for this amendment, Mr. Chairman, we will send a message that funding for children's educational television should not be eliminated. We will increase funding for public broadcasting facilities across the country. We will support funding for long distance video learning, specialized equipment for services for the hearing impaired, and we will send and give a reliable public broadcasting signal for 25 million Americans.

There has been a battle in this Congress to end public broadcasting. I happen to think that is a very misguided battle. Public broadcasting is the best example, as I mentioned before, of a public-private partnership that works. For every $1 that public funds are put into public broadcasting, they are able to generate $5 and $6 of money from corporations and from the private sector. We should be, in my opinion, increasing public broadcasting, not cutting it back. If we increase by only $2 million, again, a small amount considering the magnitude of this budget, for public broadcasting facilities, planning, and construction, we will be sending a message that we want and support public broadcasting and that public broadcasting ought to continue.

I say to all my colleagues who have come up to me and have expressed strong support on both sides of the aisle for public broadcasting, by voting this amendment they are sending a message, sending a message to their folks back home, to their constituents, to their colleagues, that they support public broadcasting. By putting the money into public broadcasting facilities, planning, and construction, we will continue to have the finest public radio and television anywhere in the world.

Mr. Chairman, I believe that the cuts in public broadcasting are representative of the poor judgment we have used in this process to cut worthwhile programs indiscriminately. What I do is take a small step in the right direction. Again, the funding which is provided for these facilities through corporate, foundation, and governmental resources remains low. Why, again, would we want to break something that works? Please support the amendment and save public broadcasting.

Mr. ROGERS. Mr. Chairman, I rise in opposition to this amendment. The gentleman increases funds for the Public Broadcasting Facilities Program by $2 million. The funds in this bill for PBFP are already $11 million above the request. There were Members on my side of the aisle who had planned to offer amendments to eliminate the program altogether. The gentleman's amendment would target funds toward grants for television programs for children, a very worthy goal, but this is not a program that belongs in this bill. It is not authorized.

I suggest the gentleman talk to the chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. This amendment cuts funds from the Census Bureau, as that agency prepares for the year 2000 census. My bill already cuts the Census Bureau by $67 million. Mr. Chairman, I urge a ''no'' vote on the Engel amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from New York [Mr. ENGEL] will be postponed.

Are there other amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,070,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,411,024,000 (including the purchase of firearms and ammunition); of which not to exceed $14,454,000 shall remain available until expended for space alteration projects; of which not to exceed $11,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $41,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $260,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $109,724,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,828,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as ''The Judiciary Appropriations Act, 1996''.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. PORTMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTMAN: Page 51, line 4, strike ''$2,411,024,000'' and insert ''$2,409,024,000''.

Page 51, line 6, strike ''$14,454,000'' and insert ''$13,454,000''.

Page 51, line 8, strike ''$11,000,000'' and insert ''$10,000,000''.

Mr. PORTMAN. Mr. Chairman, the amendment I offer today is modest in amount, but it is significant in message. It cuts $2 million for space alteration expenses and related furnishing expenses for the U.S. Court of Appeals, district courts, and the bankruptcy courts. The purpose of this amendment is to send a strong signal to the judiciary that it must revise its court design guide. That design guide contains specifications for courthouses and office space that drives up the costs of relocation and furnishings at taxpayer expense.

It just does not make sense, for example, to require courts to make whatever structural changes have to be

made to attain a mandated ceiling height of 16 feet, to use premium grade hardwood veneer paneling, premium grade hardwood veneer door solid core doors, hardwood door jambs, and the highest quality paint, at a time when the legislative branch, the executive branch, and folks back home are reducing spending in their operations in an effort to set an example and to help balance the budget. The judiciary must be subject to the same scrutiny.

The need for this amendment is particularly acute because in this bill before us there is actually an increase in these items over the appropriated amount for fiscal 1995. Clearly we are moving in the wrong direction here. This just does not make sense in light of our fiscal crisis. I understand the need for the courts to appear judicial, but these one-size-fits-all standards from this guide add huge costs to the alteration of courts and office space, huge costs we simply cannot afford.

More specifically, the amendment before us would simply reduce the funding that remains available for space alteration projects from about $14 million to about $13 million, and for furnishings from $11 million to $10 million. The court design guide, prepared under the direction of the Judicial Conference of the United States, is used by architects, engineers, contractors, and court administrators when renovating existing courthouses and office space. The guide was developed over a 3-year period and instituted in 1991.

Again, I understand the need for courtrooms to meet some standards, but I do not believe it is necessary for them to follow these kinds of strict specifications at taxpayer expense. I can tell the Members from firsthand experience that the design guide does increase costs. In my district, the U.S. bankruptcy court recently moved from the Federal courthouse into private office space at a significant cost to the taxpayer. I have been told that there is Federal office space available, but because it did not meet the specs in the design guide it could not be used. The private office lease that the court did sign required significant renovation and complete furnishing of this space as dictated by the design guide.

I had hoped this was an isolated incident, but having looked into it, I found it not only occurred in other places in our State of Ohio, but also other parts of the country. In fairness, let me make it clear that the judiciary has made some progress recently in revising the design guide. Over the past few years a conscious effort has been made to try to keep costs in mind and make these guidelines more flexible. I applaud that effort, but it has not gone far enough.

The current court design guide continues to require all those things that I mentioned, in addition to premium grade hardwood decorative moldings, and so on. These result in unnecessary and wasteful Federal expenditures. It is time for us in Congress to call for real reform. That is what this amendment does. In light of our debt, the judiciary must be as cost conscious as everyone else. My amendment is a small but responsible cut.

It is a warning to the judiciary they must review the guidelines which are set forth by the design guide and make sensible changes. Many of our constituents who are tightening the belt back home are demanding it. They are incensed, and they should be.

I want to thank the chairman, the gentleman from Kentucky, and the committee for working with us, and I want to ask my colleagues to join the National Taxpayers Union and Citizens Against Government Waste in supporting this amendment.

Mr. Chairman, I yield to my colleague and friend, the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I would like to compliment my good friend and neighbor, the gentleman from Ohio, Mr. PORTMAN, for his outstanding work in saving taxpayer dollars in this area. This amendment will send a strong message to the Federal courts: We are serious about bringing wasteful Federal spending under control. This $2 million start is a very good first step.

What is this $2 million all about? Unfortunately, courts around the country have failed to grasp the seriousness of our current budget crisis. At a time when every newborn child is already saddled with a bill of $187,000 just to pay the interest on the national debt, many courts have been moving into high rent buildings that dramatically increase the cost to taxpayers. In several areas, including our city of Cincinnati, the bankruptcy courts have moved into luxurious downtown buildings with rents that range from $900,000 to $1.5 million per year.

WCPO TV, Channel 9 in Cincinnati, should receive credit for focusing attention on this particular abuse of taxpayer dollars regarding the Cincinnati Bankruptcy Court. Further investigation has shown that this is not an isolated incident. Bankruptcy courts across the country have limited their relocation options by requiring such amenities as 16-foot-high ceilings and cultured marble sinks, and judges' chambers equipped with bathrooms, showers, and kitchenettes.

In other instances, court specifications are so rigid that building is limited to just a handful of buildings, sometimes only one building. As we all know, when we limit competition, it costs more. We should pass the Portman amendment. I strongly support it.

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

Mr. Chairman, let me say that we accept the amendment. The gentleman has brought a very important matter to the attention of the Congress for which we are very grateful, and we accept the amendment and think it is a good one. We urge its adoption.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words, and I have no objection, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. PORTMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title III?

The Clerk will designate title IV.

The text of Title IV is as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration $1,716,878,000: *Provided*, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service (DTS), except that such latter amount shall not be available for obligation until the expiration of the 15-day period beginning on the date on which the Secretary of State and the Director of the Diplomatic Telecommunications Service Program Office submit the DTS pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, ''Diplomatic and Consular Programs'' and ''Salaries and Expenses'' under the heading ''Administration of Foreign Affairs'' may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancement, to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103–236: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,669,000: *Provided,* That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $391,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $870,000,000: *Provided,* That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: *Provided further,* That certification under section 401(b) of Public Law 103–236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $425,000,000: *Provided,* That none of the funds made available under this Act may be used, and shall not be available, for obligation or expenditure for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,358,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $10,000,000 to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and

hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $40,000,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: *Provided,* That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further,* That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further,* That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $192,090,000, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $341,000,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes: *Provided,* That funds provided for broadcasting to Cuba may be used for the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $70,164,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $28,000,000, to remain available until expended.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1996''.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 72, line 20, strike ''$28,000,000'' and insert ''$30,000,000''.

Mr. SMITH of New Jersey. Mr. Chairman, this amendment restores a relatively small amount of funding for the National Endowment for Democracy. I happen to serve as the chairman of the authorizing subcommittee. We have had extensive hearings on this. It is one of the most effective uses of our foreign aid dollars. I think we can all be very proud that Harry Wu and his Laogai Institute have been funded by NED, and it is just one example of many where we have provided scarce resources for an effective pro-democracy building effort around the world.

For this program we had authorized, let me remind Members, $34 million in the House-passed bill. The appropriators came in at $28 million. In working with the chairman, we have been able to find a compromise at $30 million. I think that $2 million additional is a very modest amount that will be used very effectively.

I also wish to commend Mr. RICHARDSON for his amendment—for which I understand there may not be time this evening—which would have added $500,000 to NED for pro-freedom and pro-democracy programs in Burma. These programs are urgently needed, and NED is just the institution to support them. I urge NED to provide substantial funding for these projects, on at least the scale suggested by the Richardson amendment.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has worked very hard on this issue, and has convinced certainly this Member that this is a worthwhile amendment, so we accept the amendment from our side and urge its adoption.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for his kind words.

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

Mr. SMITH of New Jersey. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we accept the amendment.

Mr. RICHARDSON. Mr. Chairman, after the military seized power of Burma in 1988, Aung San Suu Kyi became leader of the opposition pro-democracy movement.

She was placed under house arrest by Burma's military junta the State Law and Order Restoration Council or SLORC on July 20, 1989, on allegations of inciting unrest. Her party, the National League for Democracy, won a landslide victory in 1990 general elections, but the military refused to honor the results.

Referred to reverently as "the Lady," she remained steadfastly committed to democracy even in detention. In 1991, she won the Nobel Peace Prize.

On July 10 the government, which had indicated it did not plan to release Suu Kyi when she completed her sentence on July 19, decided to lift the restriction order without conditions.

The release should mark the renewal of a genuine process of political reconciliation leading to the installation of a democratically elected government and restoring peace and stability in Burma.

I intended to offer an amendment to capitalize on this development by directing the NED to cultivate the struggling democratic movement in Burma.

Instead, I have gotten the assurance of Chairman ROGERS that NED will recognize the need to support the growing democratic movement in Burma and spend the sufficient amount of funds necessary to carry out this function.

Over 5 years of political suppression by the SLORC have left the infrastructure of democratic political activity extremely weak. It is important that approximately $500,000 of NED funding go directly to operations designed to nurture Burma's National League for Democracy at this critical time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

□ 2000

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—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $64,600,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further,* That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $48,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,500,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $2,377,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structures; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,232,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: *Provided,* That $116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $68,832,000: *Provided further,* That any offsetting collections received in excess of $116,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $15,000,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $82,928,000: *Provided,* That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $34,666,000, to remain available until expended: *Provided further,* That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000 of which $265,000,000 is for basic field programs; $8,000,000 is for the Office of the Inspector General, of which $5,750,000 shall be used to contract with independent auditing agencies for annual financial and program audits of all grantees in accordance with Office of Management and Budget Circular A–133; and $5,000,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. Funds appropriated under this Act to the Legal Services Corporation shall be distributed as follows:

(1) The Corporation shall define geographic areas and funds available for each geographic area shall be on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within that geographic area: *Provided,* That funds for a geographic area may be distributed by the Corporation to one or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act, subject to sections 502 and 504 of this Act.

(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation in accordance with paragraph (1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney or attorneys admitted to practice in one of the States or the District of Columbia;

(2) a qualified nonprofit organization chartered under the laws of one of the States or the District of Columbia, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which is comprised of attorneys who are admitted to practice in one of the States or the District of Columbia and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act); or

(4) a substate regional planning or coordination agency which is composed of a substate area whose governing board is controlled by locally elected officials.

SEC. 503. None of the funds appropriated in this Act to the Legal Services Corporation for grants or contracts to basic field programs may be obligated unless such grants or contracts are awarded on a competitive basis: *Provided,* That not later than sixty days after enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process: *Provided further,* That such regulations shall include, but not be limited to, the following selection criteria:

(1) The demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving those needs.

(2) The quality, feasibility, and cost effectiveness of plans submitted by the applicant for the delivery of legal assistance to the eligible clients to be served.

(3) The experiences of the Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the applicant's record of past compliance with Corporation policies, practices, and restrictions:

Provided further, That, such regulations shall ensure that timely notice for the submission of applications for awards is published in periodicals of local and State bar associations and in at least one daily newspaper of general circulation in the area to be served by the person or entity receiving the award: *Provided further,* No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process: *Provided further,* That for the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or similar promulgation by any Federal, State, or local agency;

(3) that attempts to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a grantee to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities, and which does not involve the issuance, amendment, or revocation of any agency promulgation described in paragraph (2);

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress of the United States, or by any State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expenses, or related expenses, associated with an activity prohibited in paragraph (1), (2), (3), (4), or (5);

(7) that brings a class action suit against the Federal Government or any State or local government;

(8) that files a complaint or otherwise pursues litigation against a defendant, or engages in precomplaint settlement negotiations with a prospective defendant, unless—

(A) all plaintiffs have been specifically identified, by name, in any complaint filed for purposes of litigation; and

(B) a statement or statements of facts written in English and, if necessary, in a language which the plaintiffs understand, which enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs (including named plaintiffs in a class action), are kept on file by the person or entity provided financial assistance by the Corporation, and are made available to any Federal department or agency that is auditing the activities of the Corporation or of any recipient, and to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: *Provided further,* That other parties shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless, after January 1, 1996, and prior to the provision of financial assistance—

(A) the governing board of a person or entity receiving financial assistance provided by the Legal Services Corporation has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act, of the types of matters and cases to which the staff of the nonprofit organization shall devote its time and resources; and

(B) the staff of such person or entity receiving financial assistance provided by the

Legal Services Corporation has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with such board's written procedures for such situations:

Provided, That the staff of such person or entity receiving financial assistance provided by the Legal Services Corporation shall provide to their respective governing board on a quarterly basis, and to the Corporation on an annual basis, all cases undertaken other than those in accordance with such priorities: *Provided further,* That not later than 30 days after enactment of this Act, the Corporation shall promulgate a suggested list of priorities which boards of directors may use in setting priorities under this paragraph;

(10) unless, prior to receiving financial assistance provided by the Legal Services Corporation, such person or entity agrees to maintain records of time spent on each case or matter with respect to which that person or entity is engaged in activities: *Provided,* That any non-Federal funds received by any person or entity provided financial assistance by the Corporation shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds: *Provided further,* That such person or entity receiving financial assistance provided by the Corporation agrees (notwithstanding section 1009(d) of the Legal Services Corporation Act) to make such records described in this paragraph available to any Federal department, or agency or independent auditor receiving Federal funds to conduct an audit of the activities of the Corporation or recipient receiving funding under this Act;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)); or

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 applies but only to the extent that the legal assistance provided is that described in such section:

Provided, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity shall be deemed, for purposes of this section, to be an alien described in subparagraph (C);

(12) that supports or conducts training programs for the purpose of advocating particular public policies or encouraging political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his or her rights under statute, order, or regulation;

(13) that provides legal assistance with respect to any fee-generating case: *Provided,* That for the purposes of this paragraph the term ''fee-generating case'' means any case which, if undertaken on behalf of an eligible client by an attorney in private practice may reasonably be expected to result in a fee for legal services from an award to a client from public funds, from the opposing party, or from any other source;

(14) that claims, or whose employees or clients claim, or collect attorneys' fees from nongovernmental parties to litigation initiated by such client with the assistance of such recipient or its employees;

(15) that participates in any litigation with respect to abortion;

(16) that participates in any litigation on behalf of a local, State, or Federal prisoner;

(17) that provides legal representation for any person, or participates in any other way, in litigation, lobbying, or rulemaking involving efforts to reform a State or Federal welfare system, except that this paragraph shall not preclude a recipient from representing an individual client who is seeking specific relief from a welfare agency where such relief does not involve an effort to amend or otherwise challenge existing law;

(18) that defends a person in a proceeding to evict that person from a public housing project if that person has been charged with the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency: *Provided,* That for the purposes of this paragraph, the term ''controlled substance'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802): *Provided further,* That for the purposes of this paragraph, the terms ''public housing project'' and ''public housing agency'' have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a);

(19) unless such person or entity agrees that it and its employees will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action: *Provided,* That such person or entity or its employees receiving financial assistance provided by the Corporation shall also agree that such person or entity will not refer such nonattorney to another person or entity or its employees that are receiving financial assistance provided by the Legal Services Corporation; or

(20) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void: *Provided,* That for such purposes the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or non-profit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law: *Provided,* That, upon enactment of Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,000,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $250,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $103,445,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided,* That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $217,947,000: *Provided*

further, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,750,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $5,000,000, and for the cost of guaranteed loans, $146,710,000, as authorized by 15 U.S.C. 631 note, of which $1,700,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $97,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $78,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the ''Surety Bond Guarantees Revolving Fund'', authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 501. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The CHAIRMAN. Are there amendments to title V?

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

Mr. Chairman, in title IV, I wish to engage in a brief colloquy with the distinguished chairman of the subcommittee.

The bill before us provides for the merger of the inspector general's office of the U.S. Information Agency with the inspector general's office of the Department of State and the Arms Control and Disarmament Agency.

As the chairman of the committee knows, H.R. 1561 preserves for extensive reorganization the foreign affairs agencies of the U.S. Government, including the very merger called for in this bill, and during the course of our work, we discovered an anomaly in the interpretation of the civil service laws under which individuals working in the acquired agency in a merger lost all of their protection under the civil service laws, if, and only if, the work they were doing was deemed identical in function with some kind of work being done in the agencies into which they were merged.

Our Committee on International Relations decided this was inappropriate under the circumstances and specifically legislated against the interpretation in section 510 of H.R. 1561, which was passed by the House on June 8. Our decision was based on the view that all individuals other than those appointed by the President with the advice and consent of the Senate who are on the day before the merger employed at agencies to be merged should be considered for assignment in the merged agency and judged in the case of adverse personnel actions based on generally applicable merit procedures. They should certainly not lose their jobs over the arbitrary question of which agency was merged into which.

Would the chairman, therefore, agree that the rule we decided on would be appropriate in the circumstances, and would he be willing to undertake to clarify if necessary, in statutory language, that this would be the case should this provision be accepted by the other body?

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

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are willing to accept the suggestion of the gentleman on this organizational issue that the authorizing committee has addressed in its legislation. It is our hope that the solution would be worked out in the context of the authorization bill, but if it is not, we would attempt to work it out in conference on the appropriations bill.

I thank the gentleman for bringing this to our attention.

Mr. GILMAN. I thank the distinguished chairman for his clarification.

The CHAIRMAN. Are there amendments to title V?

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just take a very brief moment to enter into a colloquy with the distinguished chairman, the gentleman from Kentucky [Mr. ROGERS].

I had intended on offering an amendment to restore funds to the authorized level for the Radio Free Asia. Just a few days ago we voted on the Bereuter amendment, which reaffirmed our collective commitment to Radio Free Asia. The subcommittee looked at this, I know, and came to the conclusion that the money available plus the $5 million that is included in this bill would be sufficient because there is not an expectation that Radio Free Asia will be up and running soon. I hope that is an error, that it gets up and running sooner rather than later.

Should Radio Free Asia get off and running as we hope, I would just hope the chairman and ranking member would work with us to insure sufficient money would be available.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentleman's concern. He has been very avid in his support of Radio Free Asia and has worked very actively with this Member and with our subcommittee. We certainly would consider a reprogramming request at a later time if there is need for it and will try to work with the gentleman to satisfy his concerns.

As the gentleman knows, there is $5 million in this bill for Radio Free Asia. There is $5 million in additional carryover funds expected to be available in fiscal year 1996. They have not yet appointed the board for the broadcasting system, but if at the time there is a need, we can look at reprogramming funds. I assure you we will discuss that with you further.

Mr. SMITH of New Jersey. I appreciate that.

The CHAIRMAN. Are there amendments to title V? If not, the Clerk will designate title VI. The text of title VI is as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. 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. 603. 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. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity, (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes

offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—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 Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment, amendment No. 2.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: At the appropriate place, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Social Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] will be recognized for 2½ minutes.

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

Mr. GILMAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in strong support of the Kingston-Gilman-Barr-Dornan amendment which bars the use of Federal funds for implementing the President's ill-considered, pre-mature decision to expand diplomatic relations with Vietnam.

Nothing in this amendment interferes with our efforts to identify, locate and repatriate the remains of U.S. service personnel.

According to the National League of Families, since the President lifted the trade embargo against Vietnam, remains of only eight Americans, of over 2,200 still missing, have been accounted for since February of 1994.

A Chinese mortician who has passed a polygraph test, testified under oath that he preserved nearly 400 sets of remains of American servicemen.

A significant number of those 400 remains are still not accounted for, and the administration can not explain why these remains have not been accounted for.

It is obvious that—far from cooperating—Hanoi is coldbloodedly using the remains of missing Americans as pawns in a sordid game to extract maximum concessions from our Government. Let us not permit them those ghoulish tactics.

Many veterans groups, support our amendment.

Mr. Chairman, this amendment sends a forceful message to Hanoi that the Congress will not just sit idly by and permit them to filmflam the American people.

Accordingly, I urge my colleagues to support our amendment.

If Vietnam wants normalized relations with the United States—then they must deal honestly with us and must provide the full and fair accounting that they promised.

We owe that much to those who gave so much for all of us.

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

Mr. FOGLIETTA. Mr. Chairman, I rise to strike the requisite number of words. I rise in opposition to this amendment which will prevent the complete normalization of relations with the Republic of Vietnam.

Having just returned from Vietnam, I stand to bear witness to the extraordinary efforts being made to locate every single American soldier missing there.

I departed for Vietnam with grave skepticism about the claims of the Vietnamese Government that they were providing every piece of information available on the fate of missing American soldiers.

After seeing the efforts being undertaken by our military people and the Vietnamese—and listening to our military leaders on the ground in Vietnam, I believe that the Vietnamese Government is being completely cooperative and honest.

Admiral Macke told me that the Vietnamese Government has shown excellent cooperation.

Lt. Col. Timothy Boffe with the Joint Task Force overseeing the MIA/POW project in Vietnam explained to me that when the United States asks for information the Vietnamese deliver, nothing is being withheld.

We must continue to do everything in our power to help American families identify the remains of their loved ones, and we are. By establishing an official diplomatic dialog, we will expedite this process. Extending diplomatic relations to Vietnam does not mean that we forfeit all leverage with that government. Full normalization will be a continuing process, including the grant of most-favored-nation trading status.

This action will help heal the wounds of Vietnam. With a greater sharing of information, we will continue to search out the MIA's to give peace of mind to the families of those who served valiantly but have not returned.

Mr. RICHARDSON. Mr. Chairman, this amendment undermines the President's ability to conduct foreign policy.

Congress should not micromanage foreign policy by cutting funds that improve our relationship with Vietnam.

Diplomatic relations with Vietnam have entered a new phase of cooperation designed to serve the legitimate interests of both countries and contribute to the cause of peace, stability and cooperation in Southeast Asia.

Since the United States lifted the embargo levied against Vietnam last year, our diplomatic, financial, and economic ties to Vietnam have grown.

More importantly, the Vietnamese have been cooperating fully on the issue of MIA's.

For the better part of the last 20 years, the United States has tried to resolve the POW/MIA issue by isolating the Vietnamese, by denying them benefits of trade and diplomatic relations—and this policy has failed.

Progress has come on the POW/MIA issue because we actively engaged the Vietnamese, encouraged cooperation, and created incentives to ensure compliance.

The Vietnamese handed over 100 new documents on missing United States servicemen to me when I visited there last month. They have also honored my request to give United States officials consular access to Ly Van Tong, a United States citizen of Vietnamese origin imprisoned in 1993.

VFW Commander in Chief ''Gunner'' Kent, a marine Vietnam veteran representing over 2 million veterans, supports normalization and has said:

If by normalizing relations with Vietnam we can further the process leading towards the fullest possible accounting, then the VFW will support such a decision.

Recognizing Vietnam does not have to mean forgetting the MIA's. It can mean establishing even more cooperation—economic and diplomatic—between the two nations.

Such cooperation will boost chances for more success in learning about the fate of those missing since the Vietnam war.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the gentleman from New York has 1 minute remaining.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, even though I was a POW in Vietnam for 7 years, I understand the importance of our business access to Vietnam's emerging market. But I refuse to endorse opening relations with a country that simply will not provide us with information which they fully admit to having about our POW's and MIA's.

Vietnam's communist leadership just cannot be trusted. They have led us to alleged crash sites that, on inspection, had been recreated for U.S. visits. We have received animal bones that the Vietnamese said were human bones. This does not illustrate cooperation, in my opinion.

Vietnam never lived up to the 1974 peace agreements. The time has come for the war to end, but it must be a two-way street, and Until Vietnam demonstrates that they can work with us in good faith, keep the promises that they have made, they should not be rewarded with all the benefits of full diplomatic relations with the wealthiest, freest nation in the world.

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

I thank the gentleman from Texas for his statement in support of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN], who has been a longtime supporter of this proposal.

The CHAIRMAN. The gentleman will suspend. The gentleman from New York was given 2½ minutes of the 5 minutes. The gentleman has used that 2½ minute time period.

If, however, there is no one seeking time in opposition, the gentleman from New York may ask unanimous consent for those 2½ minutes if he does so at this point.

Mr. PETERSON of Florida. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida seeks the time?

Mr. PETERSON of Florida. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida [Mr. PETERSON] will be recognized for 2½ minutes.

Mr. GILMAN. Mr. Chairman, it was our understanding it was 5 minutes on each side.

The CHAIRMAN. That was not the request. The request was for 5 minutes.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that we be given 5 minutes on each side with regard to this.

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Florida [Mr. PETERSON] is recognized.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take all of the time. I will not belabor this point.

It is clearly not in our best interests to take away our opportunity to communicate with Vietnam in a diplomatic nature.

So at this time I want to go on record in opposition to the amendment as proposed by the distinguished gentleman from New York [Mr. GILMAN] at this time.

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

Mr. BARR. Mr. Chairman, the President's decision to confer full diplomatic recognition to Vietnam, prior to establishing the fullest possible accounting of our American POW's and MIA's, was wrong. In my judgment the dignity and honor of those 58,000 Americans who died fighting for freedom in the Vietnam war and the memory of the 2,200 American MIA's would be violated were this Nation to enter into formal relations with Vietnam at this time.

It's been more than 20 years since the United States withdrew from the Vietnam war, and at no time in that entire period has Vietnam been completely forthcoming in answer to repeated requests for assistance in locating American MIA's.

For these reasons, I am offering an amendment to H.R. 2076, the Commerce, Justice, State appropriations bill that essentially prohibits Federal funds from being used to establish full diplomatic relations with the Communist Government of Vietnam. I am proud to have the privilege of offering this amendment with my colleague from Georgia, JACK KINGSTON—a distinguished member of the House Appropriations Committee, and Chairmen SOLOMON and GILMAN among others.

The amendment is both straightforward and simple. It will prohibit any of the bill's funds from being used to open or operate any new United States diplomatic or consular post in Vietnam after the retroactive cut-off date of July 11, 1995, or expand any post that existed prior to that date. It also prohibits funds from going to increase the total number of personnel assigned to such posts above the level that existed on July 11.

During a hearing before the Military Personnel Subcommittee of the House National Security Committee, current officials of the Pentagon's Defense POW/MIA Office [DPMO], and recently retired senior field investigators of the military's Joint Task Force Full Accounting [JTFFA] revealed under oath that Vietnam continues to: First, withhold remains; second, withhold essential documents and records; and third, manipulate field investigation to include coaching and intimidating witnesses as well as manipulating evidence at crash sites.

Many of the remains returned in recent years from Hanoi draped with the American flag have been discovered to be animal bones or non-American remains.

Some 163 remains returned to the United States from Vietnam have shown sign of chemical processing and prolonged storage. There are potentially 400 such processed remains.

During the Reagan administration when the United States officials adhered to strict negotiating principles, 169 MIA's from Vietnam were accounted for, an average of 21 per year. During the Bush administration, 96 MIA's were accounted for, averaging 24 per year. However, during the first 2½ years of the Clinton administration, only 30 MIA's have been accounted for, a drop to only 12 per year. But, even more telling, since the Clinton administration lifted the trade embargo, the number of those accounted for has dropped to a mere eight.

As Presidential candidate, Mr. Clinton named four criteria for the normalization of relations with the Government of Vietnam. To this day those criteria have not been achieved.

The President's own standards were: First, Concrete results from efforts on Vietnam's part to recover and repatriate American remains; second, continued resolution of discrepancy cases; third, further assistance in implementing trilateral investigations with Laos; and fourth, accelerated efforts by Vietnam to provide all POW/MIA related documents that will help lead to genuine answers.

Since President Clinton defined the criteria, progress has been almost totally limited to fate determinations produced by joint U.S./SRV investigations. Resolution means accountability, defined by the U.S. Government as the man returned alive, or his remains, or convincing evidence as to why neither is possible. In nearly all instances of the 117 with reported confirmation of death, evidence also indicates that Vietnam should be able to locate and provide remains. Of the 81 special remains cases—94 individuals—now being pursued jointly, unilateral efforts by Vietnam to locate and provide remains are required on all but the died-in-captivity [DIC] cases. The DIC cases require joint investigation due to wartime burial, mostly in the south.

There are some 300 Americans who were last known alive under Vietnamese control. Their status remains unresolved. Further, only three sets of remains have been returned of 97 Americans known to have died in captivity—85 percent of approximately 600 Americans captured in Laos were under Vietnamese control.

Mr. Chairman, it is clear that the President's decision was wrong, this amendment corrects that decision. I urge my colleagues to support this amendment, support the MIA's and POW's and their families that so heroically served this great Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. GOODLING

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

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve

United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

Mr. ROGERS (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 Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, further, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, and that the time be equally divided.

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

There was no objection.

Mr. MOLLOHAN. We have no objection. Does that mean we get 5 minutes on this side? Mr. Chairman, who is to control the time?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 5 minutes in support of his amendment.

Who seeks to control time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I will seek time.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 5 minutes also in support of the amendment.

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

Mr. Chairman, H.R. 7, the National Security Revitalization Act, and H.R. 1530, the defense authorization bill, both of which contain provisions severely restricting deployment of U.S. troops under foreign command, are now law, or have been passed by the House.

The amendment I offer today is a compromise proposal drafted with the support of the ranking Democrat in the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], and it will apply these restrictions to this spending bill. I prefer to see that the provisions contained in H.R. 7 and H.R. 1530, which were approved by the House be enacted into law. These bills contain important certification and reporting requirements concerning U.S. involvement in U.N. missions that should be the law of the land.

In the interim, however, this amendment provides some measure of reassurance to Congress that U.N. mission debacles such as UNOSOM in Somalia will be avoided in the future.

In short, this amendment would prohibit the placement of U.S. troops under U.N. command unless military advisers report to the President and Congress such deployment was in the security interests of the United States.

I just want to restate to my colleagues the current U.N. command structure is largely unworkable. Current structure brought us the tragedy in Somalia and remains inept in Bosnia. The United Nations must rework its structure if it is to remain viable. As it currently stands, I do not see how we can subject Americans to that unworkable structure, needlessly endangering their lives.

I thank the chairman, the gentleman from Kentucky [Mr. ROGERS] and his staff, the gentleman from West Virginia [Mr. MOLLOHAN] and his staff, my friend, the gentleman from Indiana [Mr. HAMILTON], and his staff for working with me on the matter.

I urge an ''aye'' vote on the amendment.

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

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, on this side of the aisle, we are prepared to accept the amendment, thinking it is a good one, and urge its adoption.

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

We have no objection to the amendment.

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

□ 2015

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

Mr. KIM. Mr. Chairman, I move to strike the last word, and I would like to engage the gentleman from Kentucky in a colloquy.

Mr. Chairman, I had intended to offer an amendment which would have withheld money for any official congressional travel to North Korea until North Korea ends its policy of discriminating against certain Members of this Congress in permitting travel to North Korea.

As the only Korean-American in Congress, the Speaker and the chairman of the Committee on International Relations asked me to lead a special bipartisan delegation to North Korea in an effort to provide an in-house assessment of the nuclear agreed framework and future relations.

This bipartisan delegation was rejected, yet another congressional mission was not. I have very convincing evidence that this rejection was based on my national origin and political philosophy and perhaps that of others in the delegation.

Mr. Chairman, this is a direct insult to Congress. North Korea is deliberately insulting this Congress, with some Members obviously being more friendly to North Korea than others. We should not tolerate this demeaning insult.

My objective is to send two strong messages: One, to North Korea, Congress will not accept this insult. Congress, not the North Koreans, will decide which Members of Congress represent this institution abroad.

Since North Korea needs the United States Congress, not the other way around, my message is, ''Accept the delegation we choose to send or none will be sent at all.''

The second is to the State Department.

I am disappointed at the apparent lack of seriousness the State Department has given to North Korea's insult. North Korea is not going to change its position unless strong and convincing representations are made at much higher levels.

The State Department has been too busy appeasing North Korea at the expense of Congress and the dignity of our own Government. What is the personal threat of North Korea? Will Korea not attack us? This is really embarrassing.

Mr. Chairman, in lieu of offering this amendment at this time, I welcome the commitment of the gentleman from Kentucky [Mr. ROGERS] to help me get this important message across to North Korea and the State Department, loud and clear. With the help of the gentleman, I am willing to give the State Department one more chance to get tough with the North Koreans.

Furthermore, as a means of protesting North Korea's insult and showing solidarity, I urge my colleagues to boycott traveling to North Korea until this discrimination ends.

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

Mr. KIM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman from California [Mr. KIM] not offering his amendment at this time and his willingness to give the State Department one more chance. In return, as the chairman of the subcommittee, I commit to raise this situation directly with Secretary of State Warren Christopher, and to relay the concern of the gentleman from California [Mr. KIM] that the State Department should be making this issue a higher priority.

The Department is expected to do a much better job of making North Korea appreciate the role of Congress in determining the pace and scope of future relations and the seriousness of Pyongyang's insult to Congress. I fully support the choice made by Speaker GINGRICH and the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], of Mr. KIM to lead a bipartisan delegation to North Korea representing the House.

Mr. Chairman, I see North Korea's rejection of this codel as a rejection of the House as a whole. Congress cannot cede its decisionmaking authority on Member travel to the Communist dictatorship of North Korea.

Furthermore, Mr. Chairman, North Korea's direct snub of Congress raises serious questions about the sincerity of

North Korea's other interactions with the United States, including Pyongyang's commitment to the nuclear agreed framework. Do they intend to only cooperate on some parts of the agreement and not others?

Mr. KIM. With our chairman's commitment and that of the gentleman from New York, I will not offer my amendment at this time with the understanding that I will withdraw my amendment.

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

Mr. Chairman, I want to express my strong support for the resolution of the gentleman from California [Mr. KIM]. I think it is appalling that another country would sort out who they want of our congressional delegation to visit their country and to decide arbitrarily that the gentleman from California could not be admitted to North Korea, and it is for that reason I urge our colleagues to be supportive of the Kim resolution.

The CHAIRMAN. Are there other amendments to title VI?

AMENDMENT OFFERED BY MR. ZIMMER

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

The Clerk read as follows:

Amendment offered by Mr. ZIMMER: Page 102, after line 20, insert the following new section:

SEC. . None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the federal prison system—

(A)(i) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(ii) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(iii) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(iv) possession of in-cell coffee pots, hot plates, or heating elements;

(v) the use or possession of any electric or electronic musical instrument.

Mr. ZIMMER (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 New Jersey?

There was no objection.

Mr. ZIMMER. Mr. Chairman, I will take only 1 minute.

Mr. Chairman, this amendment deals with prison amenities. Prison perks are bad public policy and a waste of taxpayer dollars. My amendment is designed to start eliminating them from Federal prisons.

In some prisons, inmate amenities are better than what law-abiding Americans have. Prisons should be places of detention and punishment; prison perks undermine the concept of jails as deterrence. They also waste taxpayer money.

Mr. Chairman, my amendment would help end this taxpayer abuse by prohibiting funds from being spent in Federal prisons on luxuries such as martial arts instruction, weight rooms, in-cell televisions, sexually explicit or violent movies, and expensive electronic musical instruments. We must make sure we are spending public funds wisely, not using them on amenities that have little bearing on institutional security and that far exceed basic standards of human dignity.

Mr. Chairman, my amendment has won the support of the Law Enforcement Alliance of America, the Nation's largest coalition of law enforcement officers, crime victims and concerned citizens. This is a reasonable amendment. It does not provide for a return to the chain gang. It does provide for a return to common sense.

Mr. Chairman, I urge my colleagues to support this amendment.

Prison perks are bad public policy and a waste of taxpayer dollars. My amendment is designed to start eliminating them from Federal prisons.

In some prisons, inmate amenities are better than what law-abiding Americans have:

The Lompoc, CA, Federal penitentiary offers premium cable TV, movies 7 days a week, pool tables, handball, tennis, and miniature golf.

The Duluth, MN, Federal prison camp is called Club Fed. It provides a movie theater, musical instruments, softball fields, and game rooms.

The Federal prison in Manchester, KY, in which some State politicians have taken up residence, has a jogging track, several basketball courts, and multiple TV rooms.

Prisons should be places of detention and punishment. Prison perks undermine the concept of jails as deterrence. They also waste taxpayer money.

My amendment would help end this taxpayer abuse by prohibiting funds from being spent in Federal prisons on luxuries such as martial arts instruction; weight rooms; in-cell televisions; sexually explicit or violent movies; and expensive electronic musical instruments.

Earlier this year during consideration of the anticrime component of the Contract With America, this House accepted a no-frills prison amendment I offered that requires the Attorney General to set specific standards governing conditions in the Federal prison system that provide the least amount of amenities and personal comforts consistent with constitutional requirements and good order and discipline in the Federal prison system.

That amendment also requires the Bureau of Prisons to submit an annual audit to Congress listing exactly how much is spent at each Federal prison for basics and how much is spent on extras, perks, and amenities.

This requirement will allow Congress to get a handle on whether we are spending taxpayers' money on reasonable items to maintain and secure prisoners, or whether money is being wasted on luxuries that many law-abiding Americans cannot afford.

We must make sure we are spending public funds wisely—not using them on amenities that have little bearing on institutional security.

My amendment has won the support of the Law Enforcement Alliance of America, the Nation's largest coalition of law enforcement officers, crime victims, and concerned citizens.

This is a reasonable amendment. It does not provide for a return to the chain gang. It does provide for a return to common sense.

I urge my colleagues to support this amendment.

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

Mr. ZIMMER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, on this side, we accept this amendment.

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

The CHAIRMAN. The question is on the amendment by the gentleman from New Jersey [Mr. ZIMMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment, amendment No. 40.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendent offered by Mr. SKAGGS: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for ''USIA Television Marti Program'' under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and the time be equally divided between the gentleman from Colorado [Mr. SKAGGS] and a Member on this side in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] will be recognized for 10 minutes.

Does any Member seek recognition in opposition to the amendment?

Mr. SMITH of New Jersey. Mr. Chairman, I seek recognition in opposition.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, the purpose of this amendment is to prohibit the use of any funds in this bill for the operation of TV broadcasting to Cuba, otherwise known as TV Marti. Put quite simply, this program is, has been, and will continue to be, a colossal waste of U.S. taxpayers' money.

Virtually no one in Cuba has, is, or will ever be able to receive a TV Marti signal. We are broadcasting into the black hole created, unfortunately, by the very effective jamming of this program by the Castro government.

Mr. Chairman, in the process, however, we have thrown away something on the order of $90 million over the last several years in an empty gesture of political symbolism that accomplishes absolutely nothing in terms of the interests of the United States relative to Cuba or Latin America.

Mr. Chairman, the research conducted on this by USIA's own researchers has demonstrated that there is no effective viewership of TV Marti. Pursuant to the appropriations bill enacted a couple of years ago, we required USIA to set up a review committee on broadcasting to Cuba and to inform Congress whether there was any effective viewership at all. That advisory committee came back with a clear finding that no one sees TV Marti.

Private researchers have gone to the island to see if they can find the TV Marti signal. No one can see TV Marti.

In the process of trying a Rube Goldberg contraption to improve the signal being sent to Cuba, we compromised for a while our Caribbean air defenses, all again in this vain effort to get a TV signal into Cuba which no one sees.

Mr. Chairman, there is now under way, at a waste of millions more in taxpayers' money, an effort to convert what had been a VHF program to a UHF program. That misses a couple of fundamental technical points. One is that most TV sets in Cuba do not receive UHF. The second is, verified by technical experts in this country, that it would be far easier to jam UHF signals than VHF signals. So no matter how you look at this, unless you are interested in spending tens of millions of dollars, in the very, very difficult budget time we are now in, on symbolism that has no practical effect, to no benefit to the interests of the United States, it is time to put this program out of its intense misery.

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

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. SKAGGS

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey to the amendment offered by Mr. SKAGGS: In the matter proposed to be inserted by the amendment, strike the period at the end and insert the following:

, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

Mr. SKAGGS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Skaggs amendment and in support of the legislation that I am offering to his amendment. The amendment of the gentleman from Colorado [Mr. SKAGGS] is aimed at the heart of what is sometimes called surrogate broadcasting. An even better term, Mr. Chairman, is freedom broadcasting sending the message of freedom to people who live in countries where this message is not permitted to be carried on domestic radio and television stations.

The amendment of the gentleman from Colorado, [Mr. SKAGGS], would eliminate TV Marti, would deprive millions of Cubans of not only vital information around the world and about the world, but also the hope that comes with knowing that the free world cares. My substitute perfecting amendment guarantees fiscal responsibility without compromising our commitment to freedom.

Mr. Chairman, eliminating or crippling freedom broadcasting into Cuba, as the Skaggs amendment would do, would send exactly the wrong message at exactly the wrong time.

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

Mr. SMITH of New Jersey. Mr. Chairman, I do not have the time.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that each side have 1 additional minute.

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

There is no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield to my friend, the gentleman from Missouri.

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

Mr. Chairman, I will not take the full minute, but I want to associate my remarks with those of the gentleman from New Jersey [Mr. SMITH], particularly in regard to the electronic communications of Marti toward the Island of Cuba. That is a very, very important subject for us as Americans. We should not forget that.

Mr. Chairman, many people from Cuba are here and enjoying our freedoms, but they also have friends and relatives back there, and the best way to communicate with them is for us to do it through the freedom network which the amendment of the gentleman from New Jersey [Mr. SMITH] addresses. I compliment the gentleman for addressing it in his substitute amendment.

□ 2030

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Missouri [Mr. SKELTON], my good friend, for his very kind words and for his support for the amendment I am offering.

Mr. Chairman, eliminating or crippling freedom broadcasting to Cuba, as the Skaggs amendment would do, would sent the wrong message at exactly the wrong time. The Castro dictatorship is at an all-time low in domestic support and international prestige. Like the two recent Clinton-Castro immigration agreements, the silence of Marti-TV would provide new hope for the Castro dictatorship and a fresh dose of despair for the Cuban people.

Mr. Chairman, let me just say that the amendment that I am offering achieves fiscal responsibility by guaranteeing that no funds would be spent for TV-Marti except in accordance with a careful and thoughtful plan for the streamlining and reinvention of the Office of Cuba Broadcasting proposed by the then Director, Mr. Richard Lobo, and approved by USIA Director Dr. Joseph Duffy in March of 1995.

These reforms are going to be implemented; they can save taxpayers money without sacrificing our commitment to end the slavery in Cuba.

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

The CHAIRMAN. Does the gentleman from Colorado insist on his point of order?

Mr. SKAGGS. No, Mr. Chairman. I have consulted with the Parliamentarian, and I am afraid my point of order would be unlikely to be sustained, so I will not put us through the exercise.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Skaggs amendment to defund TV–Marti. I think it is very important that this amendment passes. I think it is time that we recognize that that program is an anachronism from the past, that what we ought to do is engage in a modern policy with the people of Cuba to engage them both in trade, and personal communications, and travel and tourism, and start to bring our values to their island, and to let them expand the values that they hold, and they can do that by greater contact with this country, greater contact with the rest of the world, and I think the notion that somehow we are going to provide some kind of meaningful engagement through the use of this process is simply ridiculous. We ought to understand that we ought to get out of the business of the embargoes, we ought to get out of all these old policies from the cold war, and start out fresh with the people of Cuba, and this program has never worked. It has been an incredible waste of money. It has not reached the population for which it was designed.

Mr. Chairman, we ought to stop this program, but, once this program is stopped, we ought to move on to a new relationship.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Today, Mr. Chairman, is an interesting day, the 26th of July, the anniversary of Castro's movement in Cuba, big celebration day for him, the day he got his so-called revolution going, and the revolution culminated with the oppression that has been on the Cuban people for 36 years. It is also interesting that just last week the Christian Science Monitor pointed out the vast new campaign of repression that Castro is engaging in against the—all signs of budding, free, independent press within Cuba. Our colleagues who are proposing this amendment, the gentleman from Colorado [Mr. SKAGGS], the gentleman from California [Mr. MILLER], the gentleman

from New York [Mr. SERRANO], in their Dear Colleague they say Television Marti uses tax dollars to produce and broadcast programs to Cuba, but Cubans cannot see them because the signals are jammed by the Cuban Government, so, they continue to say, while we support USIA's efforts to provide biased news, we are convinced it makes no sense to continue with the program.

In other words, the essence of their argument is, because Castro engages in jamming of TV Marti, that we should give up. In other words, during the heat of the cold war, when the Soviet Union was most engaging in jamming of Radio Free Europe and Radio Liberty, and was very successful, at some point jamming up to 90 or 95 percent of the transmissions of Radio Liberty and Radio Free Europe, if we were going to engage in the philosophy, accept the philosophy of the proponents of this amendment of the kill TV Marti, we would simply say, ''Oh, they won. They are jamming 80 percent, they are jamming 85–90 percent, so we have to give up.''

Mr. Chairman, that is not the American way. When we have a burden to overcome, when we have a situation where Castro was spending tons and tons of oil to jam, attempt to jam, the signal, we overcome the jamming, and we are doing that. We are engaging in the conversion of the UHF which the technicians tell us is going to markedly increase the receptivity of TV Marti, and, if we have to, we will use a C–130. We will get the transmission through. That is the American way, not throw in the towel, not give up, not give Castro a victory on the 26th of July.

Reject this effort by the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to take a little time to respond to the substitute amendment that has been offered by the gentleman from New Jersey.

The underlying assumption of the substitute of course is that this program can be fixed. The problem is that it is beyond fixing. It is not within the technical capabilities of the United States to make this thing work, and we should recognize that and get on with more productive uses of our very, very scarce resources.

Let me quote again the findings of the panel appointed by the United States Information Agency, which had an interest, since this operates under USIA auspices, in seeing a successful finding. But the panel that the USIA itself appointed said the following about this program, and I quote: ''The panel is able to state categorically that at present TV Marti's broadcasts are not consistently viewed by a substantial number of Cubans. Whatever TV Marti's shortcomings, they are negligible compared to its inability to reach its intended audience.''

Now I understand the strongly held feelings of the gentleman from Florida that just spoke and many that believe that this is an absolutely stellar effort to show the flag. I understand that. I think it is just too expensive for its purely symbolic effect.

In passing my amendment, we are not giving Castro a victory. We are giving the American taxpayers a victory.

Mr. Chairman, the substitute amendment is not going to solve the problem, it should be rejected, and I again urge my colleagues to support the original amendment as I offered it.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that there be an additional 6 minutes. There are a number of speakers who would like to come forward on this important issue and for the interest of the membership of knowing the breadth and the fervor, equally divided, of course, with the gentleman from Colorado [Mr. SKAGGS].

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

Mr. OBEY. Reserving the right to object, Mr. Chairman, I do not want to object. We have been asked time and time again by the majority to cooperate in closing down debate so we can get out of here.

Mr. SMITH of New Jersey. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], who has been very stalwart on the issue of human rights in Cuba.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of the substitute amendment and in favor of the important functions served by television broadcasting to Cuba.

Mr. Chairman, for decades Castro has been a master at manipulating information inside Cuba to serve his evil purposes. This information monopoly went unchallenged until the creation of Radio and TV Marti which effectively broke the information embargo that Castro has imposed on the people of Cuba.

The reality is, Mr. Chairman, that both Radio and TV Marti have been invaluable in providing the enslaved Cuban people access to information they would otherwise not obtain.

In Europe and Asia, American broadcasts played a critical role in freeing the enslaved countries of those continents against their Communist rulers. In Cuba, the broadcast of these two stations have made similar breakthrough impacts in the short number of years they have been in operation.

Moreover, the importance of the broadcasts of Radio and TV Marti have dramatically increased, given the newly enhanced repression by Castro's poilce state against journalists who try to act as independent sources of information.

Just 2 weeks ago, it was reported that Rafael Solana Morales, the founder of a clandestine independent news agency, Havana Press, was arrested by Castro's police state.

That same day, July 12, Jose Rivero Garcia, of the Council of Cuban Independent Journalist, was likewise arrested and detained.

Similarly, other independent journalists from the Association of Cuban Independent Journalists were also arrested, detained, and interrogated in early July by Castro's thugs.

As one of the victims of Castro's repression, Solano Morales, stated: ''This is harassment and attempted intimidation of the free press in Cuba, but it will not have the desired effect.''

The words of Mr. Solana Morales symbolize the determination of these journalists to continue working against the Castro regime.

What message will we be sending to these journalist dissidents if we move to eliminate broadcasting to Cuba?

Mr. Chairman, Castro has recently been working overtime to portray a reformist image of the island. However, Cuba remains to this day a totalitarian state where no freedoms of expression, press, assembly and all others that we in this country enjoy, exist.

A human rights activist of the organization America's Watch recently phrased it perfectly when referring to the Castro regime, ''They've been working hard since about November to improve their image, but this shows there's no real change in the structure of human rights limitations.''

Without Radio and TV Marti the Cuban people might have never found out about the intentional sinking by Castro's thugs of a tugboat filled with refugees and the resulting death toll of dozens of Cuban citizens, mostly women and children.

Without Radio and TV Marti the Cuban people would have been blind to the massive demonstration in Havana last year, or the refugees crisis that followed it.

TV and Radio Marti allow the Cuban people to differentiate the facts from the fiction that Castro promotes inside the island. This is critical to help the dissident movement on the island obtain the information necessary to continue with their courageous activities against Castro.

Mr. Chairman, let us not hand Castro a victory or buy into his cheap image enhancement.

TV Marti is an important tool in our battle to bring freedom and democracy to the Cuban people. Its elimination would undermine the efforts of those inside the island who look toward us as partners in their struggle to eliminate tyranny in Cuba.

I urge my colleagues to support the substitute amendment and reject attempts to eliminate TV Marti and its message of freedom.

Mr. MENENDEZ. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes on this vital issue in my district.

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

Mr. MOLLOHAN. Mr. Chairman, reserving the right to object, we have

agreed to a time certain on these amendments, and I think it is extremely important to move this bill efficiently tonight. I think everybody agreed by unanimous consent on these time limits, and I would very reluctantly ask that the gentleman reconsider his request.

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

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I appreciate the gentleman's concern. Let me just say, had I been here, I would have objected, or I would have sought to at least insure this. It is interesting the only Cuban-American Democrat cannot get a unanimous-consent request from his own colleagues to be able to speak for 2 minutes for the second-largest concentration in the country.

Mr. Chairman, I would hope the gentleman would reconsider his objection.

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

I hope there will be restrained respect of our time limits and that the gentleman will come in if they have these issues and they want to speak on them. I hope in the future that we would come and get time during the agreed-upon originally time, and I withdraw my reservation of objection.

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

There was no objection.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for withdrawing his objection, and I have, in every way along the way, attempted to cooperate. As a matter of fact, I came the other day to speak on something, and even though I had asked prematurely to speak, I was not given time, so I have tried to cooperate, but I appreciate the gentleman's withdrawing his objection.

Mr. Chairman, I do not have enough time in 2 minutes, but let me just briefly say for those who say this is a cold-war relic, I say someone should tell Fidel Castro that it is a cold-war relic. We just had four ex-political prisoners from a generational difference, one who was just here a year ago, just came here a year ago, others who spent more time in Castro's jail than any other political prisoner in the world, Mario Chamas, in excess of 30 years. He saw his son born outside of jail and his son die while he was still in jail. He said tonight here in the House of Representatives in one of our offices where we were having an open meeting for Members to come, ''Don't cut Radio and Television Marti. Give the opportunity for the people in Cuba to have an open window, the only window of information that, in fact, we have,'' and this report which was authored by those who have the capacity, the intellect, and the technological background say we can do so, we can fix Television Marti to insure that in fact it is available to all the people of Cuba.

Lastly let me just say that the fact of the matter is this House just approved to transmit into China and into a Communist country. All we ask our colleagues to do is to keep the opportunity for information to continue to flow to the people of Cuba for an item that already exists. The fact of the matter is that 90 miles away from our shores there is a society that is closed, that has not been awoken to the waves of democracy that have come throughout the world, and whose only information comes from this great country as to what is happening in the rest of the world.

Do not close that window on these people. Vote against the amendment offered by the gentleman from Colorado [Mr. SKAGGS] and for the amendment offered by the gentleman from New Jersey [Mr. SMITH].

□ 2045

The CHAIRMAN. The Chair would point out the gentleman from New Jersey [Mr. SMITH] has 4 minutes remaining, the gentleman from Colorado [Mr. SKAGGS] has 6 minutes remaining, and the gentleman from Colorado has the right to close.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Chairman, this is an issue which undoubtedly has the passion of several Members, and I respect that passion and their desire to fulfill what they believe is the right course of action when it comes to Cuba and Mr. Castro. So I say this with deep respect for their views.

But I must say that at a time when we are cutting back on so many different programs, to spend $90 million on TV Marti, when we know we are cutting back on some very, very essential programs, to me is difficult to swallow.

Worse, when I realize that TV Marti does not even reach most of the Cuban people because it is blocked, it is something that cannot get through as much as we might desire, some people might desire, makes it a doubly more difficult thing to swallow.

Mr. Chairman, I would urge Members to consider the fact that what we are trying to do with these budget bills, these spending bills, is to try to come up with ways to spend our money the best we can for Americans. I would hope that we would concentrate on those. As much as I respect a lot of the Members who are my good friends, who have a great deal of interest and, as I said before, passion on this issue, I would urge colleagues to vote for the Skaggs amendment.

Mr. SMITH of New Jersey. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from New York [Mr. GILMAN] the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

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

Mr. Chairman, earlier this month, our Committee on International Relations took a bold, bipartisan step forward to prescribe proactive measures to help bring freedom to Cuba once and for all. The amendment offered by the gentleman from Colorado, [Mr. SKAGGS], is a step backward—and I urge my colleagues to oppose the Skaggs amendment and to support the Smith amendment.

Despite the controversy that usually marks any debate on Cuba, there is one issue on which all sides generally agree: that is on the manifest need to communicate with the Cuban people—to offer them a window to the real world and a hopeful glimpse at the future.

That is the spirit behind Radio and TV Marti.

One of the key provisions of legislation offered by Mr. BURTON, which has been referred favorably by our Committee to the Whole House, is a requirement that the President start planning now for United States support to a democratic transition in Cuba.

That plan, which was an idea conceived by our good friend and committee colleague, Mr. MENENDEZ of New Jersey, will lay out clear steps toward the normalization of our political and economic relations with Cuba.

A hallmark of that plan is the ability to communicate its contents to the Cuban people with two simple purposes: to offer them hope and to refute Castro's virulent propaganda that we mean them harm.

We cannot hope to achieve that mission—nor reach the broader objective of advancing liberty's reach—if we gut broadcasting to Cuba.

Let's be clear: there is one reason that TV Marti's audience is limited: because that's the way Castro wants it. If we silence TV Marti, we will be handing his dictatorship a victory by default. TV Marti's reporting is journalistically sound and evenhanded. That is why Castro is against it; that is why we should be for it. From the point of view of United States Cuba policy—which has been compromised recently by mixed signals—I cannot conceive of a worse time in recent memory to serve up a ''stocking-stuffer'' for Castro. I urge my colleagues to consider the broader policy issues when making the decision on this amendment.

Let's not abandon the field, particularly at a time when our policy is at a crossroads and when Castro is looking for cracks in our resolve. I urge my colleagues to defeat the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO].

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Mr. Chairman, I do not really think that this is an argument about our resolve to do what we have to do for democracy or any other subject we want to discuss. This is just a bad expenditure. That TV station has not been seen in Cuba for the last couple of years. In fact, the reports are that it was seen one evening with Popeye cartoons. I know Popeye is good and funny. I do not know if Popeye is good at undoing any kind of government.

Those of you who are new to this House and strong on the issue of cutting budgets, this is a good one to start. The problem here is simple, and you are going to hear it throughout this discussion. There is a lobby in Miami that I envy. They are so strong. They can get their own TV station, their own radio station, their own embargo, and, of course, they can present it as something that is against everything that is wrong and in favor of everything that is right.

This, my friends, is a waste of money. When was the last time someone came from Cuba and said I saw TV Marti? They do see CNN programming. What they do see is the World Series when it goes in on the antenna. TV Marti does not get in. Whether or not it is jammed by Mr. Castro is not the point. I do not allow anything to come to my House that I do not want.

So maybe he has got a problem with that. That is his decision to make. But why are we spending tax dollars on something that does not work because we have got people telling us that they want electronic toys to play with? If they want electronic toys, let those lobbyists get a Radio Shack card and go and buy something and leave TV Marti unfunded and save that money.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, when I was a Fulbright student in Communist Romania staying with a Romanian family, I remember how important to them was Radio Free Europe and the Voice of America. It was the only way they could get the truth unfiltered and know what was going on in the outside world, as well as inside their country.

As U.S. Ambassador to that harsh Communist country, I saw even more how indispensable was an American broadcast voice. It made all the difference in Eastern Europe and Russia.

If we want to assist in the demise of Fidel Castro and his Cuban Communist regime and assist in the establishment of a free democratic government in post-Castro Cuba, TV Marti is needed now more than ever. I want history to record that when the Cuban people seeking freedom needed a voice and a news lifeline, at least in this small way we did not fail them.

Mr. Speaker, I have seen Communists up close. They do not respond to offers of friendship or well-meaning gestures of good will. They have nothing but contempt for those in Congress, the media, and academia who turn a blind eye to their crimes. I have seen Ceausescu, Li Peng, and many other Communist leaders.

Castro is a cold-blooded killer. He is a mass murderer. He knows only one language, force. While he lives, he is a threat, not only to the people of his island, but to the people of southern Florida. That is why we must give the people of Cuba every tool that we can to help them throw Castro into the Caribbean. That is why he must beat back attempts to cut the Cuban people off from TV Marti. TV Marti is the Cuban people's link to freedom.

Mr. Chairman, we must defeat the Skaggs amendment, and we must support the Smith amendment. Let us defeat this ill-timed amendment of the gentleman from Colorado [Mr. SKAGGS] and send Castro into the oblivion he so richly deserves. Do the right thing for freedom.

Mr. Chairman, there is no stronger advocate of eliminating layer after layer of the foreign policy bureaucracy than this Member. Despite that I will always argue that you cannot put a price on freedom.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time, 3 minutes, to my good friend and colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, a week ago this Congress answered the imprisonment of an American citizen in China with Radio Free Asia. Today we celebrate the end of the cold war by recognizing the role of Radio Free Europe, knowing that more than any tank, as much as any plane, or the bravery of any soldier, the truth has always been America's most effective weapon.

Now the question before this Congress is, is the Congress that for all of these years supported Radio Free Europe, the very same individuals that voted for Radio Free Asia, now to abandon the truth in the fight against dictatorship in Cuba? That, my friends, is the question.

But it is not a new question. Last year the gentleman from Colorado [Mr. SKAGGS] came to this Congress with the same question on the same bill. It was argued then that there was no news, except USIA did a study and 70 percent of the broadcasting is news. It was argued then that it would not reach the Cuban people, except USIA says that it reaches most of the Cuban people. It was argued then that it was not effective or in the national interest, except that USIA said that is technically sound, it contains essential information, it is in the interests of the United States Government, that it sustains the Cuban people's right to hear and see the news.

Mr. Chairman, we did not have this debate last year, because the opponents and the proponents agreed for an independent study on the value of Television Marti. And you have it. It works, it is effective, it is the truth.

I cannot imagine the despair this Congress would cause to thousands of Cubans who last year took to the streets of Havana to demonstrate for their freedom, to the hundreds who are in political prisons, to those who risk their lives every day, organizing, planning, hoping, praying for freedom, to give Fidel Castro this gift.

Mr. Chairman, there is nothing more in the great traditions of this country than to believe that our most effective tool is a discussion of ideas, the promotion of our form of government, the announcement of the truth. Television Marti is in that tradition.

It is not that it cannot be better. This same study by the Clinton administration which endorsed the programming and its effectiveness also found ways to save money, and we are doing that; spending less, spending more effectively, but all the time letting the people of Cuba know that the truth, America's greatest weapon, is still their ally. I urge support of the Smith substitute.

Mr. SKAGGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the beautiful rhetoric of my friend from New Jersey. Unfortunately, the gentleman grossly mischaracterizes the report of the Advisory Committee on Broadcasting to Cuba, and particularly as it dealt with TV Marti. Let me just quote, as opposed to characterizing, what the advisory committee found, which is about 179 degrees different than the characterization of the gentleman from New Jersey [Mr. TORRICELLI].

''The panel is able to state categorically that at present, TV Marti's broadcasts are not consistently received by a substantial number of Cubans. Whatever TV Marti's shortcomings, they are negligible compared to its inability to reach its intended audience.''

Mr. Chairman, most of the argument we have heard in the last few minutes appeals to our sense of history about Radio Free Europe and our present determination with regard to Radio Free Asia, which, unfortunately, misses the point.

This is TV. Signal strength, ability to penetrate, to reach an audience, is wholly different. I am not attacking Radio Marti, which in fact does get to its audience and, with some reforms, can serve a useful purpose. This is TV Marti. It is not seen.

This has nothing to do with your views about Fidel Castro. It has everything to do with your views about whether we should continue to throw away U.S. taxpayer money on a program that does not work.

My colleague mentioned, and it is very appropriate to mention, that there are other avenues in the TV realm that do reach Cuba: CNN, HBO,

and other media get through. They are not jammed, and they are effective alternatives to the state-controlled TV in Cuba. TV Marti is not.

Unfortunately, it cannot be fixed. We should be under no illusion that somehow fiddling with the dials, going to UHF, or some other gimmickry, is going to solve the problem. In fact, it is really beside the points that have been made tonight, which are all about symbolism and nothing about practicality. Unfortunately, we cannot afford to indulge ourselves in this symbolism at this time.

Mr. Chairman, we should also realize that even if the signal got through, it only gets through at wee hours of the morning, when virtually no one is up to watch in any case.

This is a colossal boondoggle; it is a waste of money; it does not serve the national interest. The advisory committee found, without any equivocation, that this is a failed effort, and my conclusion is, we should not continue it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

POINT OF ORDER

Mr. SKAGGS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SKAGGS. Mr. Chairman, I believe this was characterized as a substitute.

The CHAIRMAN. It is an amendment.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

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

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. SMITH], will be postponed.

□ 2100

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. SKAGGS. Mr. Chairman, I do not know that we have faced this particular parliamentary situation before in which proceedings have been suspended on an amendment to an amendment, and we have not yet gotten to the underlying amendment. I would reserve at this time, if I may, therefore, the right to a recorded vote on the underlying amendment. I will not otherwise have an opportunity to ask for a vote in the House.

The CHAIRMAN. The Chair would put the question on the underlying amendment to the committee after action on the amendment to the amendment was completed at a later point.

Mr. SKAGGS. I thank the Chair for the clarification.

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

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I rise to engage the distinguished chairman of the appropriations subcommittee on a colloquy.

Mr. Chairman, in your subcommittee report under title V, page 124, there is report language about the future of some SBA offices around the country. The report recommends to the SBA, and I quote, ''not to close my district or branch offices at this time.''

Mr. Chairman, I would like to know if this pertains to the branch office in Springfield, IL, which is in my district and shared by the gentleman from southern Illinois.

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

Mr. LAHOOD. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the language does pertain to the Springfield, IL office.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I am appreciative of your efforts to behalf of the small business men and women in central Illinois. Mr. Chairman, as you are aware, the Springfield office is the only SBA office in Illinois outside of the city of Chicago. While I support the SBA's efforts to restructure, that effort should not be at the expense of those in rural Illinois. In addition, Mr. Chairman, several States with offices had less lending activity than the Springfield office, but were kept open. In closing, I want to thank the gentleman from Kentucky for his assistance, and I look forward to working with him in the future on this issue.

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

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

Mr. POSHARD. Mr. Chairman, I want to rise in support of the efforts of my friend, the gentleman from Illinois [Mr. LAHOOD], and to thank the gentleman from Kentucky [Mr. ROGERS], and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], for protecting excellent branch offices of the Small Business Administration such as the Springfield, IL office from closing until appropriate consultation with the Congress has been achieved.

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

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

Mr. DURBIN. Mr. Chairman, I am happy to join my colleague from the city of Springfield, IL. I believe this is a valuable addition to the economy of southern and central Illinois to have this office remain open.

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

I wish to engage the distinguished chairman of the Commerce, Justice and State Subcommittee in a colloquy regarding the State Department Strategic Management Initiative or the SMI.

Mr. Chairman, on July 13, 1995, the Secretary of State sent to Congress his SMI narrative as part of the overall effort by the administration to consolidate and reduce departmental operations both at home and overseas. Part of the SMI is a proposal to close 19 overseas posts, including the United States consular office in Matamoros, Tamaulipas, Mexico.

It is my understanding that the members of the Subcommittee on Commerce, Justice and State will carefully consider this targeted closure.

This particular consulate is strategically located on the United States-Mexico border and will play an increasing role in the implementation of the North American Free Trade Agreement.

The office is also the only slated overseas post that directly affects a major U.S. city and a port of entry.

The office also helps United States businesses with information regarding the markets for their products in Mexico, works with law enforcement officials on both sides of the border and helps United States citizens who are traveling, living and conducting business in Mexico.

Again, it is my understanding that the subcommittee may appeal the SMI, specifically the potential closure of the U.S. consultant Matamoros office. Is this correct?

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

Mr. ORTIZ. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is correct. the subcommittee intends to exercise its full-review prerogative concerning the State Department's SMI proposal.

Mr. ORTIZ. Mr. Chairman, I look forward to working with the gentleman on this issue.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky regarding the Legal Services Corporation and its funding for Native Americans.

Mr. Chairman, as you are well aware, the LSC is restructured so that there are only two budget lines, one for administration and oversight, $13 million, and the second for basic field programs of $265 million.

Absent from the Legal Services Corporation appropriations is a separate line for native American program funding now used to fund the 34 Indian legal services programs nationwide. Regrettably, over the years the LSC has drifted away from the original congressional intent to provide needed essential legal services to low income Americans.

I commend the chairman and the committee for remedying the misguided activities of a few LSC grantees that have instead promoted their own social and political agendas instead of helping our Nation's citizens with basic legal services.

With that said, I would like to clarify the intention of the chairman and the committee on whether the basic field funding line will be available to use to fund grants to competitive bidders to provide legal services to native American people. In my State of Oklahoma, which is home to more federally recognized tribes than any other State in this Nation, the one LSC recipient providing legal services to the Indian population attempts to serve the Indian people from the more than 39 tribes and urban Indian people throughout the State, with the total client eligible population of about 150,000, with a staff of four attorneys.

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

Mr. WATTS of Oklahoma. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Oklahoma for yielding to me. I thank the distinguished chairman of the subcommittee, the gentleman from Kentucky, for this colloquy.

The gentleman from Oklahoma is quite correct when he talks about basic legal services. Also, we should note a basic legal responsibility. Because of our treaties with sovereign Indian nations and the trust relationship that this Federal Government enjoys with those nations, we have sacred treaty obligations to our native American citizens. This is why I am gratified to join the gentleman from Oklahoma and the distinguished subcommittee chairman to assure native Americans that basic legal services will be available in the days ahead.

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

Mr. WATTS of Oklahoma. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from Oklahoma [Mr. WATTS] and the gentleman from Arizona [Mr. HAYWORTH] for bringing their concerns to the attention of the subcommittee and to the chairman.

Let me assure the Members that it is not only the intention, but the expectation, of the committee that Native Americans receive legal services with funding provided through the competitive bidding process for basic field programs. Basic field funding will be available for grants to competitive bidders to provide legal services to Native Americans. I will be pleased to work with the gentlemen as we proceed to conference on the bill to further clarify the committee's expectation. I thank the gentleman for bringing the matter to our attention.

Mrs. MORELLA. Mr. Chairman, the Legal Services Corporation is important to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care.

The destabilizing effect can be illustrated by situations occurring across the country and in my own State of Maryland, where the Legal Aid Bureau, Inc., has 13 offices geographically located to help eligible clients. In 1994, more than 36,000 cases were opened to assist families, many of which were headed by women. More than 21,000 of the clients served were females—including children.

In May, a maternal grandmother caring for her 4½-year-old grandson since birth called Legal Aid after the boy's father assaulted her, snatched the boy naked from the bathtub, and fled her house for several hours. He did this in retaliation for the grandmother's refusal to grant him food, money, and sexual favors to allow her to continue to care for her grandson. This incident occurred after he had stalked and harassed her. Legal Aid Bureau attorneys went to court for her and got a protective order, and they will seek an emergency custody order this week.

An asthmatic mother who recently had surgery for cancer was locked out of her home by her husband, while he attempted to remove furniture and other household items. When she insisted on being let into her home, he became physically abusive, and cut the cord on the air conditioner which she needed to help her breathe. She was in dire straits. Legal Services helped her to get a protective order which included financial support during the time of the order, and it restrained her husband from contact and allowed her to remain in her home.

In another case, an abused woman living on the eastern shore of Maryland was wrongfully accused by her husband of abuse to gain an advantage in a parental custody dispute. He snatched the child and claimed that he was protecting the child. Legal Services helped to establish that he was really the abuser and was successful in defending against his petition for a protective order. She was granted temporary custody, and he was enjoined from abusing her.

In my congressional district in Montgomery County, as a result of domestic violence and in fear for her safety and that of her five children, a woman left her husband of 15 years. He had been the primary support for the family. She was able on her own to obtain housing, although it was neither decent nor safe; still, because of her financial situation, she was threatened with eviction. Legal Services helped her to get section 8 housing and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day. Legal Services in Maryland represents children who are neglected or abused. Such neglect or abuse ranges from a child being left alone by a parent, or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and, all too often, death. Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the child who is beaten, burned by cigarette butts because he wouldn't stop crying, or scalded by hot water to teach him a lesson.

These children are vulnerable, and without the protection of the law, they would be endangered and lost. Legal Services advocacy on behalf of children assures that they will not be the subject of abuse, and helps to secure services for children such as housing support, health care, food, educational programs, and necessary counseling. The work of Legal Services on behalf of families and children touches at the heart of what we value in this country—decent housing, adequate health care, food, and a safe environment. Because of the importance of safety in our society, Legal Services programs have supported legislation to prevent abuse and to protect the abused.

In Maryland, the Legal Services Program, on behalf of clients, supported a change in the Domestic Violence Act which greatly improved the protections for abused persons.

The new law was enacted in 1992, and expanded protection from abuse to include members of the household, including stepchildren and others who resided in the home for at least 90 days. The law was strengthened by allowing the court to grant protections such as financial maintenance, custody, and child support from 30 days to up to 200 days, and by allowing the court to order financial maintenance, custody and child support during the time of the order.

In 1994, the Legal Services Program in Maryland opened 8,219 domestic cases, represented 13,000 cases involving children who were neglected or abused, and opened 3,466 cases to assist people with housing problems. With limited Federal funding, many people have been helped to assure access to justice by our poorest citizens.

In general, the States are not allocating funds for civil legal services for the poor citizens. Without this federally funded program, the most vulnerable members of our society will not have the ability to get inside the court room door to seek judicial protection of their rights.

The CHAIRMAN. Are there other amendments to title VI?

AMENDMENT OFFERED BY MR. KLUG

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: On page 102, after line 20, insert before the short title the following new section:

''SEC. . None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement sections 603, 604, and 605 of Public Law 102–567.''.

Mr. KLUG. Mr. Chairman, this amendment, sponsored by myself and the gentleman from Florida [Mr. FOLEY], simply completes the business that this House started earlier today. As you may remember, there was an amendment sponsored earlier today by the chairman and by the gentleman from West Virginia which struck $12 of

the $20 million included in the appropriation bill for the modernization of the NOAA fleet.

This will now essentially bar NOAA from spending the other $8 million on modernizing its fleet and instead simply says if it needs additional fleet services, it should use it on contracting out. This amendment will once and for all terminate NOAA's ill-conceived $1.9 billion fleet modernization effort and force NOAA out of owning and operating its own vessels in favor of private and nonprofit ships and data gathering.

Over half of the fleet modernization account is currently used to repair NOAA vessels. If we stay on course, it will cost us twice that amount simply to keep the fleet up and running.

Since the fleet will cost nearly $2 billion to replace, we have to find a better way.

H.R. 1815, the NOAA authorization bill passed last month by the Committee on Science, repeals NOAA's fleet modernization authority. It does not authorize any funding for the NOAA fleet modernization account. Private firms are more than capable of supplying NOAA with the data they need for mapping and charting. In fact, an association of 57 research institutions that operate or utilize the 27 ships of the U.S. academic research fleet is much better prepared to operate a fleet than NOAA. NOAA's operating costs are at a minimum 25 percent higher.

This amendment, I should point out, is supported by both the Interior Committee and the Committee on Science.

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

Mr. KLUG. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I rise with the gentleman from Wisconsin [Mr. KLUG] to privatize the NOAA fleet.

The U.S. Government through NOAA owns a number of research and mapping watercraft. These boats are falling apart. Currently in this bill NOAA gets $8 million to fix the boats in this bill. This $8 million would be the first drop in the bucket in spending money. I say let us privatize the fleet. Let us get the Government out of owning these watercraft; that is, let the private sector do it and save millions of dollars for the American taxpayer.

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

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

Mrs. MEYERS of Kansas. Mr. Chairman, I ask unanimous consent to offer an amendment to title V.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, I would like to know what time is anticipated on this amendment?

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

Mr. DEFAZIO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I will be seeking a limitation on time at the appropriate time of 20 minutes.

Mr. DEFAZIO. Mr. Chairman, continuing my reservation of objection, I yield to the gentlewoman from Kansas [Mrs. MEYERS] to explain the amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, this amendment would replace funds for the Office of Advocacy. We will be as brief as we possibly can.

Mr. DEFAZIO. Mr. Chairman, I object.

The CHAIRMAN. Does the gentleman object to returning to title V, or does the gentleman object to the 20-minute time allocation?

Mr. DEFAZIO. Mr. Chairman, if it can be done in 10 minutes, I would not object.

The CHAIRMAN. The gentleman objects to the 20-minute time allocation.

Is there objection to the request of the gentlewoman from Kansas [Mrs. MEYERS] to offer an amendment to title V?

There was no objection.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MEYERS of Kansas: Page 97, line 8, strike ''$217,947,000'' and insert ''$222,325,000''.

Page 98, line 6, strike ''97,000,000'' and insert ''$92,622,000''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, and that the time be equally divided between the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from New York [Mr. FORBES].

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

There was no objection.

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 5 minutes, and the gentleman from New York [Mr. FORBES] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

The SBA has taken a reduction of 42 percent. We intend to authorize a reduction of 42 percent and in this bill we have taken a reduction of 36 percent. We intend to authorize a reduction of the Office of Advocacy of about a third in our authorization. However, in the committee, the Office of Advocacy was zeroed out.

Let me make very clear, Mr. Chairman, that all of the small business groups are strongly supportive of the Office of Advocacy.

When I first became chairman, a number of the small business groups said to me, the two most important things in the SBA were the loan programs and the Office of Advocacy. They could get along without other things, but not the loan programs and the Office of Advocacy.

This was stated on behalf of NFIB, U.S. Chamber of Commerce, National Small Business United, Small Business Legislative Council, the National Association for the Self-Employed, and the Small Business Council of America. They all strongly support the Office of Advocacy, and they support this amendment.

Some Members may not be familiar, Mr. Chairman, with what the Office of Advocacy does, but it is the advocate among other agencies of Government on behalf of small business, and it has performed extremely well. It is an independent office, appointed by the President, confirmed by the Senate so that it has the clout to go toe to toe with all other agencies.

It has testified before Congress approximately 200 times and about 25 percent of that time it was either in opposition to administration policy or in the absence of administration policy on an issue.

□ 2115

It is also the linchpin, it is absolutely the central position for enforcing the Regulatory Flexibility Act. This is an act which we just strengthened in the Contract With America. There has been some concern expressed about lobbying activities. However, an Inspector General's report, after investigating this matter at my request and at the request of the gentleman from New York [Mr. FORBES] has said that lobbying did not take place.

I am very rushed. I want to state strongly that this is a key vote by NFIB, that all the small business groups supported it; that if Members voted for the Regulatory Flexibility Act in the Contract With America, it is absolutely counter to that if Members do not support the Office of Advocacy. I would ask for Members' votes for the Meyers amendment.

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

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

Mr. Chairman, this is a new day in Washington. We are supposed to be picking programs that work and discarding programs that do not work. Twenty years ago the special interest groups got together and said, ''You know what? Not only do we want to be at the table, we want to be inside the Federal building. We want to have our own Federal staff, paid for by the taxpayers. We want an office paid for by the taxpayers.''

Carol Browner represents the environmental interests at ERA. Bruce

Babbitt represents the Interior's interests at Interior. Robert Reich represents labor, not the AFL–CIO. The Sierra Club does not have an office at EPA. I would suggest, first and foremost, that Phil Leder at the SBA represents the interests of small businesses.

Mr. Chairman, let me say this. We have reduced the SBA budget, with the good wisdom of the subcommittee and the full committee, by $337 million over last year. Now is the time to pick the programs that work. Do we want to help small businesses that need access to capital, or do we want to fund studies that go to special interest groups and consultants inside the Beltway? Do we want to help women business owners get a start, or do we want to fund a 10-, 11-, and 12-year-old statistic-gathering operation?

I would suggest to this committee and to the full House that we want to help small businesses. If Members care about Main Street businesses, they will want them to be able to have access to capital. How do we do that? We make sure that we defeat the Meyers amendment, and that we preserve the chairman's bill here that provides for the women business ownership program, it allows for prequalifying women business owners, it allows for the smallest of businesses, under $100,000, to get loans. If the Meyers amendment is approved, Members will be taking money away from small businesses to fund studies done by a so-called ''Office of Advocacy'' that is an advocacy office in name only.

Mr. Chairman, I would just suggest to the Members, here is a book of some of their studies. Let me ask the Members, do they think the Main Street businesses in their hometown would benefit from the ''small business involvement in societal causes and empirical investigation of social responsibility, self-interest perspectives''? Is that a study you think they would benefit from? Those are the kinds of studies that come out of the Office of Advocacy. In the last 20 years, they have received upwards of $80 million, $80 million.

My distinguished friend, the gentlewoman from Kansas, is wrong. We would no sooner stand in the well of this House and ask to fund an office for the AFL–CIO or the Sierra Club or any other special interest. Let us put the interest of the Main Street merchants, the mom and pop businesses, first.

Mr. Chairman, I would suggest if this office is supposed to be fighting regulations, how come in the last year alone, when there was proposed 68,000 new regulations, that the Office of Advocacy only saw fit to object to 30? Since January of this year, they have only objected to 12.

I would suggest, Mr. Chairman, that try as they might, this is an office that could not fulfill the mission originally given to it. It could not be such a small operation and go against Cabinet-level departments. If we really care about regulatory flexibility and paperwork reduction, we will put that operation in a legal counsel office, where it can be better administered. The Office of Advocacy has a 20-year history of failing in that mission. With all due respect to my colleagues at the NFIB, and I was head of the Small Business Administration for 4 years in New York, and here in Washington at the Office of Legislative Affairs, and I can tell the Members I saw firsthand.

Do we want to fund programs that actually teach businesses how to get over problems, give them the technical assistance? Do we want to fund them and allow them to grow their businesses? If we do, we will, in due respect, defeat the Meyers amendment. It is wrongheaded. If we want to help studies, we want to fund studies. If Members want to fund statistics that are 10 years old, then go that way. If we care about Main Street businesses and the businesses across this country, in all due respect, we will not allow the Office of Women Business Ownership to be cut 50 percent, we will not allow the small business development centers, each one in each one of our districts to lose $4 million and all of a sudden, after we have cut $333 million over last year, come up with $4.4 million, take it out of loan-making and give it back to the consultants inside the Beltway.

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

The CHAIRMAN. The gentleman from New York [Mr. FORBES] has 10 seconds remaining, and the gentlewoman from Kansas [Mrs. MEYERS] has 1½ minutes remaining.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. LAFALCE], the ranking member of the Committee on Small Business.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] is recognized for 1½ minutes.

Mr. LAFALCE. Mr. Chairman, it was my understanding before we came here that this was the Meyers-LaFalce amendment. That still is my understanding, although it has not been characterized in that manner, because this is a bipartisan approach we are taking to preserving the office that we think is the most important office for the small business community of America.

However, it is not just we who believe that. The gentleman from New York [Mr. FORBES], who was a regional administrator, in addition to the chief lobbyist for the SBA while he was there, head of congressional relations, knows a lot about and developed a certain amount of antagonism, I think, toward the office. However, we recently had a White House Conference on Small Business. In the White House Conference on Small Business, thousands of individuals across America made a special point of coming in with a very high-ranking recommendation. That high-ranking recommendation was, at all cost, preserve the Office of Advocacy.

The Contract With America, in the regulatory flexibility bill, provided the chief counsel with time to comment on proposed rules before they were even published. That is a new authority and confirms the advocates' authority to appear amicus curiae in Federal court. That was approved on March 1 of this year by a vote of 414 to 15.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

(Mr. TORKILDSEN asked and was given permission to revise and extend his remarks.)

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the bi-partisan amendment sponsored by my good friend and colleague, the distinguished chair of the Small Business Committee, Mrs. MEYERS, and the ranking minority member, Mr. LAFALCE, to restore this important position.

As chairman of the Small Business Subcommittee on Government Programs, I have worked closely with Mrs. MEYERS in our top-to-bottom review of the Small Business Administration.

As a part of that review, we held an extensive hearing focusing specifically on the Office of Advocacy and deemed it an important advocate for small businesses. In any bureaucracy, a well run advocate's office can be the difference between regulation written in reality, or imagination.

Reputable small business organizations such as NFIB, the U.S. Chamber of Commerce, National Small Business United, and the National Association of the Self-Employed all support our effort to retain funding for the Office of Advocacy.

In fact, the recently concluded White House Conference on Small Business went so far as to make our effort to strengthen the Office of Advocacy one of the Conference's top priorities. Clearly, the White House Conference delegates from every Congressional district in the Country are all aware of the importance of the Office of Advocacy to small business.

These delegates were chosen by ourselves, or elected by their fellow small business owners, because of their experience and knowledge of the problems facing small business everywhere.

I have heard the claims that the Office makes SBA ''a weak two-headed agency,'' or that the Office is a political tool for the White House. These charges are inconsistent with the Office of Advocacy I have come to know as chairman of the Government Programs Subcommittee.

The Office of Advocacy I know is rebuilding, into an agency which champions small business interests throughout the regulatory process. The Office of Advocacy is a strong, independent agency which is not afraid to take-on other agencies while working to promote small business interests. The Office of Advocacy has independently testified before Congress nearly 200 times voicing the concerns of American small business.

Without the voice of the Office of Advocacy, small business interests and concerns could be gagged during the regulatory review process. Don't reverse the good work we did on Reg Flex; don't kill the dog while you're trying to get rid of the fleas.

I ask my colleagues on both sides of the aisle to join our effort to save the Office of Advocacy.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise today in strong support of the Meyers-LaFalce amendment which restores funding for the ABA's Office of Advocacy.

The Chief Counsel for Advocacy plays an important role by presenting and fighting for the views of the small business community. The Chief Counsel has a very different role than other administrators in the SBA; he is the independent voice within the agency that represents the interests of small business. The advocate may not necessarily represent the President's Administration position or that of the SBA, however, the SBA and other Federal agencies are required to fully cooperate with the Chief Counsel.

While I personally may not agree with some of the position's taken by the Chief Counsel, I believe it is important to maintain the office which is the watchdog for small businesses. By passing the Regulatory Flexibility Act, which was contained in the Contract With America, the Chief Counsel will now have the authority to protect small businesses from overzealous regulators.

The Office of Advocacy plays a crucial role as the independent voice of small business. Here is an example in which the Chief Counsel's position was different from the administration's: January 20, 1995—the Chief Counsel supported 100 percent deductibility of health insurance premiums for small business, while the President supported only a 25 percent deduction.

In addition, the Office of Advocacy has submitted more than a thousand comments to regulatory agencies to insure that the interests of small business were considered during the rulemaking process. Each time a comment is filed with an executive branch agency, the Chief Counsel, in effect, takes a position independent of the administration.

The Chief Counsel's advocacy has resulted in major cost savings for small business. For example: Enhanced poultry inspection—the USDA withdrew this proposed rule consistent with comments filed by the Chief Counsel on October 11, 1994. According to industry estimates, this withdrawal saved the poultry processing industry at least $450 million in up front costs, and at least $185 million in annual recurring costs.

I urge my colleagues to join me in standing up for small businesses by supporting the Meyers-LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. LONGLEY].

(Mr. LONGLEY asked and was given permission to revise and extend his remarks.)

Mr. LONGLEY. Mr. Chairman, I rise in strong support of this amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment.

Mr. Chairman, to be honest, I do not understand why anyone would want to get rid of SBA's Office of Advocacy.

I have been on the Small Business Committee for 12 years and I have never heard of any serious opposition within the small business community to the Office of Advocacy.

Just the opposite. The Office of Advocacy has consistently enjoyed strong support over the years from small business. Advocacy plays a very important role in representing the views and interests of America's small business before Federal departments and agencies.

The recent White House Conference on Small Business recommended—and I quote—''permanent maintenance of the 'independent role' of the U.S. Small Business Office of Advocacy.''

The NFIB supports the Meyers amendment to restore partial funding to the Office of Advocacy. The Chamber of Commerce also supports the Meyers amendment. In fact, all of the major organizations representing small business support the Meyers amendment.

I thought that this Congress was going to give greater weight to the views of small business. I thought there was an emerging bipartisan consensus to make sure that the voice of small business is heard in the regulatory process.

By overwhelming margins we passed improvements to the Paperwork Reduction Act and the Regulatory Flexibility Act.

In fact, this House voted to expand the responsibilities of the Office of Advocacy. H.R. 926 allows the Chief Counsel for Advocacy explicit authority to appear in federal court to review agency rulemaking.

Why on earth would we want to sabotage these reforms without ever giving them a chance to work?

Nobody is suggesting that the Office of Advocacy should be exempt from budget cuts. The Meyers amendment would cut about $1.8 million from last year's budget. That's pretty much in line with the 36 percent cut in the SBA's budget overall.

But i strongly urge my colleagues to heed the recommendation of the White House Conference and preserve an independent voice for small business in the regulatory process.

I urge you to support the SBA's Office of Advocacy and vote for the Meyers amendment.

Mr. LAFALCE. Mr. Chairman, I yield such times as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment.

Mr. Chairman, I rise today in strong support of the Meyers-LaFalce amendment which would restore funding to the Small Business Administration's Office of Advocacy. Small business is vital to the economic health of the First District of Arkansas and the nation as a whole. Many times in my district I have been approached by small business owners telling me how they are being oppressed by overregulation. We have made a lot of progress in this Congress to correct excessive regulatory burdens and that is why I find it so hard to believe that this bill eliminates all of the funding to the Office of Advocacy. Many small businesses can't afford to have an advocate in Washington, so this office often serves as their one protection from overbearing bureaucracy. I am an adamant supporter of balancing the budget, but cutting out the entire Office of Advocacy is neither intelligent nor equitable to our small businesses. The Meyers-LaFalce amendment is both budget conscience and fair, cutting funds for the Office of Advocacy by 30 percent from the administration request while maintaining a barrier of protection for our small businesses. Thousands of small business leaders from across the country recently expressed their strong support for the office at the White House Conference on Small Business. These leaders recommended to the President that he should ensure permanent maintenance of the independent role of this office. Many leading business organizations have lent their support to the Meyers-LaFalce amendment, including the National Federation of Independent Businesses, the U.S. Chamber of Commerce and the Small Business Legislative Council. I firmly believe that the only prudent decision for this Congress is to support equitable, intelligent treatment of the SBA's Office of Advocacy. I urge my colleagues to support the Meyers-LaFalce amendment.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. PETERSON].

(Mr. PETERSON of Florida asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Chairman, I rise in strong support of this amendment.

As a member of the Small Business Committee, I have always valued the Office of Advocacy's candor in their testimony on executive agency compliance.

The role of advocacy is to be the inside watchdog for Small Business. In this role, the office has consistently spoken up against agency attempts to unduly burden small businesses.

It is important to note that this role is within the administration. I know the principal opponents of the office may criticize the office's lack of independence. But I believe it has done its job effectively in constantly interjecting the small business perspective.

Of course there will still be regulations which small businesses oppose, but we cannot hope to solve these problem by silencing their only effective voice within the administration.

At the White House Conference on Small Business, small businessmen and women from across the country affirmed their support for this office.

One proponent of eliminating the office cites the NFIB, The U.S. Chamber of Commerce, and other interest groups as the truly independent voices of small business. Looking past the partisan nature of some of these groups, I find it ironic that all of them in fact have stated their strong support for the Office of Advocacy and their opposition to its elimination.

At a time when we have finally taken steps to provide the Regulatory Flexibility Act with

much-needed judicial review, we must not eliminate the very office charged with its enforcement.

I applaud Chairwoman MEYERS and Congressman LAFALCE for their bipartisan leadership on this issue and join them in strong support of the amendment.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. REED].

(Mr. REED asked and was given permission to revise and extend his remarks.)

Mr. REED. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment to restore funding for the Office of Advocacy at the Small Business Administration.

The Office of Advocacy successfully served as an independent voice for small business in testifying before Congress and in representing the small business sector before Federal departments and agencies.

The Office of Advocacy has been one of the parts of the SBA that has consistently received strong small business support over the years. Indeed, the delegates to the recent White House Conference on Small Business affirmed their support for the Office of Advocacy, the U.S. Chamber of Commerce, the National Federation of Independent Business, and other small business advocacy groups wholeheartedly endorse the Office of Advocacy and support this amendment.

Efforts to make the SBA more effective and efficient should continue to be explored, as they should be in programs throughout our Government. But to eliminate the Office of Advocacy makes no sense.

I urge my colleagues to reject this proposal and to support the Meyers/LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

(Mr. SKELTON asked and was given permission to revise and extend his remarks.)

Mr. SKELTON. Mr. Chairman, I strongly favor the Meyers-LaFalce amendment.

Mr. Chairman, I rise on behalf of small busies owners from Missouri and across the country in strong support of the Meyers/LaFalce amendment to restore funding for the Small Business Administration's Office of Advocacy.

Mr. Chairman, as a member of the Small Business Committee, I ask that Members of this body allow me to make the following observations regarding this bipartisan amendment before us.

Both the chairman and the ranking member of the Small Business Committee, the same members chosen by this body to represent the views of small businesses, stand before you today in complete agreement that the Office of Advocacy continues to provide an invaluable service to small business owners and should be maintained.

Recently, thousands of small business owners from across the country convened in Washington for the White House Conference on Small Business. Participants bestowed praise upon the Office of Advocacy for its role in independently representing small businesses before Congress and other Federal agencies. Further, they recommended that the Office of Advocacy be permanently maintained as an independent entity.

Advocates of the small business community such as the Small Business Legislative Council, the Association for the Self-Employed, the U.S. Chamber of Commerce, and the National Federation of Independent Business [NFIB], have voiced their concerns about losing a unique liaison to the executive, legislative and judicial branches of government. Because the Office of Advocacy serves as an independent voice within the administration, they are better equipped to provide a clear and thoughtful assessment of the concerns before small business owners. Make no mistake; small business owners support the Office of Advocacy.

Mr. Chairman, let me give an example of the positive contributions this office has made in regard to legislation effecting small business. In response to proposed legislation regarding the Clean Air Act, the Office of Advocacy objected to requiring more than half a million farmers to perform hazard assessments for ammonia fertilizers. As a result, The 1990 Clean Air Act amendments exempted farmers from this provision for a savings in excess of $1 billion.

Examples such as this illustrate why members of this body, as well as Members of the Senate, have adopted provisions in pending legislation to increase the authority and responsibility of the Office of Advocacy. In other words, Congress wants the chief counsel to do more.

As a member of this committee, I urge you to stand with small business owners from your district and across the country by supporting efforts to restore funding for the Office of Advocacy in the Small Business Administration.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

(Mr. POSHARD asked and was given permission to revise and extend his remarks.)

Mr. POSHARD. Mr. Chairman, I rise in strong support to the Meyers-LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS], and I would like to thank the gentleman from New York [Mr. FORBES] for not objecting.

The CHAIRMAN. The gentleman from New York [Mr. FORBES] has 10 seconds remaining.

Mr. FORBES. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would just say with the balance of my 10 seconds that if Members care about small business, they will defeat this amendment. I would just quote Hillel, the rabbi from the first century who said, ''If not now, when? If not us, who?''

Mr. LUTHER. Mr. Chairman, I wish to support the Meyers/LaFalce amendment to restore funding for the SBA's Office of Advocacy.

I have been, and continue to, be a strong advocate of efforts to balance the Federal budget. However, the Office of Advocacy does not have to be eliminated to accomplish this goal. The appropriations process is about setting priorities, and in my view, eliminating the Office of Advocacy in order to fund other activities of the SBA, represents misplaced priorities.

The Office of Advocacy serves as an important voice for small businesses on regulatory and policy issues, serving as the eyes and ears for small business throughout the Federal Government. Optimally, all agencies of the Federal Government would be sufficiently sensitive and responsive to the interests of small business, and if that were the case today, there would be no need for the Office of Advocacy. Unfortunately, however, that is not the case, and the small business community in this country needs the Office of Advocacy to intervene on their behalf and on behalf of their grassroots advocacy organizations to protect small business' interest.

The bill before us cuts funding for the Small Business Administration by 36 percent from last year's funding in order to reduce our Federal deficit. The Meyer/LaFalce amendment adds no additional spending to the bill, it simply shifts funds from other activities within the SBA to fund this important activity. I urge your support.

Mr. LIGHTFOOT. Mr. Chairman, let me just say a few brief words in support of the Meyers amendment.

I have been contacted by a number of constituents in support of this office. What's interesting is that these are constituents who would normally be asking me to keep government off their back.

I understand the concerns expressed by the subcommittee. Clearly we do not want to fund an office which would not truly represent the interests of small business—particularly on issues such as health care.

But the folks who do have the interests of small business at heart—the House Small Business Committee and the National Federation of Independent Business both support the Meyers amendment.

I commend Mr. FORBES for raising some important points with regard to the Office of Advocacy.

But I think and the Small Business Committee thinks and NFIB thinks the office should continue.

I hope everyone will support the Meyers amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] will be postponed.

AMENDMENT NUMBER 37 OFFERED BY MR. SERRANO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SERRANO: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for the Advisory

Board for Cuba Broad casting under section 5 of the Radio Broadcasting to Cuba Act.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, and that the time be equally divided between the gentleman from New York [Mr. SERRANO] and the gentleman from Florida [Mr. DIAZ-BALART].

Mr. Chairman, I would point out that this, I think, is the last amendment of the evening.

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

Mr. MENENDEZ. Reserving the right to object, Mr. Chairman, since I was reprimanded the last time for not being here to object, I would ask if through my objection I could ask the gentleman from Florida [Mr. DIAZ-BALART] whether he has any time available.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. I would tell the gentleman, I do, Mr. Chairman.

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

Mr. SKAGGS. Reserving the right to object, Mr. Chairman, I just want to inuquire of the gentleman from Florida whether he intends to offer any amendments to this amendment or whether we are going to deal with this one straight up.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Chairman, I would tell the gentleman, I have no amendments.

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

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. SERRANO] will be recognized for 5 minutes, and the gentleman from Florida [Mr. DIAZ-BALART] will be recognized for 5 minutes.

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

Mr. SKELTON. Mr. Chairman, I compliment the gentleman on his amendment. Let me point out that the participants in the White House conference to which the gentleman referred urged that this small business advocacy office be maintained as an independent agency.

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

Mr. Chairman, let me briefly say at the outset that I am troubled by the fact that when prior agreements are reached on time for amendments, depending on how late the session goes, we tend to change those agreements and that is why we have a limited time now.

Mr. Chairman, my amendment says that no funds can be used to pay for the activities of the advisory board for the Cuba broadcasting, under the Cuba Radio Act. What happens is that recently, reports have come out in an investigation, a Federal investigation by the IG that indicates that the chairman of the board of the Advisory Board of Radio Marti is misusing his position as chairman of this board; is in fact writing policies that are not within his direction to do so; that he has in fact influenced the way Radio Marti conducts its business; that he has influenced Radio Marti broadcasts to Cuba, and what kinds of things Radio Marti says. The IG report also denounces the fact that this gentleman determined who gets hired and who gets fired; that if you disagree with his desire to run his personal agenda, and someday return to Cuba as President of the island under his exiled government, that he then fires you. It is, in fact, a complaint by a person who was under fire, an employee of Radio Marti, that caused the IG investigation which denounces this action.

□ 2130

Now, if you have been close to this issue for years, and I have and others in this body have even longer than I, you know that this is no secret, that the worst kept secret in this country is the fact this gentleman, this chairman of this board, runs this program, in other words, the worst kept secret in America is that this station has become the electronic personal toy of this individual, who feels that he can control all kinds of political matters by this station. In fact, he is chairman of Radio Marti's advisory board and is only supposed to provide general advice to the White House about Radio and TV Marti.

He has influenced both management of Radio Marti and news coverage. The Office of Inspector General of USIA has issued an interim report documenting examples of inappropriate influence by the chairman. There have been personal abuses and personnel abuses.

A close associate was hired and promoted. Radio station employees who protested the influence were retaliated against. That is all in the report.

In January, Radio Marti broadcast, at his request, statements that the administration was near agreement on immigration when, in fact, the administration was trying to work out other agreements.

During the recent months, 280 stories in favor of a bill that the chairman supports tightening the embargo were aired on Radio Marti, while only 70 stories against the embargo were aired.

Incidentally, my stories against the embargo were never aired, and I am a Member of Congress. So you can imagine how serious this stuff gets.

The complaints traditionally are that this agency is being run not to service the needs of the United States, but to serve the needs of this one individual.

You are going to hear from opponents of this amendment that this is a witch-hunt against a great American. Fine. You are going to hear from opponents saying they want to investigate the people who investigated to make sure that they were fair in their investigation. You are going to hear how this report was leaked and is unofficial.

Well the fact of life is most of what is in this report, even when it is official, will stay the same, and it will say that we should not be using taxpayers' dollars to allow someone to run a nearly, if not fully, corrupt operation, which is the advisory board and his influence on it.

Those are not the statements of the gentleman from Colorado [Mr. SKAGGS] or myself or other people throughout the years. There is finally, as reported by the Washington Post and the New York Times, the statement in a report that says this is horrible, this should not take place, this is improper. USIA probes activist's role at Radio Marti; anti-Castro activist is being probed: Cuban American has meddled in Radio Marti, officials say. This should not take place.

What I am asking today is we are not attacking Radio Marti, but Radio Marti does not need an advisory board which is being run this way.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting, we heard prior speakers on the amendment on TV Marti say, ''Oh, no, we like Radio Marti,'' and now we just heard a bunch of some minutes' criticism, systematic criticism of Radio Marti, Radio Marti; they just want to get rid of an advisory board that costs the taxpayers about $100,000-something a year. Of course, though, we just heard that is something that even though I think at the end we heard their support for Radio Marti, we just heard a bunch of time and criticism of Radio Marti, not TV Marti, Radio Marti.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SERRANO to eliminate the President's Advisory Board for Cuba Broadcasting [PAB].

Mr. Chairman, the Advisory Board for Cuba Broadcasting is important in assuring the continued efficient operation of Radio and TV Marti: two essential tools in our battle to eliminate the Castro tyranny in Cuba.

The board seeks to make these two overseas broadcast services more efficient by eliminating redundant duties within their operations and its management.

Moreover, the members of the board offer important expert advice on unique issues inside Cuba, in order to assure that accurate and independent news is reaching the island.

The Board is critical in assuring that Radio and TV Marti continue to offer the people of Cuba the facts instead of the fantasy and fiction which Castro's propaganda promote inside the island.

Both broadcast services have been successful in achieving this purpose by undermining Castro's propaganda. Radio and TV Marti provide the Cuban people with accurate, up-to-date information that they would otherwise be denied by Castro's information embargo.

Mr. Chairman, Fidel Castro and his regime proceed to set aside all critics and continue their repression of the Cuban people. The Department of State's Human Rights Report described the regime as ''* * * sharply restricting basic political and civil rights, including the right of citizens to change their government; the freedoms of speech, press, association, assembly and movement; as well as the right to privacy and various workers rights.''

Amnesty International's recently released international human rights reports echoed the view of the State Department: ''Members of unofficial political, human rights and trade union groups continued to face imprisonment, short term detention, and frequent harassment.''

Unfortunately, Mr. Chairman, many of those who suffer from the evil actions described above are journalists who dare to challenge the state line which Castro and his information ministers publicly release.

This amendment, Mr. Chairman, goes further than simply abolishing this board. It is part of a concerted effort by some to change the path of United States policy toward Cuba.

Do not pacify Castro by moving United States policy toward reconciliation with the Cuban tyrant. To that end, they attack those persons and institutions which work toward the elimination of Castro and his totalitarian regime.

To them, I remind them of the millions of Cubans who continue living without freedoms.

Cubans like Rev. Orson Vila Santoyo who remains in prison after being arrested and sentenced to almost 2 years in jail for allowing religious services in his home. Cubans like Lt. Col. Nilvio Labrada, a former high ranking official of the Interior Ministry in Cuba who was recently sent to a psychiatric hospital for expressing publicly his views against Castro.

Or the thousands of political prisoners who continue to dwell in Castro's prisons and the dissidents who suffer daily the harassment and persecution of the Castro regime.

These are the Cubans we should be striving to aid in their struggle—not Castro.

This amendment would play into the hands who would rather flirt with the Cuban dictator rather than stand firm against his repression.

The PAB is an institution designed to make Radio and TV Marti work and operate effectively.

I urge my colleagues to break Castro's information embargo by supporting the PAB and rejecting this misguided amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, here we go again. If you followed this issue for some time, you concluded, as I have, that some Members simply have a fixation with doing everything they can to eliminate everything with Cuba broadcasting, and I think there is only one person who has greater desire of eliminating this service, and that is Fidel Castro himself.

Let me tell you what our colleagues to not hear in this debate. You do not hear a good-faith attempt to fix something and make it better. you have not heard one suggestion in that regard, just simply eliminate, eliminate, eliminate. The fact of the matter is I think we should have an investigation as to how the inspector general's not report, because it is not a report, because I called the inspector general. I said, ''Where is this report?'' And she said, ''It is not a report. I have it to some Members. I gave them the work product to date, but it is not a report.'' Imagine coming to the floor and painting it that way.

We should be defeating this. This is not in the best interests. We should have the opportunity to focus the board, that focuses on these moneys that we are spending, and we should ensure that we do not permit what is said in a newspaper that is not, in fact, truthful, because in fact, we do not have a final report, and we should have an investigation as to how that report was released and how it got to the press.

It is inconceivable to me to come to the floor and use that type of information which is incomplete and which does not serve the best interests of this institution.

Mr. Chairman, here we go again. If you have followed this issue for years you may have concluded as I have that some Members simply have a fixation with eliminating TV Marti. Only the brutal dictator, Fidel Castro may have a stronger fixation with eliminating this service.

Let me tell my colleagues what we do not see in the debate on TV Marti. We do not see a good faith attempt to fix something and make it better. I have not heard one—not one—suggestion that the service be improved from any of the Members cosponsoring this amendment.

Instead, what we see is a big attempt to do Fidel Castro's dirty work for him. Castro is desperately afraid of TV Marti because it broadcasts the truth to the Cuban people, which he denies them every day. He is so afraid of that TV signal that he spends millions of dollars, 15 to 20 fixed jammers, mobile land jammers, 40 full-time soldiers, and even helicopters he can scarcely afford, to jam its beam. Money he could use to feed a hungry people, he uses to deny them the truth.

We have the technology to get TV Marti to penetrate the dictator's airwaves. That is what we ought to focus on here. The Report of the Advisory Panel on Radio TV Marti has spoken clearly on this issue. More than 100 experts and individuals with relevant expertise were interviewed. The panel and its staff reviewed several thousand pages of written material. And here is what it said:

> The time has come to convert TV Marti from VHF to UHF transmission. The effort to probe this new approach will require approximately one year and one million dollars. But savings elsewhere during the year will more than offset this investment.

Let me add that money was already obligated. Just last week, the House voted nearly unanimously to require the USIA to begin a new Radio Free Asia service to Communist China. Today, we simply ask you to continue an already existing TV broadcast to Communist Cuba.

Presidents Reagan, Bush, and Clinton have spoken clearly about the need to support their vital broadcasting services to Cuba of Radio and TV Marti. In a letter President Clinton stated:

> By strongly supporting Radio and TV Marti I want to send a clear signal to those everywhere who struggle against tyranny. Radio and TV Marti make genuine contributions to the cause of human rights and democracy in the hemisphere. Both help promote short and long term U.S. foreign policy goals.

As I suggested earlier, we have been through this exercise before. Those of us with a strong interest in this issue agreed two years ago to a compromise which established an Advisory Panel on Radio and TV Marti. The members of the panel were agreeable to all involved, including the Members offering this amendment. The Panel was asked to assess and report on the ''purposes, policies, and practices of Radio and TV broadcasting to Cuba.''

In March 1994, out came the verdict, and it was clear: now more than ever we must maintain intact the services of both Radio and TV Marti.

These are but some of the more important conclusions of the report:

First, an overwhelming number of Cubans clearly consider Radio Marti to be the most authoritative source of news and information in Cuba'' (this is from a USIA in-country assessment on Cuba broadcasting; see Appendix I of the report).

Second, Cuban Government officials and elites regularly listen to Radio Marti and tune in to TV Marti.

Third, TV Marti can be an instrumental means for the United States to communicate with the Cuban people during a transition in Cuba.

Fourth, South Florida will be immediately affected by change in Cuba and so eventually will other locations in the U.S. State Department contingency plans envision a major role for Radio and TV Marti during a transition. Moreover, eivdence suggests that in times of severe crisis, people turn first to TV.

Fifth, were TV Marti terminated, it would be very expensive and take several months to initiate a new TV service during the transition. So, this amendment is not the cost-cutter its proponents claim.

Sixth, America has never responded to a recipient country's jamming of U.S. Government broadcasts by giving in to a dictators' wishes that those broadcasting services be terminated. But that is precisely what this amendment would have us do. America should not

succumb for the first time in history in the case of Cuba. Radio Free Europe, Radio Liberty, and Radio Marti all overcame jamming; so should and can TV Marti.

Mr. DIAZ-BALART. Mr. Chairman, I yield the remainder of my time to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

My colleagues, it is first important to establish what this amendment is not about. The amendment would eliminate $180,000 in spending for the board of Marti. But, in truth, it has nothing to do with money. You see, the Federal Government has hundreds of boards for all kinds of different radio stations and operations. None of their money would be affected. Just this one. it affects Cuban Americans and broadcast into Cuba. It is not about money, it is about ideology, anything to undermine the fact that this radio station for these people is getting into Cuba to tell the truth.

You have been told that there is an I.G. report that is critical of the board. Let me tell you what you were not told, that Mr. Duffy, head of USIA, has called its release unauthorized, inappropriate. He has called for an ethics probe, said it does not reflect a genuine analysis of the situation. Indeed the President has had his own ethics board involved. It is potentially a criminal release of a one-sided analysis done for purely partisan and ideological purposes.

Mr. Chairman, this Congress has debated this issue year in and year out, and last year we called a truce. We asked that the USIA do a nonpartisan, objective analysis, and they did. They found this radio station effective, important for the United States Government interests, representing the views of this country, helpful in the process of getting the truth to the Cuba people.

They could not win on the merits. The study did not have what they wanted as a conclusion. So now, one way or another, there is an attempt to undermine Radio Marti.

This station is important for the foreign policy of this country. Reject this amendment. Keep the board and the radio station in place.

(Mr. SKAGGS asked and was given permission to revise and extend his remarks.)

Mr. SKAGGS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SERRANO] that would eliminate this corrupted and unnecessary board.

It is becoming increasingly clear that the outside board appointed to advise USIA on broadcasting to Cuba has been used as the tool for some elements of the Cuban-American community to exert undue and even improper political influence over the content of USIA news programs. On this point, please read the following article from the New York Times:

[From the New York Times, July 23, 1995]

CUBAN-AMERICA HAS MEDDLED IN RADIO MARTÍ, OFFICIALS SAY

(By Steven Greenhouse)

A Federal investigation into Radio Martí—a Government-financed station that broadcasts to Cuba—has found that the Cuban-American leader Jorge Mas Canosa improperly interfered with its operations, slanting its news coverage and influencing personnel decisions, officials familiar with the report said.

The report, prepared by the Inspector General of the United States Information Agency, details how Mr. Mas has systematically interfered in Radio Martí's day-to-day operations and concludes that the radio station has improperly retaliated against employees who protested such manipulation, the officials said.

Administration officials said Mr. Mas, as chairman of Radio Martí's advisory board, is supposed to provide general advice to the White House about Radio Martí and Television Martí, which are Federally financed networks broadcasting to Cuba, but he is not supposed to meddle in personnel decisions or day-to-day operations.

The Inspector General began preparing the report months ago after a senior Radio Martí news analyst complained that the network's management was seeking to dismiss him after he protested that the station's news director was trying to censor his analysis and was broadcasting biased news coverage.

Mr. Mas broke with the Clinton Administration in May after its decision to return Cuban boat people, but Administration officials insist that the Inspector General's report is in no way a response to that rupture.

In recent months, State Department officials and Joseph Duffey, director of the United States Information Agency, which is the parent organization of the networks, have accused Radio Martí of inaccurate reporting and of advancing Mr. Mas's political agenda while attacking Administration policy.

For example, Joseph Sullivan, chief of the United States Interests Section in Havana, sent a classified cable to the State Department in May complaining that Radio Martí's news coverage repeatedly attacked President Clinton's new immigration policy toward Cuba while trumpeting Mr. Mas's opposition to it.

Mr. Mas's defenders say the report, which was described by The Washington Post yesterday, is an effort by his enemies to pillory Mr. Mas, who as chairman of the Cuban American National Foundation is widely viewed as the nation's most powerful Cuban American.

''This is all part of a very long-standing campaign of political harassment of the office of Cuba Broadcasting,'' the agency that oversees Radio Marti and Television Marti, said Jose Cardenas, director of the Washington office of the Cuban American National Foundation. ''Jorge Mas has many political enemies in this town who may have latched onto to this device to take a chunk out of his hide.''

Mr. Cardenas said Mr. Mas was not available for interviews because he was traveling.

Marian Bennett, the Inspector General, refused to comment on the report's details, except to confirm that her office was investigating allegations of mismanagement, fraud and abuse at Radio Marti and Television Marti. She said she expected the report to be released in several weeks although an interim copy of the report was shown to several members of Congress.

Representative David Skaggs, a Colorado Democrat who saw the interim report, refused to discuss its details, but suggested that it heavily criticized Mr. Mas.

''Radio Marti has been subject to the manipulation and corruption by Jorge Mas Canosa,'' Mr. Skaggs said in an interview. ''He has had an undue and unlawful effect on an agency of the United States for serving his political ends.''

Officials said the State Department and the Information Agency were particularly upset in January when Radio Marti—at Mr. Mas's instigation—broadcast that the Administration was near an agreement to allow Cuban refugees being detained in Panama and at Guantánamo Bay into the United States. The officials said Mr. Mas knew that this was not true but arranged the broadcast to put pressure on the Administration to admit the refugees.

As evidence of Radio Marti's bias in favor of Mr. Mas's views, J. Richard Planas, the senior research analyst who Radio Marti sought to dismiss, said a study he prepared showed that Radio Marti broadcast 280 stories in favor of a bill to tighten the embargo against Cuba and only 70 stories against the bill, which Mr. Mas strongly backed.

In an interview Jay Mailin, a former news director at Radio Marti, said Mr. Mas had used the station to beam as much news as possible about him to further what are widely seen as his ambitions to be president in a post-Castro Cuba.

Two Radio Marti employees said in interviews that Agustine Alles, who had been the station's news director until he was transferred to Miami last month, often interrupted daily news meetings to take calls from Mr. Mas and then returned to report Mr. Mas's preferences in daily coverage.

''Alles thought his job was to make sure that the station reported on Mas 10, 20, 30 times a day,'' said Mr. Mallin, who said he was forced out as news director after criticizing the station's overall director. ''Alles spoke on the phone continuously to Jorge Mas.''

Mr. SKAGGS. So, while I support USIA's efforts to provide vital, unbiased news, I am convinced that it makes no sense to continue throwing good money into the unnecessary operation of the Advisory Board for Radio Marti.

Especially as we are reducing spending for important programs that benefit people in the United States, we need to stop wasteful foreign-affairs spending that does not advance our foreign policy and that uses tax dollars to subsidize political activities here at home. Vote for Mr. SERRANO's amendment.

We already have a USIA Board which supervises all international broadcasting and is perfectly capable of providing advice regarding Radio Marti, as well. A separate board for Cuban broadcasting is duplicative, which is bad enough. But it has also become the platform from which Mas Canosa as chairman has consistently exerted improper influence on station personnel and on the content of station broadcasting. He forced distorted news coverage by Radio Marti during critical periods earlier this year in which immigration policy was at an extremely delicate point, effectively trying to subvert official U.S. Government policy. He has, in short, corrupted the advisory board and the operations of Radio Marti. He is in a shameless conflict of interest given his other life as president of a special interest Cuban-American political organization. The best medicine is to rid USIA of the advisory board and, in the process, make good riddance of Mas Canosa.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from New York [Mr. SERRANO] will be postponed.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mr. FORBES. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on the Meyers amendment.

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

Mr. WICKER. Mr. Chairman, reserving the right to object, how did the Chair announce that vote on the voice vote?

The CHAIRMAN. The ayes had it.

Mr. WICKER. That the ayes had it?

The CHAIRMAN. On the Meyers amendment, yes.

Mr. WICKER. Mr. Chairman, I withdraw my reservation of objection reluctantly.

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

Mr. LAFALCE. Mr. Chairman, reserving the right to object, what was the request that was made again?

Mr. FORBES. I requested unanimous consent to withdraw my request for a recorded vote.

Mr. LAFALCE. Further reserving the right to object, if this is an issue that will be settled, but if there is going to be an attempt made in conference or something or some other time in the future, I think that at some point in time there will not be.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

So, the amendment was agreed to.

The CHAIRMAN. Are there further amendments?

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

I shall not take the full 5 minutes, because I think we have completed the amending process.

But let me quickly do two things: First, we would like to note a correction in the report on page 31 under INS construction, $5 million has been provided for the INS detention center in the western region of New York instead of the northeast region, as currently stated in the report.

Finally, Mr. Chairman, let me say a word of thanks for those who participated in this debate today. It has been a long day. We have done well. We have disposed of a lot of amendments. We have a good bill.

We urge its adoption.

Let me thank the members of the staff who have worked so long and hard on this bill, and you see them and you have watched them work today. We want to thank them. We want to thank the members of the subcommittee, especially my ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], who has been a real soldier on this bill.

We urge its adoption.

Let me thank the members of the staff who have worked so long and hard on this bill, and you see them and you have watched them work today. We want to thank them. We want to thank the members of the subcommittee, especially my ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], who has been a real soldier on this bill.

We urge its adoption. We thank the Members for their help.

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

Mr. Chairman, I will not take 5 minutes.

I want to echo the sentiments of our chairman. We appreciate the hard work of all the members of the committee and the patience of the Members here today.

We urge passage of the bill upon disposition of the amendment.

We want particularly to thank the efforts of the chairman who has worked long and hard here today, and we appreciate the indulgence of all Members.

The CHAIRMAN. The Clerk will complete the reading of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996''.

□ 2145

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5, offered by Mr. MOLLOHAN of West Virginia; an unprinted amendment, offered by Mr. ENGEL of New York; an unprinted amendment, offered by Mr. SMITH of New Jersey to the Skaggs amendment; the underlying amendment, offered by Mr. SKAGGS of Colorado and amendment No. 37, offered by Mr. SERRANO of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. MOLLOHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 17-minute vote. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device and there were—ayes 204, noes 223, not voting 7, as follows:

[Roll No. 580]

AYES—204

Abercrombie	Green	Olver
Ackerman	Gutierrez	Ortiz
Baesler	Hall (TX)	Orton
Baldacci	Hamilton	Owens
Becerra	Harman	Pastor
Beilenson	Hastings (FL)	Payne (NJ)
Bentsen	Hayes	Payne (VA)
Berman	Hefner	Pelosi
Bevill	Hilliard	Peterson (FL)
Bishop	Hinchey	Peterson (MN)
Boehlert	Hoke	Pickett
Bonior	Holden	Pomeroy
Borski	Houghton	Poshard
Boucher	Hoyer	Quinn
Brewster	Jackson-Lee	Rahall
Browder	Jacobs	Rangel
Brown (CA)	Jefferson	Reed
Brown (FL)	Johnson (SD)	Richardson
Brown (OH)	Johnson, E. B.	Rivers
Bryant (TX)	Johnston	Roemer
Cardin	Kanjorski	Rose
Chapman	Kaptur	Roybal-Allard
Clay	Kelly	Rush
Clayton	Kennedy (MA)	Sabo
Clement	Kennedy (RI)	Sanders
Clyburn	Kennelly	Sawyer
Coleman	Kildee	Schiff
Collins (IL)	Kleczka	Schroeder
Conyers	Klink	Schumer
Costello	LaFalce	Scott
Coyne	Lantos	Serrano
Cramer	LaTourette	Sisisky
Danner	Levin	Skaggs
de la Garza	Lewis (GA)	Skelton
DeFazio	Lincoln	Slaughter
DeLauro	Lipinski	Spratt
Dellums	Lofgren	Stark
Deutsch	Lowey	Stenholm
Dicks	Luther	Stokes
Dixon	Maloney	Studds
Doggett	Manton	Stupak
Dooley	Markey	Tanner
Doyle	Martinez	Tauzin
Durbin	Mascara	Taylor (MS)
Edwards	Matsui	Tejeda
Ehlers	McCarthy	Thompson
Engel	McDade	Thornton
Eshoo	McDermott	Thurman
Evans	McHale	Torres
Farr	McKinney	Torricelli
Fattah	McNulty	Towns
Fazio	Meehan	Traficant
Fields (LA)	Meek	Tucker
Filner	Menendez	Velazquez
Flake	Mfume	Vento
Foglietta	Miller (CA)	Visclosky
Ford	Mineta	Volkmer
Frank (MA)	Minge	Ward
Frost	Mink	Waters
Furse	Mollohan	Watt (NC)
Gejdenson	Montgomery	Waxman
Gephardt	Moran	Williams
Geren	Morella	Wilson
Gibbons	Murtha	Wise
Gilchrest	Nadler	Woolsey
Gilman	Neal	Wyden
Gonzalez	Oberstar	Wynn
Gordon	Obey	Yates

NOES—223

Allard	Barrett (NE)	Boehner
Andrews	Barrett (WI)	Bonilla
Archer	Bartlett	Bono
Armey	Barton	Brownback
Bachus	Bass	Bryant (TN)
Baker (CA)	Bereuter	Bunn
Baker (LA)	Bilbray	Bunning
Ballenger	Bilirakis	Burr
Barcia	Bliley	Burton
Barr	Blute	Buyer

Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

□ 2204

Mr. EWING and Mr. COOLEY changed their vote from ''aye'' to ''no.''

Messrs. BEVILL, GILMAN, and DOOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. ENGEL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 12, as follows:

[Roll No. 581]

AYES—188

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Horn
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Vento
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Yates

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dixon
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Baesler
Bateman
Boehner
Burton
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Hunter
Linder
Moakley
Reynolds

□ 2210

The Clerk announced the following pair:

On this vote:

Mr. Dingell for, with Mr. Hunter against.

Mr. GORDON changed his vote from ''aye'' to ''no.''

so the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. SKAGGS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 139, not voting 10, as follows:

[Roll No. 582]

AYES—285

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Doggett
Dooley
Duncan
Edwards
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gonzalez
Gordon
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kleczka
Klink
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McDermott
McHale
McKinney
McNulty
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Regula
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shuster
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thurman
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
LaFalce
Matsui
Moakley
Peterson (FL)
Reynolds

□ 2217

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Florida. Mr. Chairman, on rollcall vote 582 I was unavoidably detained. Had I been here, I would have cast an ''aye'' vote.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word. Mr. Chairman, so that Members will not be confused, I do not intend to ask for a recorded vote now on the Skaggs amendment as amended. We would proceed with the Serrano amendment.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, since there is not a rollcall vote on the Skaggs amendment, is the next vote the Serrano amendment, which would be number 5 in the normal order?

The CHAIRMAN. To be perfectly clear, the next vote is on the Skaggs amendment, as amended. It is our hope it will be approved by voice. Once that is approved by voice, the next vote under the pending business will be the Serrano vote.

AMENDMENT OFFERED BY MR. SKAGGS, AS AMENDED

The CHAIRMAN. The pending business is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. SERRANO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. SERRANO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 277, not voting 7, as follows:

[Roll No. 583]

AYES—150

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dixon
Doggett
Dooley
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gilchrest
Gonzalez
Gordon
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kolbe
LaFalce
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Mfume
Miller (CA)
Mineta
Mink
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rangel
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Smith (MI)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates